

**BOARD OF COUNTY COMMISSIONERS  
 JASPER COUNTY, GEORGIA  
 CALLED MEETING AGENDA  
 \*\*\*\*SMALL COURTROOM, SECOND FLOOR\*\*\*\*  
 MONTICELLO, GEORGIA  
 JANUARY 24, 2022  
 6:00 p.m.**

**\*\*\* The meeting will be live streamed Via Facebook on the Jasper County Georgia Facebook Page.  
 \*\*\*See Revised Continued Precautions in Response to Covid-19 at bottom of Page 2.  
 \*\*\* Citizen Access will be available with limited Seating. \*\*\***

<b>I. Call to Order (6:00 p.m.)</b>				
NAME	PRESENT	ABSENT	LATE	ARRIVED
DISTRICT 1 – SHEILA G. JONES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 2 – BRUCE HENRY, CHAIR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 3 – DON JERNIGAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 4 – GERALD STUNKEL – VICE-CHAIR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DISTRICT 5 - STEVEN LEDFORD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**II. Pledge of Allegiance –**

**III. Invocation – District 2**

**IV. Approval of Agenda**

**V. Consent Agenda –**

**VI. Public Hearing**

*Public Hearings are conducted to allow public comments on specific advertised issues such as rezoning, ordinances, policy development and other legislative actions to be considered by the County Commissioners. Following the public hearing, the Board of Commissioners will take action on each item presented below.*

**VII. Presentations/Delegations**

*Presentation/Delegations allows scheduled speakers to address the Commission for not more than ten (10) minutes on specific topics or for recognition of citizens, county employees or other events by the Commissioners.*

**VIII. Citizens Comments**

*The Citizens Comments section of the Agenda allows citizens who sign up to address the Commission for not more than three (3) minutes on specific topics. The County Attorney will keep time. Please be courteous of the 3 minute time limit. Comments noted from citizens via the Jasper County FB Page.*

**IX. County Commissioner Items**

- X. Regular Agenda**
- Business Items:**
1. City of Monticello Special Municipal Election – IGA - Jasper County BOC and Monticello City Council
  2. Request for Approval – Preliminary Plat for Waters Edge Subdivision Phase 2 – Application # 2021-Prelim-001
  3. Subdivision Ordinances Discussion, Review and Update

**XI. County Attorney Items**

**XII. County Manager Update**

**XIII. Executive Session**

Consultation with County attorney to discuss pending or potential litigation as provided by O.C.G.A. §50-14-2(1); Discussion of the future acquisition of real estate as provided by O.C.G.A. §50-14-3(4); and discussion on employment, compensation, or periodic evaluation of county employees as provided in O.C.G.A. § 50-14-3(6)

**XIV. Adjournment**

**\*\*\*\*Details for Meeting Attendance\*\*\*\***

- All persons will be temperature checked at the door.
- Temperature readings of 100.4 or higher will not be allowed to enter the building.
  - Masks will be provided and recommended to be worn, but not required.
  - Seating will be Limited.

## **Agenda Request – Jasper County BOC**

**Department:** Elections

**Date:** January 24, 2022

**Subject:** City of Monticello Special Municipal Election – IGA – Jasper County BOC and Monticello City Council

### **Summary:**

An Intergovernmental Agreement is needed between Jasper County Board of Commissioners and the Monticello City Council in order for the County to perform the Municipal Special Election on March 15, 2022 for the City.

**Background:** The City of Monticello contracts with the County to perform the municipal elections on their behalf.

**Cost:** There is no cost to the county other than use of County facilities. The Elections are held at the Jasper County Courthouse. The City of Monticello pays all costs associated with their elections.

### **Recommended Motion:**

Approve Chairman and Elections Superintendent to sign the IGA – Agreement By Monticello and Jasper County For Conduct Of Monticello Special Municipal Election On March 15, 2022.

**AGREEMENT BY MONTICELLO AND JASPER COUNTY FOR CONDUCT OF  
MONTICELLO SPECIAL MUNICIPAL ELECTION ON MARCH 15, 2022**

This Agreement (“Agreement”) is entered into January 11, 2022, by City of Monticello, a municipal corporation of Georgia, by and through its Mayor and Council (“City”) and Jasper County, a political subdivision of Georgia, by and through its Board of Commissioners (“County”), and consented to by Jasper County Probate Court, Andrea W. Brown, Judge;

**WHEREAS**, City requests services of County to conduct a municipal election, with County Voting Equipment, and OCGA 36-70-20 et seq. provides that local governments should develop a service delivery system that is efficient and responsive to citizens; and

**WHEREAS**, OCGA 21-2-45(c) authorizes the governing authority of any city of the county within which that city lies to conduct any or all elections; and

**WHEREAS**, The public will benefit from the within described arrangement; and

**WHEREAS**, The Constitution of Georgia provides in Art. X, Sec. 3, Par. 1(a), that any public agency of Georgia may contract with any other governing authority for provision of services which the contracting parties are authorized by law to undertake or provide.

**WHEREAS**, City has per Georgia Election Code OCGA 21-2-45(c), authorized the Probate Judge to conduct City’s Special Municipal Election, hereinafter “City Election”, and

**WHEREAS**, City requests the Election Superintendent to perform all duties as superintendent of elections under Chapter 2, Title 21 of OCGA, except qualification.

**NOW THEREFORE**, in consideration of the mutual undertakings and covenants herein, and for other and further good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties mutually agree as follows:

1. **Recitals.** The foregoing recitals, each being true, are made a part hereof by reference.
2. **Duties of City.** All matters pertaining to and all decisions concerning qualifications of candidates shall be determined by the City Clerk or designee, per Georgia Election Code, Rules of the State Election Board and City’s Charter and Ordinances. City shall submit a certified list of candidates who have qualified for offices which are the subject of the Election not later than noon after the close of the qualifying per OCGA 21-2-132. The City will be responsible for the following:
  - a. All necessary legal advertisements to Legal Organ;
  - b. Qualifying of candidates for Municipal office;

- c. Payment of Ballot Order to Tattnall Printing (Approx. \$500.00 + shipping);
- d. All postage for mail-in absentee ballots;
- e. Cost of Media to store election results (\$30.00); compensating poll workers, registrars, and staff (\$8,570.00); Checks for the Election Superintendent, Registrar, and two staff members for Registrar will be made out directly to those individuals by City);
- f. Total costs to conduct the election would be: \$8,600.00 + ballots and postage.

**3. Duties of Election Superintendent.** Election Superintendent shall perform the following with reference to the election:

- g. Election planning;
- h. Hiring and training of poll workers;
- i. Preparation of electors list;
- j. Absentee and early voting;
- k. Ordering and packing of supplies;
- l. Election day coverage;
- m. Auditing of election results;
- n. Certification and packing of supplies;
- o. Arranging for Database;
- p. Ordering of ballots from Tattnall Printing;
- q. Loading Election Project onto EMS server;
- r. Creation of Media needed for loading the ICX-BMD, ICP and ICC devices;
- s. Setting up the ICC Scanners for Absentee and Provisional Scanning;
- t. Setting up the system for Adjudication;
- u. Loading the election on an ICX-BMD and testing the installation;
- v. Performing L&A Testing on Poll Pads, ICX-BMD, ICP, and ICC Units;
- w. Upload memory cards after election;
- x. Creation of Post-Election Reports;
- y. Such other reasonable and necessary duties and services as are required.

**4. Term.** This Agreement will be effective immediately upon both parties' execution.

**5. Legal Matters.** County shall not be financially responsible for any liability from or furnishing of any services in the form of legal opinions or defenses in connection with any litigation arising by reason of the City election. All legal services and defenses of litigation

litigation arising by reason of the City election. All legal services and defenses of litigation required by the Election Superintendent, any member of the Board of Registrars, or person arising from the aforementioned elections under this contract shall be furnished by the City Attorney. Should the City Attorney for any reason fail to provide the legal services referred to in this paragraph, Superintendent shall have the authority to engage the County Attorney at the expense of the City; provided however, all requests for legal assistance by County from City Attorney to provide such service shall be communicated in writing before the City will be obligated to pay for legal services under this paragraph; provided, further, that failure of City Attorney to respond to a request made hereunder, within a reasonable time, shall be deemed a refusal to furnish such services. County shall notify City in writing of its determination that City has failed to respond as contemplated hereinabove before incurring legal fees on its own behalf for which City shall be responsible.

**6. Termination.** This will terminate once County has performed all of the necessary acts required by this contract, in conjunction with the City Election.

**7. Entire Agreement.** This contains the whole and entire agreement of City and County related to the issues herein, and no other oral or written representation or agreement between the parties and affecting the subject matter hereof shall have legal effect.

**8. Severability.** If any clause or provision of this Agreement is or becomes illegal, invalid, or unenforceable because of laws or any rule or regulation of any governmental body, effective during its term, the intention is that the remaining parts shall not be affected thereby.

**9. Choice of Law.** All provisions of the Agreement are in all respects (including, but not limited to, all matters of interpretation, construction, enforcement, performance, and the consequences of breach) are to be governed and controlled by the laws of Georgia, as amended and now in effect. In the event of any dispute between the parties arising out of or in connection with the Agreement, the sole proper forum for any cause of action shall be the Superior Court of Jasper County.

