DEVELOPMENT REGULATIONS

POLK COUNTY, GEORGIA

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ASSISTANT COUNTY MANAGER
BARRY ATKISON

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# POLK COUNTY DEVELOPMENT REGULATIONS

Adoption Date: September 2, 2009

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ARTICLE 1
TITLE, AUTHORITY, & PURPOSE

1.1 TITLE

This Ordinance shall be known as “The Development Regulations of Polk County, Georgia”, and may be referred to generally as “The Development Regulations” or, as used herein, “these Regulations”. This Ordinance regulates the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land.

1.2 AUTHORITY

This Ordinance is adopted under authority of Article 9, Section 2, Paragraphs 3 and 4 of the Constitution of the State of Georgia, and pursuant to the Zoning Procedures Law (O.C.G.A. 36-66-1 et seq.) and other applicable laws enacted by the General Assembly.

1.3 ADOPTION

1.3.1 REPEAL OF CONFLICTING ORDINANCES

All conflicting ordinances or parts of ordinances are hereby repealed to the extent of their conflict. Where this Ordinance and another overlap, this Ordinance shall take precedence.

1.3.2 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any amendment to it is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portions of these Development Regulations or any amendment to it.

1.3.3 EFFECTIVE DATE And Date of Most Recent Revision

This Ordinance shall take effect September 2, 2009. The date of the most recent revision will be stated on the cover page.

1.4 PURPOSE

A. These Regulations are intended to serve the following purposes:

1. To protect and promote the public health, safety and general welfare.

2. To provide a system for the subdividing of lands and the accurate recording of land titles.

3. To provide assurance that those lots shown on recorded subdivision plats are usable by the purchasers for their intended and permitted functions.
4. To encourage economically sound and orderly land development in accordance with the policies and objectives of the Comprehensive Plan of Polk County.

5. To insure the orderly and desirable development of streets, utilities and other facilities and services to new land developments in conformance with public improvement policies of the County.

6. To assure adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.

7. To assure the provision of needed open spaces and public facility sites in new land developments through the dedication or reservation for purchase of land for public purposes.

8. To assure equitable review and approval of all residential, commercial, and industrial development plans by providing uniform procedures and standards for the developer.

B. This Ordinance is not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the Clerk of the Superior Court.

C. In the interpretation and application of this Ordinance all provisions shall be:

1. Considered as minimum requirements;

2. Deemed neither to limit nor repeal any other powers granted under state statutes.

1.5 APPLICATION

It is the intent of these Regulations that they apply to and provide guidance for the development of any lands within the unincorporated area of Polk County, or any other areas over which the Polk County Board of Commissioners has authority pertaining to land development. These Regulations apply to all land disturbing activity and development activity, whether the development involves the subdivision of land for sale to individual users or pertains only to the construction of buildings or other improvements on a single parcel. No structure or land shall hereafter be used, located, extended, converted or structurally altered except in full compliance with the provisions of this ordinance.

1.6 INTERPRETATION

1.6.1 RESPONSIBILITY FOR INTERPRETATION

A. The County Manager or his designee shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Ordinance.

B. Interpretations of the County Manager or his designee may be appealed to the Planning and Zoning Commission.

1.6.2 USE OF FIGURES
Figures associated with defined terms or regulatory paragraphs in this Ordinance are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

### 1.6.3 USE OF WORDS AND PHRASES

A. For the purpose of this Ordinance, the following shall apply to the use of words and phrases:

1. Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person “he” or “his” also means “her” or “hers.”

2. Use of the capitalized word “County” refers to the government of Polk County, Georgia, while the lower case word “county” refers to its unincorporated geographical area.

3. References to the “County” and to the County Commission and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Ordinance shall always mean Polk County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named.

4. References to public officials, departments or appointed bodies of jurisdictions other than Polk County shall always mean such persons or bodies having jurisdiction over or relative to Polk County, Georgia. These may include one or more of the following:
   
   a. The Clerk of the Superior Court of Polk County, Georgia.
   
   b. The Polk County Health Department.
   
   c. The Coosa Valley Regional Development Center.
   
   d. The Georgia Departments of Natural Resources and Transportation.
   
   e. The United States Army Corps of Engineers, the Federal Aviation Administration, the Federal Emergency Management Agency and the Environmental Protection Agency, the Natural Resource Conservation Service.

5. The word “person” is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of this State, any interstate body or any other legal entity.

6. The words “shall” and “must” are always mandatory and not discretionary, while the word “may” is permissive.
7. The word “and” indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected must be met.

8. The term “such as” is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including but not limited to the following.”

9. The verbs “zone” and “rezone” have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Ordinance.

10. The nouns “zone,” “zoning district” and “district” have the same meaning and refer to the zoning districts established under this Ordinance.