**10. Time of the Essence.** Time is and shall be of the essence of this agreement.

**11. Strict Compliance.** No failure of any party to exercise any power given under this Agreement or to insist upon strict compliance with any obligation in this Agreement, and no custom or practice at variance with the terms of this Agreement, shall constitute a waiver of any party's right to demand exact compliance with the terms of this Agreement.

12. **Drafter.** This shall be construed without regard to who drafted it. Each provision shall be construed as though all the parties participated equally in its drafting. Any rule of construction that a document is to be construed against the drafting party shall not be applicable.

13. **Cooperation.** The parties shall, at the request of the other, make, execute and deliver or obtain and deliver all documents and shall do or cause to be done all such other things which any party may reasonably require to effectuate the provisions and intentions of this Agreement.

14. **Notices.** All notices or communications hereunder shall be given and delivered personally or sent certified mail, postage prepaid, addressed to the parties at their address of record. Copies to City shall also go to [JR@LRALAW.COM](mailto:JR@LRALAW.COM).

15. **Counterparts.** This may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. A scanned or facsimile signature shall be treated the same as an original signature and any party may rely upon a scanned or facsimile signature of the party upon this.


16. **Authority.** Each party represents and warrants to the other that (a) it has full capacity and authority to enter into this; (b) the person executing this on its behalf has full authority to do so; and (c) this constitutes an obligation which is valid and legally binding against it and which is enforceable against it in accordance with its terms.

17. **Assignment.** No party hereto shall sell, transfer, assign or otherwise dispose of the Agreement or any portion thereof or of any right, title or interest therein, or any obligations thereunder, without written consent of the other parties hereto.

18. **Counseled Agreement.** In entering into this, the Parties represent that they have relied upon the legal advice of their attorneys, who are the attorneys of their own choice, or have been advised that they are free to seek the advice of an attorney of their choice and that the terms of this have been read and are fully understood and voluntarily accepted by the Parties.

IN WITNESS WHEREOF, City and County have caused this Agreement to be executed under the seal by their respective duly authorized representatives as of the date first above written.

CITY OF MONTICELLO, GEORGIA, APPROVED AS TO SUBSTANCE:

By:  Mayor  
Attest:  City Clerk

APPROVED AS TO FORM:

Joe Reitman  
City Attorney

JASPER COUNTY, GEORGIA, APPROVED AS TO SUBSTANCE:

By: \_\_\_\_\_  
Chairman, Board of Commissioners

Attest: \_\_\_\_\_  
County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

PROBATE JUDGE / ELECTION SUPERINTENDENT

\_\_\_\_\_  
Consented to by Jasper County Probate Court, Andrea W. Brown, Judge, Election  
Superintendent



STATE OF GEORGIA  
COUNTY OF JASPER

RESOLUTION NO. 2022-001

RESOLUTION OF MAYOR AND COUNCIL OF MONTICELLO TO  
APPOINT THE CITY OF MONTICELLO ELECTION  
SUPERINTENDENT

---

WHEREAS, the City of Monticello City Charter provides for the appointment of certain city officials and employees; and

WHEREAS, it is the duty of the City Council to make these appointments; and

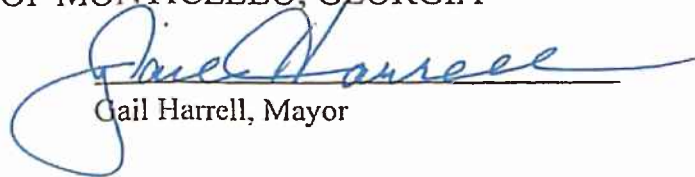
WHEREAS, a Special Election is scheduled to be held March 15, 2022.

NOW, THEREFORE, BE IT RESOLVED, that City Council does hereby appoint Andrea W. Brown to the position of Election Superintendent.


This appointment shall be effective until a successor is appointed by City Council.

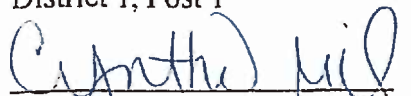
READ AND APPROVED, this January 11, 2022.

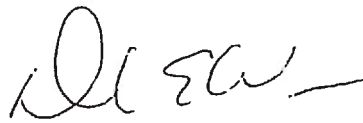
CITY OF MONTICELLO, GEORGIA

  
Gail Harrell, Mayor

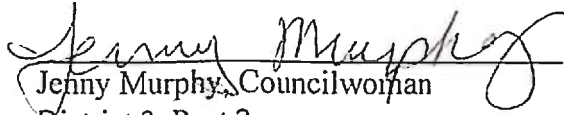
\_\_\_\_\_  
Vacant, Mayor Pro Tempore

  
Larry Thurman, Councilman  
District 1, Post 1

  
Cynthia Miller, Councilwoman  
District 1, Post 2

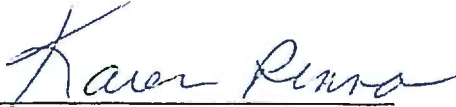


David Wease, Councilman  
District 2, Post 1



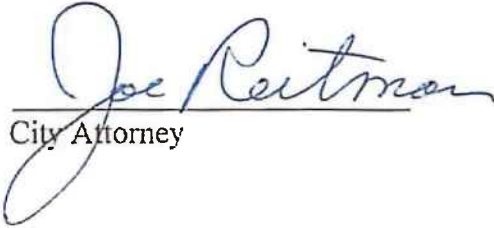
Jenny Murphy, Councilwoman  
District 2, Post 2

ATTEST:



City Clerk, Karen Pennamon

Approved as to form:



City Attorney

[SEAL]

**Agenda Request – Jasper County BOC**

**Department:** Planning and Zoning

**Date:** January 24, 2022

**Subject:** Request for Approval – Preliminary Plat for Waters Edge Subdivision Phase 2 – Application # 2021-Prelim-001

**Summary:**

Applicant – BCA Enterprises, LLC  
Representative – Brian Cagle  
Application # 2021-Prelim-001  
Request for approval – Preliminary Plat for Waters Edge Subdivision Phase 2

**Background:**

Preliminary Plat Application submitted 9-17-2021.

Planning and Zoning Board heard December 16, 2021.  
Recommended denial 3 to 2.

BOC Public Hearing conducted on January 3, 2022.

Motion Tabled at January 3, 2022 BOC Meeting Pending Additional County Attorney Review.

**Cost:**

**Recommended Motion:**

Board Discretion

## PUBLIC NOTICE

The following item will be included on the Jasper County Board of Commissioners January 24, 2022 Called Meeting Agenda beginning at 6:00 P.M. in the small courtroom of the Courthouse.

Request for Approval - Preliminary Plat for Waters Edge Subdivision Phase 2 – Application # 2021 – Prelim – 001.





Jasper Co. Health Dept.  
825 Eatonton St.  
Monticello, Ga. 31064

10-07-21

Re: Waters Edge Phase 2

A review of the Waters Edge Phase 2 Subdivision has been performed by this office. The following comments shall apply.

All lots not mentioned specifically for special conditions are considered suitable for conventional onsite septic tank systems as long as cutting or backfilling of the acceptable soil areas intended for the drain lines is avoided.

Due to possible shallow rock conditions the following lots will require that the septic system be installed first before the home is built to insure there are no rock limitations.

Lots 16, 17, 18, 23, 24, 25, 32, 37, 39, 44, 51, 54, 56

Due to shallow bedrock, the following lots will require further soil testing to determine if a conventional septic system could be used.

Lots 45, 46, 60

Lot 53 will require a site plan be submitted that shows the location of a primary and secondary septic tank system. This lot requires the system be installed before the home is built.

David Mercer  
EHS4  
Jasper Co. Health Dept.

**Item 4: Public Hearing – 1st HEARING**

**Agenda Request – Jasper County BOC**

**Department:** Planning and Zoning

**Date:** January 3, 2022

**Subject:** Application number 2021-Prelim-001. Preliminary Plat for Waters Edge Subdivision Phase 2 located on Lawson Drive off of Long Piney Road

**Summary:** This was heard by the Planning and Zoning Board on December 16, 2021. They recommended denial of the Preliminary Plat 3-2.

**Background:** This is Phase 2 of an already existing subdivision. This Phase 2 has 55 lots averaging plus or minus 1.2 acre lots.

**Cost:**

N/A



# Jasper County, GA Planning and Zoning Board

---

## Meeting Minutes – December 16, 2021

<u>Board Members:</u>	<u>Present at Meeting:</u>
Justin Owens, Chairman	Y
Julie Bennett, Vice-Chairman	Y
Bill Nash	Y
Francis Campbell	Y
Ron Burch	Y
Shane Sealy, Jasper County P&Z Director	Y

## PRELIMINARY PLATS, REMOVING MINING/QUARRY & ADULT ENTERTAINMENT FROM PERMITTED USES

Location: Small Courtroom 2<sup>nd</sup> Floor

Date & Time: December 16, 2021 6:00 pm

Item 1: Call to Order: Justin Owens.

Item 2: Approval of Agenda: Julie Bennett motion to approve, Bill Nash seconded. Approved 4-0.

Item 3: Approval of Minutes from 11-18-2021: Ron Burch motion to approve, Julie Bennett seconded. Approved 3-0.

Item 4: Application 2021-Prelim-001: Preliminary Plat for Water's Edge Phase 2

**Justin Owens:** This is for Water's Edge phase two on Lawson Drive off of Long Piney Road. The applicant is Brian Cagle. Director's report?

**Shane Sealy:** Brian Cagle is the applicant, he's turned in the preliminary subdivision plat for phase two. He's wanting to continue out Lawson Drive to include phase new with new construction and new lots.

**Justin Owens:** Anyone here to speak on behalf of the applicant?

**Nick Roper:** I'm with Bear Creek Engineering, and I'm here for the applicant for the second phase of Water's Edge, off Long Piney Road. 54 lots as a continuation of phase one. The first phase was presented in 2004, and the preliminary for that phase showed phase two with a

---



## Jasper County, GA Planning and Zoning Board

---

similar configuration minus the green space. Construction plans for phase one and phase two were presented in 2005, also similar.

**Justin Owens:** Any board members have questions?

**Bill Nash:** Mr. Roper, you and I have talked about section 105-218 e2 that says that in order to ensure emergency vehicle access, every subdivision with 20 or more lots must contain two or more points of ingress and egress from the existing street system. Every development with less than 20 lots is not required. I think what I see more than 20 lots up Lawson Drive, correct?

**Nick Roper:** That's correct.

**Bill Nash:** So can you explain why we should not be looking at that section and requirement?

**Nick Roper:** This is a phase two of a development that was presented in 2004. The preliminary showed this full development, minus the green space and it was approved. The construction plans were submitted in 2005 with same layout, borderline same roads, minus green space and it was also approved. The roads have been in since 2006-2007, dead-ending with utilities into our development, which is phase two.

**Bill Nash:** So I'm not sure I've heard why. You and I have discussed a way that it might comply with that regulation. I'll let you explain that.

**Nick Roper:** You proposed connecting Lawson to Sidney Court cul-de-sac. We looked at the feasibility for that, and there's 66 feet of fall from that cul-de-sac to that ravine that they would be crossing. That 66 feet, at the bottom of it, is a wetland, and if we were to build that road, you would end up with possibly a 50 foot tall dam with a culvert at the bottom of it. You'd also lose approximately 7 lots. And that road would present a bit of a hazard if the culvert ever clogged for the surrounding houses. It's a pretty steep area. It's one of the main reasons the green space is there.

**Bill Nash:** Would be it overstepping if I said what you're saying that the reason to not do it is that it would be an expense burden on the developer?

**Nick Roper:** To say that would be to ignore that we would be violating those wetlands as well. But yes, creating a dam right there would probably cost as much as the rest of the development, not to mention losing 7 lots.

**Brian Cagle:** The other reason is that nobody has ever done it. The Peninsula only has one entrance and how many lots do they have?

**Ron Burch:** They have two entrances. One off of Eagle, and one off Jackson Lake Road.

**Brian Cagle:** They didn't have 40% at the time, but that got by at the time. They didn't lose any of their land. I'm losing 30%. Technically you could go in there and say hey, let's put 20 lots in

---

## Jasper County, GA Planning and Zoning Board

---

here and we'd be in compliance. Then we could go in later and add 20 more lots. There's no way to put 2 entrances in there. Did you all just come up with this? When did this start?

**Justin Owens:** Do we know when this was enacted?

**Shane Sealy:** Around 2010-2012.

**Justin Owens:** Any other questions?

**Ron Burch:** I do. I'm concerned about the number of lots with problem soil.

**Nick Roper:** We went back and looked at all of the lots on the list. I think it was 16 or 17 we revised that, it was a troublesome lot. If you look behind those, we got rid of lot 19 and added more area to those lots to get more usable soil. If you have any others that you want to look at, let me know.

**Ron Burch:** Ok, 45, 46 and 50, you went back and did further testing?

**Nick Roper:** Not testing, we checked the areas for those to make sure a 3 bedroom house would fit on those and it would.

**Ron Burch:** Ok, because the note from the health department said further testing was needed.

**Nick Roper:** Which lots?

**Ron Burch:** 45, 46 and 50, it said further soil testing is required to determine if a conventional system is ok.

**Nick Roper:** Meaning a drip system or something along those lines would work. But further testing, which is a level 4 is required for a conventional system.

**Ron Burch:** So that testing has not been done yet?

**Nick Roper:** No, it hasn't. It would be done later on. Otherwise it would be an alternative system.

**Justin Owens:** Any other board questions?

**Bill Nash:** I know my issue would go away if there were 20 lots in one direction and 20 lots in another direction. It would make it no more difficult than it already is. Would you care to speak to that idea?

**Nick Roper:** So you're saying get rid of about 20 lots?

**Bill Nash:** Do you have 40 lots to the left?

---

## Jasper County, GA Planning and Zoning Board

---

**Nick Roper:** Yeah that would get rid of the majority of the subdivision.

**Bill Nash:** No, they'd just be bigger lots.

**Nick Roper:** We're already above the minimum lot size for that zoning.

**Brian Cagle:** Above the minimum lot size for that zoning, but we're not here to get it zoned. We're here for a preliminary plat, not the storm drain and sewage. I've never seen all the storm drains and everything drawn in on a preliminary plat.

**Justin Owens:** Public comments. There is a 3 minute time limit. Rhonda Pope?

**Rhonda Pope:** I live on 1221 Long Piney Road. Other than the emergency vehicle access, what about the additional traffic? Long Piney road is not a paved road, it's a crush and run basically with pot holes in it, and then its dirt. So you're adding, if I'm understanding, 80 houses to this subdivision?

**Justin Owens:** The phase two plat is up showing the lots.

**Rhonda Pope:** So you're adding additional traffic on this road that's not county maintained. You're adding additional traffic to this end of Jackson Lake Road, which has never been paved. Then, you're adding 80 additional homes, when we can't even get cell or internet service to what we have here. Is there anyone here from AT&T that can say that once they put these homes in that we can get internet service? You're adding all of this in, and we're just finding out that there's an application for a second phase, we didn't even know there was one for phase one. We've known all along the subdivision was there, but we weren't told how many houses it was going to be. So along with emergency personnel getting in and out of there, you've got to think about school buses, the amount of cars, the roadways, sidewalks, kids in the road. All of these things need to be addressed too, not just throwing 80 additional houses in here. Is there anyone that can answer that?

**Justin Owens:** We are just here to make a recommendation, the Planning & Zoning office ensures their application meets all of the requirements.

**Bill Nash:** Who provides your power?

**Rhonda Pope:** Central Georgia EMC.

**Bill Nash:** You do know that Central Georgia is bringing internet.

**Rhonda Pope:** They are coming, but I've spoken to them and they've said that they don't even know if they'll get to my house by 2023.

**Justin Owens:** Thank you Ms. Pope. Ok, Mary Patrick?

---

## Jasper County, GA Planning and Zoning Board

---

**Mary Patrick:** Mary Patrick, Highway 212. I was at the last meeting, and from what I remember, this plat was supposed to have all of the lots that had septic problems were supposed to be marked on the map, and I want to know if they are marked?

**Bill Nash:** They have a number on the lot, and the number corresponds with the letter from the Health Department.

**Mary Patrick:** But it's not on the plat. My understanding was that it was going to be put on the plat itself so that everyone knew about it, and it would be on record.

**Shane Sealy:** On one of the preliminary plats up there, there is one with a soil overlay and one without. It states which lots have an issue with soils.

**Mary Patrick:** But it doesn't specifically say that they have to do something before they put the septic in.

**Shane Sealy:** It's on a letter from the health department.

**Mary Patrick:** So is that going to be attached to the plat when it's recorded?

**Shane Sealy:** Preliminary plats are not put on record.

**Mary Patrick:** So how are the commissioners supposed to know this, are they just going to get a copy of the letter?

**Justin Owens:** The health department stipulates what has to be done per lot to get the septic system in.

**Mary Patrick:** But what I've learned is that if it's not on the plat, then it's like we just pretend it never happened. I'm just trying to make sure that whoever buys these lots knows there could be a septic problem. The other thing is that lots 50 and 51 are both smaller lots, and I'm wondering if they couldn't be combined. One is 0.85 and one is like 0.95. The lot right next to it is even more than if they were put together. Because you know now, the commissioners just passed 2 acre lots, and I know this doesn't have to qualify for that. The other thing is, is this subdivision have to have curb and gutter?

**Justin Owens:** No it doesn't.

**Mary Patrick:** Can you explain why?

**Shane Sealy:** Because when this was turned in, minimum road frontage was 100 feet, and it had to be 125 minimum to need curb and gutter. At the time it was turned in, it was 100 feet

---

## Jasper County, GA Planning and Zoning Board

---

minimum lot frontage. If the majority of the lots were 125 feet or bigger, it didn't have to have curb and gutter.