11. The word “day” shall mean a calendar day unless otherwise specified.

1.6.4 MEANING OF WORDS AND PHRASES

A. All words and phrases shall be interpreted within the context of the sentence, paragraph, section and Article in which they occur.

B. Words and phrases defined in this Ordinance shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Ordinance shall be construed to have the meaning given by common and ordinary use as defined by a contemporary dictionary.

1.6.5 CONFLICTING INFORMATION

A. In instances where information in these Development Regulations is in conflict with its self, the more stringent regulation or ordinance shall take precedence.

1.7 EXEMPTIONS

A. Previously Issued Permits.

1. The provisions of this Ordinance and any subsequent amendments shall not affect the validity of any lawfully issued and effective building or development permit if:

   a. The development activity or building construction authorized by the permit has been commenced prior to the effective date of this Ordinance or the amendment, or will be commenced after such effective date but within 6 months of issuance of the permit; and

   b. The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance
with the requirements of this Ordinance in effect on the date of the permit expiration.

B. Governmental Bodies.

All governmental bodies and authorities generally, legally exempt from regulation under the police power of Polk County shall not be exempt from the regulations contained in this Ordinance.
ARTICLE 2
DEFINITIONS

2.1 DEFINITIONS OF WORDS AND PHRASES

Addition (to a new building) – Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall; or any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls in new construction.

Alley or Service Drive – A minor, permanent, public service-way which is used primarily for vehicular service access to the back or the side for properties otherwise abutting on a street.

Applicant – A person, either the owner or the bona fide representative of the owner of land or structures governed by these Regulations, who seeks authority to use, develop, construct upon or otherwise enjoy the use of property through any of these procedures established under these Regulations.

Area of Shallow Flooding – A designated AO or VO zone on a community’s flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet 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 – The land in the floodplain within a community subject to 1% or greater chance of flooding in any given year (i.e., the 100-year frequency flood).

Arterial (Major) – A road intended to move through traffic to and from major areas of activity and/or as a route for traffic between communities or large areas. A minor function is to provide direct access to abutting property.

Arterial (Minor) – A road intended to collect and distribute traffic in a manner similar to major arterials, except that these roads service major activity centers, and/or are designed to carry traffic from collector streets to the major arterials. A minor function is to provide direct access to abutting property.

“As-Built” Survey – See Record Drawings.

Base Flood – The flood that has a one percent (1%) probability of occurring in any calendar year (i.e., the 100-year frequency flood).

Base Flood Elevation – The highest water surface elevation anticipated at any given point during the base flood.

Best Management Practices (BMP’s) – A collection of structural measures and vegetation practices that, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.
Block – A piece or parcel of land entirely surrounded by public streets, other than alleys.

Board of Commissioners – The Board of Commissioners of Polk County.

Breakaway Wall – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buffer (for Erosion/Sedimentation Control purposes) – An area along the course of any state waters to be maintained in an undisturbed and natural condition.

Buffer (general) – A barrier that is created by the use of trees or other acceptable plant or vegetative material along or in combination with berms, fencing or walls used to physically separate or screen on use or property from another so as to visually shield or block noise, lights and/or dissimilar uses.

Building Inspections Department – A department of Polk County government comprised of the Engineering Division, the Planning & Zoning Division and the Permits & Inspections Division, that has the primary responsibility for overseeing physical land development in the county and carrying out the terms of these Regulations.

Buildable Lot of Record – A lot or parcel of land that existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the Clerk of Superior Court prior to January 1, 1999, or which is shown in its entirety and present boundaries on a Final Plat duly approved under these or any previously applicable regulations providing for the subdivision of land in Polk County and recorded with the Clerk of Superior Court of Polk County.

Building Setback Line – A line across a lot parallel to a street right-of-way or other property line establishing the minimum open space to be provided between any principal building and the street or other property line. All building setback lines shall be at least as restrictive as the corresponding minimum yard setbacks required in the Zoning Ordinance shall apply.

Certificate of Occupancy – Final approval by the Building Inspections Department for the use or occupancy of a structure for which a Building Permit was issued.

Clearing – The removal of trees or other vegetation, but not including grubbing activities.

Collector Streets - Streets that carry traffic between major & minor arterial streets, subdivisions, or other areas. They also function as central routes within a subdivision channeling traffic from the local streets to either an abutting Collector Street or Arterial Route. For the purposes of these Regulations, a central but non-through route within a subdivision or other project will be considered as a Minor Collector, if the Average Daily Traffic generated by the development on the route will exceed 2000 trips.

Comprehensive Plan – A plan summarizing and illustrating the adopted goals and objectives of the Board of Commissioners regarding the future location and character of
anticipated land uses, transportation, and other public facilities in Polk County. The term “Comprehensive Plan” includes component or functional plans for the County, including but not limited to a plan for land use (i.e., Land Use Plan) or a plan for transportation facilities, and includes the classification of streets and thoroughfares as shown on the adopted Long Range Road Classification Map.