**Mary Patrick:** When was it turned in?

**Shane Sealy:** 9/17/2021.

**Justin Owens:** Ok, Stan Studdard.

**Stan Studdard:** I'm Stan Studdard, and I live on Long Piney Road. I'm one that mentioned the two entrances. The reason I did is that there is a subdivision across the road called Wisteria. The gentleman who did it bought 71 acres for \$270,000 in 2004 and tried to build a subdivision. We had a Planning & Zoning board then that actually cared about the ordinances, then in March of 2005, he bought 45 acres for \$525,000. Twice as much, for half as much land, so he could build his subdivision. He had to acquire land to abide by the ordinances. And we say that it's impossible to have two entrances. At the back of phase two, there's two lots that front on County Line Road, that border lots on phase two. There's two lots on Hodges Farm Road, that borders the 33 acre tract that phase two is. There's two more on Long Piney, so it's not impossible that you could acquire that property. The second entrance doesn't have to be on Long Piney Road. It could be on Hodges Farm Road or County Line Road. Kind of like The Peninsula is, with one entrance on Jackson Lake Road and one entrance on Eagle. Right now, none of the zoning ordinances are met. 105-224 says sidewalks. The subdivision across the street is curb and gutter, and the final plat was recorded about 3 days before this one was. Why are they held to those standards and this subdivision is not? I hope you'll make these subdivisions fit into these ordinances. If you let this go just haphazardly, two years from now when somebody comes in, you can't tell them no.

**Bill Nash:** You mentioned some ways to access through another road, can you point those out on the drawing?

**Stan Studdard:** Yes, actually I can give you the adjoining parcel numbers that could be acquired.

**Bill Nash:** These are lots that would have to be purchased?

**Stan Studdard:** Yes.

**Bill Nash:** So they're not these lots, they're somewhere else.

**Stan Studdard:** Yes, these lots right here, he would have to acquire it, just like the Wisteria developer had to acquire 45 acres to get his second entrance. There's two on Long Piney that aren't on that side of the creek. Two lots with frontage on County Line Road, and these two with frontage on Long Piney Road.

**Justin Owens:** It gets by with the acquisition of more land. Thank you. Tim Prosser?

---

## Jasper County, GA Planning and Zoning Board

---

**Tim Prosser:** I'm Tim Prosser, I live at 1094 Long Piney Road. My property is right where the asphalt ends at Long Piney Road. Three of the lots in Phase one border my property, and in the phase two, three lots will border my property. I'm not going to rehash things other people have talked about. I think the entrance thing is a big issue. I live in Jasper County because I wanted to be away from subdivisions. No sidewalks, kids are going to be in the streets. All of the traffic coming up, more cars are going to be in the streets. Today, people walk on Long Piney Road, and we're talking about tripling the amount of traffic on Long Piney Road. And we're talking UPS trucks and school buses, post office, garbage. Right now, as you come out of Lawson Drive, the asphalt is torn up, and that's with a third of the traffic that's being proposed. Today, we're on the era of a housing boom and easy money. You remember back in 2008, it all went bust. So for 15 years, we've been looking at two subdivisions. No houses in Water's Edge, and only four in Wisteria Cove. They've already said they're going to start raising rates, the days of easy money are going to be going away. My fear is again, we're going to be sitting there looking at infrastructure put in and no homes. The strain on public safety, this is going to be an increase in cost. You're going to need more deputies, more fire, more EMS. Where is this being addressed, when you're talking about tripling what's going on in the current environment? You can't just throw all of this out. Today and every day, there's at least one or two cars that turn around in my driveway. They've hit my mailbox and even my gate. If there's no plans to pave Long Piney Road all the way, then this is going to continue, and I'm going to be looking at damaged mailboxes and a gate damaged.

**Justin Owens:** Thank you. Mark Watson?

**Mark Watson:** I'm at 576 Long Piney Road, right before the curve that goes down to Lawson Drive. I echo the same concerns of two entrances. I feel like we need that for emergency use. The traffic on Long Piney Road too, and there's been no mention of how the county is going to address the deficiencies in the road structure. When Dr. Blake purchased this original subdivision, we understood they would be larger lots, and somewhere along the lines, the lots got dropped down smaller. And now you're asking for a phase two with the same size lots. Looking at the plat, some of these lots are under an acre. I think it was mentioned at the last meeting by the proponent that we needed to do something with the lots because they didn't have the acre minimum. Again, I said in the last meeting I don't begrudge anyone the ability to make the money if they own the land, but I do think there needs to be some concerns that need to be addressed. I lived in Rockdale County for years and I lived in a subdivision with vacant land behind it. They purchased it and had to make larger lot sizes. I'm asking that the proponent look at this again and maybe make some larger lot sizes and address some of the other concerns as well. It would lessen the amount of traffic on the road as well. There may have to be some things that he could rethink. There are a lot of concerns.

**Justin Owens:** Ok, public comments are closed at this time. Board discussion?

**Ron Burch:** As I mentioned at the last hearing, I did go check out the proposal. My only issue was when I drove down Lawson Drive, there were cars parked along the sides of the road from contractors building on various lots. If you add another 57 lots, that's my concern.

---



## Jasper County, GA Planning and Zoning Board

---

**Justin Owens:** I think the recurring thing here is traffic being a pretty significant concerns, along with the road quality and the two entrances. As far as issues from the last meeting, were most of those addressed?

**Bill Nash:** I had issues and they were addressed, except for the double access. I make a motion that it be rejected as it is and that the developer solve his double access problem by either spending the money to connect to a road or having fewer lots. I can understand the wetland issue, but if he created 20 lots from one direction and 20 in the other, he'd probably lose 15 lots total, but he'd have bigger lots to sell. So I move to reject it so that can be addressed.

**Francis Campbell:** I second that motion. Preliminary plat recommended denial 3-2. Justin Owens and Julie Bennett voting against.

### Item 5: Application 2021-Prelim-002: Preliminary Plat for Lakeview Estates Phase 2

**Shane Sealy:** This is similar, phase two to an existing phase one subdivision. The final plat for phase one was done in 2007. Phase one is built out, phase two consists of ten lots, with the conservation subdivision yield plan to come up with lot sizes and layouts. In our ordinance, it states that anything 25% slope or greater has to be in green space unless it's a hardship case. They requested that the 25% slope be able to be used in lot areas to keep acreages close to what phase one is.

**Justin Owens:** Mr. Crawford?

**Wade Crawford:** I'm Wade Crawford, Wade Homes Incorporated. I'm a builder, not much of a developer, but I bought this property about 2 years ago and we've pretty much built out what was there with the streets that were paved. What I want to do is just give you guys an idea of why I feel that my subdivision is a little bit different than the applicant before. My subdivision here was originally platted all together. The developer went in and put all the streets in, all the drainage and retention ponds in, and all of the electric in. Even the second phase has all power, water and the streets were cut. What I feel that happened was the original developer ran out of money and he stopped. So what he did was he came back to the county and got that final plat approved. So there was an additional section that was part of the first section. It got probably 75% completed, and it just never got paved. The original proposed phase two had 15 lots in it. When I went back to get it where I could just finish it up, the time limit was up, and Mr. Sealy told me to follow the ordinance. That's what I've done, and I've only got 10 lots here. I want to finish the road with ten lots and finish the neighborhood. This subdivision does have high speed internet with AT&T. It's on Jackson Lake Road, and I don't have any traffic problems with the subdivision.

**Justin Owens:** Any questions for the applicant?

**Bill Nash:** Yes, the existing subdivision looks like it's a T shape. This is off of the left branch?

---

## Jasper County, GA Planning and Zoning Board

---

**Wade Crawford:** Yes, when you turn left, it's just a straight street all the way back to the cul-de-sac that will be there. There used to be a road that comes up where the water was at, and there used to be a cul-de-sac in there. The original developer sold that to Georgia Power. I was not going to put that road in, I believe there's an easement through there.

**Bill Nash:** Do you know how many lots you have between the intersection and this point?

**Wade Crawford:** Yes, and some of these lots I did not build on because they were too steep. If you count the two on the corner, there's 10.

**Bill Nash:** So if you don't count the ones on the corner, there's only 8?

**Wade Crawford:** Yes.

**Ron Burch:** The original plans we were given, lot 43 says 1.43 acres. Looking at it now, it is 4.35 acres and it looks like it's going up to the green space.

**Shane Sealy:** That is the yield plan. Basically this is the site plan, the first step used in a yield plan. What you do is you calculate, you have to meet all zoning regulations, acreage, road frontage, and you do a layout using a conventional subdivision design with no green space. And that gives you a determination of the max number of lots you can get. This actually has 11 on the yield plan. So this is not the plat, this is just a design plan so you can figure out the maximum number of lots.

**Wade Crawford:** I'd also like to add that Lakeview Estates has an HOA. Each homeowner pays dues. We have street lights that we added through the HOA, and we didn't have those originally. We use that money to keep up the entrance, which will always be done. I have the president of the homeowners' association, because everybody is for this.

**Bill Nash:** One thing I'd like to say is that there are some things on our preliminary plat standards, which are not a burden for you, but they are things that need for people to sign off on. There's some things that need to be added that need to be done before it goes before the commissioners.

**Johnathan Green:** I live at 481 Lloyd Street. I was the first house built and I'm the president of the HOA. I'm in full support of Wade's plan. We all love the subdivision and want to keep it going that way.

**Justin Sorrows:** 476 Lloyd Street, I'm the vice president of the HOA. We fully stand behind Wade and everything he's doing in the neighborhood. We want to keep it the way it's going, with minimal changes as possible, because we want to keep a uniform neighborhood. Anything possible to keep it how it's going.