**Concept Plan** – A drawing that shows the overall concept of a proposed development, and that may include lots and streets in a subdivision or the general development, and that may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project, and that may be drawn to approximate dimensions in a freehand style. These drawings are for information purposes only and shall not be formally reviewed or approved by the County.

**Condominium** – A building, or group of buildings, in which dwelling units or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis, subject to all applicable provisions of Georgia law.

**Construction Plans** – A set of plans that must be formally submitted to the Polk County Planning and Zoning Department for review and approval following the approval of a preliminary plat on residential subdivisions and upon application for a nonresidential development project. Such plans shall include, but not be limited to, grading plans, soil erosion and sediment control plans, hydrology studies, transportation plans, water plans, sanitary sewerage plans, on-site sewer plans and public safety plans.

**County** – Unless otherwise stated, the term “county” shall mean Polk County, Georgia.

**Cul-De-Sac** – A street having one end open to traffic and being permanently terminated within the development by a vehicular turnaround. For the purpose of designation, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

**Cut** – A portion of land surface or area from which earth has been removed by excavation; also, the depth below original ground surface to excavated surface.

**Department of Transportation** – Unless otherwise stated, this term refers to the Georgia Department of Transportation.

**Developer** – Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit who directs the undertaking or proposes to undertake development activities as herein defined, whether the development involves the subdivision of land for sale to individual users, the construction of buildings or other improvements on a single land ownership, or both.

**Development** – 1 (verb). All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of the land, dairying or animal husbandry. Such activities include land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as but not limited to streets, driveways or parking
areas, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property.

2 (noun). Where appropriate to the context, the term “development” also may be used to denote a specific subdivision or project that is a single entity or intended to be constructed as an interrelated whole, whether simultaneously or in phases.

**Development Permit** – A permit issued by the Building Inspections Department authorizing clearing, grubbing, grading and construction of storm drainage facilities, access drives, streets, parking or other improvements exclusive of buildings.

**Diameter Breast Height (dbh)** – The diameter of a tree measured at a point four and one-half feet (4 ½’) above the ground.

**Drainage Improvements** – Those facilities and structures intended to control and direct the passage of storm waters and other surface water flows from and across a property; including, but not limited to, swales and ditches, cross drains and other piping systems, catch basins, detention ponds and velocity dissipation devices.

**Driveway** – A vehicular access way in private ownership, other than a Private Street, which provides access primarily to only one property, or to no more than 2 single-family detached residences.

**Dwelling Unit (D.U.)** – A residence for one family, whether a freestanding building or a part of another building containing other residences.

**Easement** – A grant of one or more of the property rights by a property owner to and/or for use by the public, a corporation, or another person or entity, and recorded in the Superior Court Clerk’s Office.

**Elevated Building** – A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls or breakaway walls.

**Engineering Division** – The Engineering Division of the Polk County Building Inspections Department.

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

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

**Fee Simple** – A form of property ownership in which the buildings and surrounding lands are owned by the same person.

**Federal Emergency Management Agency (FEMA)** – The Federal agency that administers the National Flood Insurance Program. GEMA prepares, revises and distributes the maps and studies referenced in these Regulations.
**Fill** – A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

**Final Plat** – A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certification, as specified in Article 4 of these Regulations.

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

**Fire Flow** – The minimum volume flow rate of water established by the Polk County Water Authority with a minimum residual pressure of 20 psi.

**Fire Department** – A Polk County Public Safety Department comprised entirely of volunteer fire fighters charged with the responsibility of protecting public and private property and enforcing the County’s Fire Prevention & Life Safety Codes.

**Flood or Flooding** – A general or temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map** – An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM)** – An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study** – The official report provided by FEMA, containing flood profiles as well as the flood boundary floodway map and the water surface elevation of the base flood.

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

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

**Functionally Dependent Facility** – A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

**Georgia DOT** – The Department of Transportation of the State of Georgia.

**Grading** – The movement, removal or addition of earth on a site by the use of mechanical equipment.
Grading Permit – An official authorization issued by the Building Inspections Department permitting grading of a site, and may include installation of stormwater drainage facilities.

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

Grubbing – The removal of stumps or roots from a property.

Health Department – The Environmental Health Services Division of the Georgia Department of Human Resources for Polk County.

Highest Adjacent Grade – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

House Location Plan (HLP) – A drawing showing lot information and all improvements, as identified in Article 3.

Land Disturbance Permit – Any permit other than a Building Permit issued by Polk County that authorizes land disturbing activities on a site or portion of a site. Said permit may be a Timber Permit; Grading Permit; or Development Permit as defined and authorized herein.