---



## Jasper County, GA Planning and Zoning Board

---

**Leigh Cole:** I live at 428 Lloyd Street, and all I can do is piggyback on everything they said. Our neighborhood is special, we believe it's different than other neighborhoods out there. We like it uniform, and we support Wade.

**Mary Patrick:** I just have a question. I haven't been able to look at a map that closely, but how large is the cul-de-sac? Is it 60 feet like our ordinance requires?

**Ron Burch:** It shows 42.5 foot radius.

**Mary Patrick:** So if the cul-de-sac is 42.5, the code says it should be 60 feet or else you can't get a fire truck in there and turn around.

**Shane Sealy:** Is that to the edge of the pavement or to the right-of-way line?

**Ron Burch:** Edge of the pavement.

**Shane Sealy:** Ok, so the 60 feet goes to the right-of-way line.

**Mary Patrick:** Ok, is it 60 feet? That's all I'm asking. And what's the average lot size, since we're using the yield plan to get around requirements?

**Shane Sealy:** Looks like it's around an acre. You've got two that are right around a half an acre, two or three that are like 1.45, 1.43, and others that are about an acre, so that's average.

**Mary Patrick:** I just want an answer to my question.

**Shane Sealy:** According to the map we have, it's 60 feet to the property line radius.

**Mary Patrick:** But can emergency vehicles drive up to the property line radius?

**Shane Sealy:** I will look it up and let you know.

**Justin Owens:** Anyone else want to speak?

**Savannah Waldrop:** I would. I live at 34 Turbine in Lakeview and I'm not on the board of the HOA. I also support the one acre lot minimum in order to preserve our property values. I think that's a win for the homeowners and the county.

**Justin Owens:** Anyone else want to speak? None. Discussion among the board?

**Bill Nash:** I think it's admirable that a builder can have such faithful customers to come forward.

**Justin Owens:** I had some questions about the green space, but it's spelled out well, so it's been clarified.

---

# Jasper County, GA Planning and Zoning Board

---

**Bill Nash:** Motion to approve with the stipulation that Mr. Crawford meets proper formatting on the plat. Ron Burch seconded. Approved 5-0.

**Justin Owens:** A note to all applicants, all of our recommendations are just that, recommendations to the board of commissioners, who have the final votes on those issues. Those dates will be made public if you wish to speak again on those meetings.

## **Item 6: Application 2021-Ordinance-002, Text Amendment to Remove Mining/Quarry & Adult Entertainment Business from Table of Permitted Uses**

**Justin Owens:** In section 119-269 in the ordinance, there's a table of permitted uses in various zoning districts. Under some zoning districts, mining/quarry is a permitted use and in some districts, adult entertainment is allowed under a special use permit.

**Shane Sealy:** We're looking into two permitted uses in the county. For Mining/Quarry, it is a special use permit currently under Manufacturing zoning, and adult entertainment is a special use in Commercial. We're bringing it to you to see about removing it completely.

**Justin Owens:** Any public comments? None. Board discussion?

**Bill Nash:** Can you give some history on this agenda item? Did a citizen bring this up?

**Shane Sealy:** No applicant, but some residents in the county who have seen some test drilling around their property and they have concerns about an applicant coming forward. This is in the Hillsboro area. Concerns are about an applicant coming forward and having it rezoned first, then for a special use permit.

**Bill Nash:** So the questionable area is not currently zoned manufacturing?

**Shane Sealy:** No, it's currently zoned agricultural.

**Bill Nash:** And if it was zoned manufacturing, when you say conditional zoning, what does that mean?

**Shane Sealy:** When you look at the table of permitted uses, you will see an S for special use permit, so they can look at each site. You have to apply, give public notice, it has to go through this board for recommendation. Currently, they could not just go in and start mining.

**Bill Nash:** And they'd have to do 2 things, they'd have to change the zoning and they'd have to get a special use.

**Mary Patrick:** There was an applicant.

---

**Agenda Request – Jasper County BOC**

**Department:** Planning and Zoning

**Date:** January 24, 2022

**Subject:** Subdivision Ordinances Discussion, Review and Update

**Summary:**

Jasper County Code of Ordinances Chapters 1 thru 119

Chapter 105 Development Standards and Regulations  
Code Sections 105-1 thru 105-548  
Section 105-160 contains the Housing Density Determination Ordinance

Chapter 119 Zoning  
Code Sections 119-1 thru 119-501  
Section 119-244 contains the Development Standards for Agriculture and Residential Districts

Changes to Ordinances adopted by BOC since January 2021 have not been updated in Municode.

In discussion with SAFEbuilt regarding assisting the BOC in updating the Code of Ordinances

**Background:**

BOC placed a six month moratorium on accepting new applications for approval for subdivision preliminary plats ending July 3, 2022.

**Cost:**

**Recommended Motion:**

Board Discussion

## Chapter 105 - DEVELOPMENT STANDARDS AND REGULATIONS

- • ARTICLE I. - IN GENERAL
- Sec. 105-1. - Authority.
- Sec. 105-2. - Jurisdiction.
- Sec. 105-3. - Purposes.
- Sec. 105-4. - Content.
- Secs. 105-5—105-26. - Reserved.
- ARTICLE II. - DEFINITION OF TERMS
- Sec. 105-27. - Interpretation of certain common terms.
- Sec. 105-28. - General definitions.
- Secs. 105-29—105-59. - Reserved.
- ARTICLE III. - PRIVATE DRIVE SUBDIVISIONS
- Sec. 105-60. - Purposes and intent; application of certain uses and structures.
- Sec. 105-61. - Property development standards.
- Sec. 105-62. - Compliance with other standards required.
- Secs. 105-63—105-82. - Reserved.
- ARTICLE IV. - GENERAL PROCEDURES
- Sec. 105-83. - Initial information.
- Sec. 105-84. - Compliance with chapter required.
- Sec. 105-85. - General overview of subdivision plat review and approval procedures.
- Sec. 105-86. - Pre-application review stage.
- Sec. 105-87. - Submission and approval of preliminary plat.
- Sec. 105-88. - Specifications for preliminary plat.
- Sec. 105-89. - Submission and approval of construction plans.
- Sec. 105-90. - Specifications for construction plans.
- Sec. 105-91. - Submission and approval of final plat.
- Sec. 105-92. - Specifications for final plat.
- Sec. 105-93. - Recording and dedication.
- Sec. 105-94. - Appeals and variances.
- Sec. 105-95. - Chapter amendments.
- Sec. 105-96. - Appealing an action of the county commission.
- Sec. 105-97. - Penalties.
- Sec. 105-98. - Remedies.
- Secs. 105-99—105-124. - Reserved.
- ARTICLE V. - GENERAL REQUIREMENTS
- Sec. 105-125. - Development standards in general.
- Sec. 105-126. - General standards for streets.
- Sec. 105-127. - Development standards for lots.
- Sec. 105-128. - Development standards for utility installations.
- Sec. 105-129. - Development standards for drainage facilities.
- Sec. 105-130. - Surety for completion of improvements.
- Secs. 105-131—105-158. - Reserved.
- ARTICLE VI. - CONSERVATION SUBDIVISIONS
- Sec. 105-159. - Purposes.

- Sec. 105-160. - General regulations.
- Sec. 105-161. - Application requirements.
- Sec. 105-162. - Open space.
- Secs. 105-163—105-192. - Reserved.
- ARTICLE VII. - POWERS AND DUTIES OF VARIOUS OFFICIALS CONCERNING THIS CHAPTER
- Sec. 105-193. - Purpose.
- Sec. 105-194. - Powers and duties of the director of planning.
- Sec. 105-195. - Powers and duties of the planning commission.
- Sec. 105-196. - Powers and duties of the county commission.
- Secs. 105-197—105-215. - Reserved.
- ARTICLE VIII. - INFRASTRUCTURE IMPROVEMENTS
- Sec. 105-216. - Purpose; applicability.
- Sec. 105-217. - Transportation system standards generally.
- Sec. 105-218. - Access requirements.
- Sec. 105-219. - Joint access driveways and cross access easements.
- Sec. 105-220. - Design and construction standards for streets.
- Sec. 105-221. - Construction requirements for residential, industrial, and commercial subdivision streets.
- Sec. 105-222. - Improvements to existing streets and rights-of-way for subdivisions.
- Sec. 105-223. - Visibility at intersections.
- Sec. 105-224. - Pedestrian access and facilities requirements.
- Sec. 105-225. - Street names and signs requirements.
- Sec. 105-226. - Streetlight requirements.
- Sec. 105-227. - Drainage standards for streets.
- Secs. 105-228—105-247. - Reserved.
- ARTICLE IX. - RESERVED
- Secs. 105-248—105-272. - Reserved.
- ARTICLE X. - STANDARDS FOR UTILITY INFRASTRUCTURE
- Sec. 105-273. - General compliance to standards.
- Sec. 105-274. - Placement standards for all utilities.
- Sec. 105-275. - Potable water system requirements.
- Sec. 105-276. - Wastewater system requirements.
- Sec. 105-277. - Other utilities.
- Secs. 105-278—105-302. - Reserved.
- ARTICLE XI. - STANDARDS FOR STORMWATER MANAGEMENT
- Sec. 105-303. - Intent; purpose.
- Sec. 105-304. - Applicability, exemptions, and compliance.
- Sec. 105-305. - Hydrologic and hydraulic study required.
- Sec. 105-306. - Standards to be used in designing detention facilities.
- Sec. 105-307. - Grading and drainage plans.
- Sec. 105-308. - Cross drain pipes.
- Sec. 105-309. - Storm drain profiles.
- Sec. 105-310. - Open channels.

- Sec. 105-311. - Materials and installation.
- Sec. 105-312. - Driveway culverts.
- Sec. 105-313. - Field changes.
- Secs. 105-314—105-344. - Reserved.
- ARTICLE XII. - EROSION AND SEDIMENTATION CONTROL
- Sec. 105-345. - Applicability.
- Sec. 105-346. - Minimum requirements for erosion and sedimentation control using best management practices.
- Secs. 105-347—105-365. - Reserved.
- ARTICLE XIII. - EARTHWORK SPECIFICATIONS
- DIVISION 1. - GENERALLY
- Sec. 105-366. - Definitions.
- Sec. 105-367. - Job conditions.
- Secs. 105-368—105-392. - Reserved.
- DIVISION 2. - PRODUCTS
- Sec. 105-393. - Materials.
- Secs. 105-394—105-414. - Reserved.
- DIVISION 3. - EXECUTION
- Sec. 105-415. - Excavation.
- Sec. 105-416. - Fill and backfill.
- Sec. 105-417. - Compaction.
- Sec. 105-418. - Grading.
- Secs. 105-419—105-449. - Reserved.
- ARTICLE XIV. - ASPHALT PAVING SPECIFICATION; LOCAL ROADS
- DIVISION 1. - GENERALLY
- Sec. 105-450. - Submittals.
- Sec. 105-451. - Job conditions.
- Sec. 105-452. - Testing.
- Secs. 105-453—105-472. - Reserved.
- DIVISION 2. - PRODUCTS
- Sec. 105-473. - Paving materials.
- Secs. 105-474—105-499. - Reserved.
- DIVISION 3. - EXECUTION
- Sec. 105-500. - Subgrade preparation.
- Sec. 105-501. - Placing asphalt paving.
- Sec. 105-502. - Cleaning and protection.
- Secs. 105-503—105-527. - Reserved.
- ARTICLE XV. - APPROVED CONSTRUCTION DETAILS
- Sec. 105-528. - Figures.
- Secs. 105-529—105-547. - Reserved.
- ARTICLE XVI. - LEGAL STATUS PROVISIONS
- Sec. 105-548. - Conflict with other ordinances.

## ARTICLE VI. - CONSERVATION SUBDIVISIONS

## Sec. 105-159. - Purposes.

The purposes of conservation subdivisions are as follows:

- (1) To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- (2) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- (3) To preserve important historic and archaeological sites.
- (4) To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (5) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (6) To promote interconnected greenways and corridors throughout the community.
- (7) To promote contiguous green space with adjacent jurisdictions.
- (8) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- (9) To encourage street designs that reduces traffic speed and reliance on main arteries.
- (10) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- (11) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- (12) To protect prime agricultural land and preserve farming as an economic activity.

(Ord. of 8-8-2005(2), § 601)



## Sec. 105-160. - General regulations.

- (a) *Applicability of regulations.* The conservation subdivision option is available as a use by right in all residential zoning districts. An applicant shall comply with all other provisions of chapter 119 and all other applicable laws, except those that are incompatible with the provisions contained herein.
- (b) *Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- (c) *Housing density determination.* The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, at the discretion of the applicant:
- (1) *Calculation.* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
- a. Slopes over 25 percent of at least 5,000 square feet contiguous area;
  - b. The 100-year floodplain;
  - c. Bodies of open water over 5,000 square feet contiguous area;
  - d. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.
- (2) *Yield plan.* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

(Ord. of 8-8-2005(2), § 602)

## Sec. 105-161. - Application requirements.

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



preliminary site plan shall include the following features:

- (1) Property boundaries;
  - (2) All streams, rivers, lakes, wetlands and other hydrologic features;
  - (3) Topographic contours of no less than ten-foot intervals;
  - (4) All primary and secondary conservation areas labeled by type, as described in section 105-162;
  - (5) General vegetation characteristics;
  - (6) General soil types;
  - (7) The planned location of protected open space;
  - (8) Existing roads and structures;
  - (9) Potential connections with existing green space and trails.
- (b) *Open space management plan required.* An open space management plan, as described in section 105-162, shall be prepared and submitted prior to the approval of the preliminary plat.
- (c) *Instrument of permanent protection required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in section 105-162, shall be placed on the open space concurrent with the issuance of a land disturbance permit.
- (d) *Other requirements.* The applicant shall adhere to all other applicable requirements of the underlying zoning and this chapter.

(Ord. of 8-8-2005(2), § 603)

Sec. 105-162. - Open space.

- (a) *Definition.* Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.
- (b) *Standards to determine open space.*
- (1) The minimum restricted open space shall comprise at least 40 percent of the gross tract area.
  - (2) The following are considered primary conservation areas and are required to be included within the open space, unless the

applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

- a. The 100-year floodplain.
  - b. Riparian zones of at least 100 feet in width along all perennial and intermittent streams.
  - c. Slopes above 25 percent of at least 5,000 square feet contiguous area.
  - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
  - e. Populations of endangered or threatened species, or habitat for such species.
  - f. Archaeological sites, cemeteries and burial grounds.
- (3) The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible.
- a. Important historic sites.
  - b. Existing healthy, native forests of at least one acre contiguous area.
  - c. Individual existing healthy trees greater than eight inches caliper, as measured from their diameter breast height (DBH).
  - d. Other significant natural features and scenic view such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
  - e. Prime agricultural lands of at least five acres contiguous area.
  - f. Existing trails that connect the tract to neighboring areas.
- (4) Aboveground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
- (5) At least 25 percent of the open space shall consist of land that is suitable for building.
- (6) At least 75 percent of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- (7) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

(c) *Permitted uses of open space.* Uses of open space may include the following:

- (1) Conservation of natural, archeological or historical resources.
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
- (3) Walking or bicycle trails, provided they are constructed of porous paving materials.
- (4) Passive recreation areas, such as open fields.
- (5) Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
- (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas.
- (7) Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of primary conservation areas.
- (8) Easements for drainage, access, and underground utility lines.
- (9) Other conservation-oriented uses compatible with the purposes of this chapter.

(d) *Prohibited uses of open space.*

- (1) Golf courses;
- (2) Roads, parking lots and impervious surfaces, except as specifically authorized in subsections (b) and (c) of this section;
- (3) Agricultural and forestry activities not conducted according to accepted best management practices;
- (4) Impoundments;
- (5) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

(e) *Ownership and management of open space.*

- (1) *Ownership of open space.* A homeowners' association representing residents of the conservation subdivision shall own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the homeowners' association.

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

- a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
- b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
- c. Provides that any changes to the plan be approved by the board of commissioners; and
- d. Provides for enforcement of the plan.

(3) *Maintenance responsibility.* In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the county may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowners' association, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties or through a special tax district encompassing the subdivision and levy an ad valorem property tax annually in an amount adequate to fund maintenance and operations of the open space.

(f) *Legal instrument for permanent protection.*

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

- a. A permanent conservation easement in favor of either:
  1. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
  2. A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter.

If the entity accepting the easement is not the county, then a third right of enforcement favoring the county shall be included in the easement.

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

- c. An equivalent legal tool that provides permanent protection, if approved by the county.
- (2) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space.
- (g) *Tax assessment of open space.* Once a legal instrument for permanent protection has been placed upon the open space, the board of tax assessors may be requested to reassess the open space at a lower value to reflect its more limited use.

(Ord. of 8-8-2005(2), § 604)

Secs. 105-163—105-192. - Reserved.

## Chapter 119 - ZONING

- ARTICLE I. - IN GENERAL
- Sec. 119-1. - Preamble and enactment.
- Sec. 119-2. - Definitions.
- Secs. 119-3—119-22. - Reserved.
- ARTICLE II. - DISTRICTS, MAP, AND PLAN
- DIVISION 1. - GENERALLY
- Secs. 119-23—119-47. - Reserved.
- DIVISION 2. - ESTABLISHMENT OF ZONING DISTRICTS
- Sec. 119-48. - Conventional zoning districts.
- Sec. 119-49. - Overlay districts.
- Secs. 119-50—119-71. - Reserved.
- DIVISION 3. - ZONING DISTRICT MAP
- Sec. 119-72. - Official zoning map.
- Sec. 119-73. - District boundaries.
- Sec. 119-74. - Annexed property.
- Secs. 119-75—119-91. - Reserved.
- DIVISION 4. - LAND USE PLAN AND DISTRICTS
- Sec. 119-92. - Establishment and adoption of comprehensive land use plan.
- Sec. 119-93. - Comprehensive land use plan distinguished from zoning.
- Sec. 119-94. - Land use districts.
- Sec. 119-95. - Relationship between land use and zoning districts.
- Sec. 119-96. - Consistency between land use plan and zoning map amendments.
- Secs. 119-97—119-120. - Reserved.
- ARTICLE III. - GENERAL PROVISIONS
- Sec. 119-121. - Nonconforming uses, structures and lots.
- Sec. 119-122. - Use of buildings.
- Sec. 119-123. - Use of land.
- Sec. 119-124. - Conformity to lot requirements required.
- Sec. 119-125. - Height of buildings.
- Sec. 119-126. - Dimensional regulations.
- Sec. 119-127. - Encroachments prohibited.
- Sec. 119-128. - Off-street parking and loading.
- Sec. 119-129. - Use of accessory structures and buildings.
- Sec. 119-130. - Home occupation standards in residential zoning districts.
- Sec. 119-131. - Home occupation standards in the AG agriculture district.
- Sec. 119-132. - Metal exterior buildings restricted.
- Secs. 119-133—119-162. - Reserved.
- ARTICLE IV. - DISTRICT REGULATIONS
- DIVISION 1. - GENERALLY
- Secs. 119-163—119-192. - Reserved.
- DIVISION 2. - AGRICULTURAL AND RESIDENTIAL DISTRICTS
- Sec. 119-193. - Designation; intent.
- Sec. 119-194. - AG Agricultural District.

- Sec. 119-195. - R-R Rural Residential District, Low Density.
- Sec. 119-196. - R-2 Single-Family Residential District, Low Intensity.
- Sec. 119-197. - R-1 Single-Family Residential District, Medium Density.
- Sec. 119-198. - RL Residential Lake Districts.
- Sec. 119-199. - V-P Village Plan Mixed-Use Residential District.
- Secs. 119-200—119-221. - Reserved.
- DIVISION 3. - NONRESIDENTIAL DISTRICTS
- Sec. 119-222. - C-1 Neighborhood Commercial District.
- Sec. 119-223. - C-2 General Commercial District.
- Sec. 119-224. - O-I Office Institutional District.
- Sec. 119-225. - M Manufacturing District.
- Secs. 119-226—119-243. - Reserved.
- DIVISION 4. - DEVELOPMENT STANDARDS—ALL DISTRICTS
- Sec. 119-244. - Development standards—Agriculture and residential districts.
- Sec. 119-245. - Same—Nonresidential districts.
- Secs. 119-246—119-268. - Reserved.
- DIVISION 5. - TABLE OF PERMITTED USES BY ZONING DISTRICT
- Sec. 119-269. - Table of permitted uses.
- Secs. 119-270—119-286. - Reserved.
- DIVISION 6. - V-P VILLAGE PLAN MIXED-USE DISTRICT DEVELOPMENT STANDARDS
- Sec. 119-287. - Applicability.
- Sec. 119-288. - Standards applicable to the village as a whole.
- Sec. 119-289. - Storefront area.
- Sec. 119-290. - Central residential area.
- Sec. 119-291. - Village residential area.
- Sec. 119-292. - Village green space area.
- Sec. 119-293. - Village size and separation.
- Sec. 119-294. - Density and green space determination.
- Sec. 119-295. - Lot area and dimensional standards table.
- Sec. 119-296. - Green space dimensional standards.
- Sec. 119-297. - Additional standards applicable in all village areas.
- Sec. 119-298. - Design standards for village development and greenway areas.
- Sec. 119-299. - Design standards for green space.
- Sec. 119-300. - Design standards for storefront area.
- Sec. 119-301. - Design standards for central residential and village residential areas.
- Sec. 119-302. - Modifications.
- Secs. 119-303—119-322. - Reserved.
- ARTICLE V. - OVERLAY DISTRICTS
- Sec. 119-323. - Overlay districts established; applicability.
- Sec. 119-324. - S-2 Sensitive Land - Watershed Protection Overlay Zone.
- Sec. 119-325. - Applicability and boundaries of S-2 districts.
- Sec. 119-326. - Prohibited and restricted uses.
- Sec. 119-327. - Development standards for S-2 districts.

- Sec. 119-328. - S-B Scenic Byway Overlay (Reserved).
- Sec. 119-329. - PRC Parks, Recreational, Conservation Overlay (Reserved).
- Secs. 119-330—119-346. - Reserved.
- ARTICLE VI. - OFF-STREET PARKING AND LOADING REQUIREMENTS
- Sec. 119-347. - Application of parking requirements.
- Sec. 119-348. - Minimum requirements for off-street parking.
- Sec. 119-349. - Application of loading requirements.
- Sec. 119-350. - Minimum requirements for off-street loading.
- Sec. 119-351. - Curb cut requirements.
- Secs. 119-352—119-375. - Reserved.
- ARTICLE VII. - SUPPLEMENTAL REGULATIONS AND MODIFICATIONS
- Sec. 119-376. - Scope.
- Sec. 119-377. - Use modifications.
- Sec. 119-378. - Height limit exceptions.
- Sec. 119-379. - Area modifications for lots of record.
- Sec. 119-380. - General yard modifications.
- Sec. 119-381. - Front yard modifications
- Sec. 119-382. - Rear yard modifications and regulations.
- Sec. 119-383. - Walls, fences and planting.
- Sec. 119-384. - Residential and institutional districts.
- Sec. 119-385. - Commercial and industrial districts.
- Sec. 119-386. - Nursery schools, kindergartens and day care centers.
- Sec. 119-387. - Supplemental regulations and modifications applicable to homes for the elderly.
- Sec. 119-388. - Determination of separate dwelling units.
- Sec. 119-389. - Personal care homes.
- Sec. 119-390. - Standards for approval of residential uses and personal care homes.
- Sec. 119-391. - Required buffer areas.
- Sec. 119-392. - Communications towers and antennas.
- Sec. 119-393. - Private elementary, middle and secondary schools.
- Sec. 119-394. - Manufactured homes.
- Secs. 119-395—119-416. - Reserved.
- ARTICLE VIII. - BOARD OF APPEALS
- Sec. 119-417. - Establishment and membership.
- Sec. 119-418. - Meetings, procedure and records.
- Sec. 119-419. - Appeals to board.
- Sec. 119-420. - Hearings.
- Sec. 119-421. - Powers and duties.
- Secs. 119-422—119-440. - Reserved.
- ARTICLE IX. - AMENDMENTS
- Sec. 119-441. - Initiation of zoning amendments.
- Sec. 119-442. - Procedure for amendments.
- Sec. 119-443. - Action by planning and zoning commission.
- Sec. 119-444. - Action by the board of commissioners.



- Sec. 119-445. - Conditional zoning.
- Sec. 119-446. - Fee required.
- Sec. 119-447. - Order of amendments.
- Sec. 119-448. - Periodic review of the comprehensive land use plan.
- Sec. 119-449. - General standards for approval of special uses.
- Secs. 119-450—119-466. - Reserved.
- ARTICLE X. - ADMINISTRATION, ENFORCEMENT, PENALTIES, AND REMEDIES
- Sec. 119-467. - Administration.
- Sec. 119-468. - Building permit applications.
- Sec. 119-469. - Application for variance, interpretation or other appeals.
- Sec. 119-470. - Certificate of zoning compliance.
- Sec. 119-471. - Violation and penalties.
- Sec. 119-472. - Remedies.
- Sec. 119-473. - Cumulative remedy.
- Secs. 119-474—119-499. - Reserved.
- ARTICLE XI. - LEGAL STATUS PROVISIONS
- Sec. 119-500. - Interpretation, purpose and conflict.
- Sec. 119-501. - Validity.

## DIVISION 1. - GENERALLY

Secs. 119-163—119-192. - Reserved.

## DIVISION 2. - AGRICULTURAL AND RESIDENTIAL DISTRICTS

Sec. 119-193. - Designation; intent.

The following districts are hereby designated as agricultural: AG and R-R. The following districts are hereby designated as residential: R-2, R-1, RL, and V-P. Each of the aforementioned districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives and purposes of these districts are explained in the following sections of this division. The primary standards for development within each of the following zones are given in division 4 of this article.

(Ord. of 7-20-2009, § 26)

Sec. 119-194. - AG Agricultural District.

- (a) The purpose of the agricultural (AG) district is to maintain an area of agricultural use and rural character within the county, to preserve a working agricultural economy and rural landscape in these areas, to conserve environmentally sensitive resources, to stabilize and protect single-family characteristics of the district, and to promote and encourage a suitable environment for family life.
- (b) Application of this zone will ensure that the farming, pasture, and forestry uses, and the scenic values associated with these and the single-family residential character of these areas are protected from incompatible development that could result in the degradation of these values. For all major subdivisions of land for residential purposes in this district, conservation design is required leaving large amounts of land in agricultural use or as natural green space protected by conservation easement. Recreational, institutional, and limited commercial uses are also appropriate for these districts as provided in the table of uses in

section 119-269.

(Ord. of 7-20-2009, § 27)

Sec. 119-195. - R-R Rural Residential District, Low Density.

The purpose of the R-R Rural Residential District is to provide for single-family residential development of low density (not more than one principal dwelling unit per three acres) to achieve and maintain a rural landscape character. The district is intended to accommodate such public buildings, schools, churches, public recreational facilities, accessory uses, and environmental resources as may be necessary or are normally compatible with rural density and low-intensity agriculture. The district is not intended to accommodate intense or industrial-scale agriculture. For all major subdivisions of land for residential purposes in this district, conservation subdivision design is required leaving large amounts of land in agricultural use or as natural green space protected by conservation easement. The R-R district is designed to accommodate development in areas not served by public water and sewer utilities.

(Ord. of 7-20-2009, § 28)

Sec. 119-196. - R-2 Single-Family Residential District, Low Intensity.

The R-2 Single-Family Residential District is intended to provide for single-family residential development at low-intensity (not over one principal dwelling unit per two acres) along with such public buildings, schools, churches, recreational facilities and accessory uses as may be necessary to support such communities and are normally compatible with such surroundings. For all major subdivisions of land for residential purposes in this district, conservation design is required leaving large amounts of land as green space protected by conservation easement. The R-2 district is designed to accommodate development in areas not served by public water and sewer utilities.

(Ord. of 7-20-2009, § 29)

Sec. 119-197. - R-1 Single-Family Residential District, Medium Density.

The R-1 Single-Family Residential District is intended for single-family residential development at low-density (not over one principal dwelling unit per 1.2 acres) along with such public buildings, schools, churches, recreational facilities and accessory uses as may be necessary to support such communities and that are normally compatible with such surroundings. For all major subdivisions of land for residential

purposes in this district, conservation subdivision design is required leaving large amounts of land as green space protected by conservation easement. The R-1 district may be applied in areas not served by public water and sewer utilities at a density of one principal dwelling unit per 1.2 acres. This district is also applicable at a maximum density of one dwelling unit per 0.7 acre in areas only if public or private community water and sewer utilities are available to support such density.

(Ord. of 7-20-2009, § 30)

Sec. 119-198. - RL Residential Lake Districts.

- (a) *Purpose.* The RL Residential Lake Districts are intended for single-family residential development at varying densities from one dwelling per 0.115 acre in RL-1, one dwelling per one-half acre in RL-2, to one dwelling per acre in the RL-3 district along with such public buildings, recreational facilities and accessory uses as may be necessary to support such communities and that is normally compatible with such surroundings. The RL districts are designed to accommodate development in areas adjoining Jackson Lake served by public or community water systems but may not be served by public sewer utilities. The district is intended to apply to existing lots and dwellings that may have been developed prior to adoption of county zoning and subdivision regulations in order to apply basic standards for protection of property values and to protect the public health, safety, and welfare while placing most of such properties in a conforming status with respect to zoning. The district is also intended for application only in areas adjacent and in close proximity to major bodies of water where both water and sewer utilities are installed and readily accessible.
- (b) *Status of existing nonconforming lots and utilities in RL-1, RL-2, and RL-3 districts.* Nonconforming lots existing on the date of adoption of the ordinance from which this chapter is derived shall not be required to have access to public sewer utilities unless such utilities are installed and readily accessible in a public street or easement adjoining any such lot. All lots created in any RL district after the date of adoption of the ordinance from which this chapter is derived shall have access to water and sewerage as approved by the county health department and all other applicable regulations.
- (c) *Residential Lake RL-1 High-Density Residential/Recreation District (RL-1).* The RL-1 district provides areas for the higher intensity residential development including the development of second and vacation home properties in the county along the shoreline of Jackson Lake. This district is also intended to accommodate open space, convenience services, and community facilities that compliment higher density living and are appropriate for the recreational theme of lakeside living.
- (d) *Residential Lake RL-2 Medium-Density Residential/Recreation District (RL-2).* The RL-2 district is intended to provide opportunities

for a cohesive mix of dwelling units to diversify the types of housing located in the vicinity of the Jackson Lake shoreline in the county while preserving the lake and its unique wildlife habitats, environment, and natural resources. Residential medium-density districts provide for a moderate intensity of use and should therefore serve as transitional areas between less intense uses such as low-density residential districts and higher intensity areas.

- (e) *Residential Lake RL-3 Low-Density Residential/Recreation District (RL-3)*. The purpose of the RL-3 district is to encourage the development of single-family residential neighborhoods, and certain uses allied to or customarily incidental to traditional residential developments while stressing the preservation of the natural beauty of the lakeshore line and surrounding land. This district is appropriately located in areas adjacent to Jackson Lake.

(Ord. of 7-20-2009, § 31)

#### Sec. 119-199. - V-P Village Plan Mixed-Use Residential District.

- (a) Purposes. The V-P Village Plan Mixed-Use Residential District is designed and intended to promote development of neighborhoods in the traditional pattern with a mixture of single-family detached dwellings at moderate density (up to seven units per acre) and attached or multifamily housing at greater density (up to 17 units per acre) along with such limited commercial buildings, public buildings, recreational facilities and accessory uses as may be necessary to support such a complete village community and that are normally compatible with such surroundings.
- (b) The V-P district is intended to be applied only in areas identified in the comprehensive plan as neighborhood or community activity centers. All major subdivisions of land in this zoning district require use of the conservation subdivision design method, leaving a portion of the community as natural green space protected by conservation easement. In return for the relatively intense density permitted in this district, all development is intended to be subject to the county architectural standards to protect and promote the public health, safety, and welfare.
  - (1) To create a distinct physical settlement surrounded by protected green space used for agriculture, silviculture, recreation, and environmental protection purposes.
  - (2) To develop settlements of modest size and scale that accommodate and promote pedestrian travel rather than motor vehicle trips.
  - (3) To promote design that results in residentially scaled buildings fronting on, and aligned with, streets.

- (4) To encourage the inclusion of a diversity of household types, age groups, and income levels in the county.
- (5) To promote traditional village building and site development patterns with an interconnected and generally rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles, as typically exists in neighborhoods and towns as shown in the county architectural design guidelines.
- (6) To encourage creation of a functionally diverse, but visually unified, community focused on a central square or green.
- (7) To promote use of neighborhood greens, landscaped streets, boulevards, parkways, and "single-loaded" streets woven into street and block patterns in order to provide neighborhood identity and space for social activity, parks, and visual enjoyment.
- (8) To provide buildings for common or institutional purposes, such as civic or religious assembly, that act as visual landmarks and symbols of identity.
- (9) To promote the location of dwellings, shops, and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the community.
- (10) To preserve green space, scenic vistas, agricultural lands, and natural areas.
- (11) To promote environmentally sustainable building and development practices.

(Ord. of 7-20-2009, § 32)

Secs. 119-200—119-221. - Reserved.

Sec. 119-244. - Development standards—Agriculture and residential districts.

Item	AG	R-R	R-2	R-1	RL-1	RL-2	RL-3	V-P
Minimum heated floor area per dwelling unit	1,200 sf	1,200 sf	1,800 sf	1,800 sf	1,200 sf	1,800 sf	1,800 sf	750 sf
Minimum lot area without water or sewer	5 acres	3 acres	2 acres	1.2 acres	NA	NA	1 acre	NA

Minimum lot area with public/private water	5 acres	3 acres	2 acres	0.7 acre	NA**	½ Acre	1 acre	NA
Minimum lot area with public/private water and sewer	5 acres	3 acres	2 acres	0.7 acre	5,000 sf	½ acre	1 acre	4,000 sf
Minimum lot width	200 ft.	200 ft.	125 ft.	100 ft.	50 ft.	100 ft.	100 ft.	See <u>section 119-295</u>
Minimum road frontage	200 ft.	200 ft.	125 ft.	100 ft.	50 ft.	100 ft.	100 ft.	See <u>section 119-295</u>
Minimum front yard arterial road	80 ft.	80 ft.	80 ft.	80 ft.	NA	80 ft.	80 ft.	80 ft.
Minimum front yard major collector	80 ft.	80 ft.	80 ft.	80 ft.	20 ft.	80 ft.	80 ft.	10 ft. store; 30 ft. others
Minimum front yard minor collector	30 ft.	30 ft.	30 ft.	30 ft.	20 ft.	30 ft.	30 ft.	0 ft. store; 20 ft. other
Minimum front yard local roads	30 ft.	30 ft.	30 ft.	30 ft.	20 ft.	30 ft.	30 ft.	0 ft. store; 20 ft. other
Minimum side yard	30 ft.	30 ft.	30 ft.	30 ft.	4 ft.	15 ft.	30 ft.	0 or 10 ft.

Minimum rear yard	50 ft.	50 ft.	30 ft.	30 ft.	30 ft.*	30 ft.*	30 ft.*	30 ft.
Compliance with architectural standards required?	No	No	No	No	No	No	No	No

;le=2;NA — Not allowed

;le=2;\*Rear yards that adjoin Jackson Lake will be measured from Georgia Power easement: 525 feet sea level plus 50 feet

;le=2;\*\*Water and sewage must meet approval of the county health department

(Ord. of 7-20-2009, § 37)

Sec. 119-245. - Same—Nonresidential districts.

		O-I	C-1	C-2	M
Maximum floor area per building		10,000	4,000	60,000	Unlimited
Minimum lot area					
	Unsewered area	1.2 acres	1.2 acres	1.2 acres	1.2 acres
	Sewered or water	10,000 sq. ft.	5,000 sq. ft.	1.2 acres	1.2 acres



Minimum lot width		40'	40'	80'	100'
Minimum road frontage****		40'	40'	80'	100'
Minimum front yard					
	Arterial roads	80'	80'	80'	100'
	Major collector	60'	60'	80'	100'
	Minor collector	30'	30'	60'	60'
	Local roads	20'	20'	50'	50'
Minimum side yard		10'	10'	10'	10'
Minimum rear yard		20'	20'	20'	20'
Compliance with architectural standards required?		No	No	Yes	No

(Ord. of 7-20-2009, § 38)