Local Street - Streets in residential subdivisions that primarily provide access to individual lots, do not carry through traffic, and serve fewer than 200 dwelling units.

Lot – A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon; also, a parcel of land, whether or not platted, in single ownership, and not divided by a street.

Lot, Corner – A lot fronting on two streets at their intersection. When the frontage of one street exceeds the frontage of the other, the one with the least frontage shall be deemed the front of the lot. The side yard setback for a corner lot shall be 25 feet in all zoning districts except where otherwise noted in the Polk County Zoning Ordinance.

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

Lot Width – The width of the lot at the building line measured parallel to the street right-of-way or, in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot line and the street right-of-way line.

Major Intersection – The intersection of two or more public streets in which at least one of the streets is an arterial or major collector as designated by the Comprehensive Plan.

Major Thoroughfare – Any public street, existing or proposed, which is identified in the Comprehensive Plan and recognized by Polk County as an arterial or major collector.

Mean Sea Level – The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of these Regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD).
**National Geodetic Vertical Data (NGVD)** – As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

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

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

**Owner** – A person having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

**Pedestrian Way** – A right-of-way within a block dedicated to public use, intended primarily for pedestrians and from which motor propelled vehicles are excluded.

**Person** – An individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, estate, trust, business trust, receiver, syndicate, or other group or combination acting singly or collectively for a common purpose, and the duly authorized agents thereof.

**Planning Commission** – The Polk County Planning Commission, which is the body that reviews, conducts public hearing and makes recommendations to the Board of Commissioners on all requests for rezoning in the County.

**Planning & Zoning Department** – The Planning & Zoning Department of the Polk County is a department within the Building Inspections Department.

**Preliminary Plat** – A drawing that shows the perimeter boundary, topography, lot arrangements, street layout and other features of a proposed subdivision, as specified in Article 4 of these Regulations.

**Private Dwelling** – For the purpose of these Regulations, a private dwelling is a single family or duplex residence located on any property that is not part of a platted subdivision.

**Project** – A principal building or structure, or group of buildings or structures, planned and designed as an interdependent unit together with all accessory uses or structures, utilities, drainage, access, and circulation facilities, whether built in whole or in phases. Examples include: a principal building on a lot, a residential subdivision, a multi-family development, a shopping center or an office park.

**Project Access Improvement** – Any improvement or facility that is planned and designed to provide service or access for a particular project and that is necessary for the use, safety and convenience of the occupants or users of the project and is not a System Improvement. A Project Access Improvement includes, but is not limited to: pedestrian access improvements; site driveways; new streets; median cuts; right turn lanes; left turn lanes; acceleration lanes; deceleration lanes; traffic control measures made necessary to serve site driveways or new streets; intersection improvements whose primary purpose at
the time of construction is to provide access to the Project; and necessary right-of-way dedications required for any Project Access Improvement.

**Record Drawing** – A survey or other drawing based on a field survey which shows existing features or components and horizontal or vertical information (grades or location of improvements).

**Road** – See “Street, Public”.

**Roadway** – The paved portion of a street from back of curb to back of curb (or edge to edge of pavement for streets not having curbs) but excluding driveway aprons, bridges, and large single and multi-cell culverts that in an hydrologic sense can be considered to function as a bridge.

**Roadway Drainage Structure** – A device such as a bridge, culvert or ditch that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to release point on the other side.

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

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

**Sheet Flow** – Diffused water running overland to a defined watercourse.

**Site Work** – Development activity to prepare a property for construction of buildings or finished structures, including clearing, grubbing, grading and installation of soil sedimentation and erosion control facilities.

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

**State Waters** – Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming part of the boundaries of the State that are not entirely confined and retained completely upon the property of a single individual, partnership or corporation. Generally, State waters do not include basins that are 20 acres and smaller, dry, without running water.

**Street, Private** – An access way similar to and having the same function as a public street, providing access to more that one property, but held in private ownership (as distinct from a “driveway”).

**Street, Public** – A right-of-way dedicated to and accepted by Polk County for vehicular traffic, or over which Polk County may hold a prescriptive easement for public access, and including designated and numbered U.S. and State highways. For the purposes of
these Regulations, the term “public street” shall be limited to those which afford or could afford a direct means of vehicular access to abutting property, and exclude limited access roadways which abut a property, but from which direct access may not be allowed under any circumstances.

**Street, Marginal Access** – A local street that is parallel to and adjacent to a major thoroughfare and provides access to adjacent properties and protection from through traffic.

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

**Structure** – Anything constructed or erected on the ground or attached to something on the ground.

**Subdivider** – Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as herein defined including an agent of the subdivider.

**Subdivision** – 1 (verb). Any division or re-division of a lot, tract or parcel, regardless of its existing or future use, into two or more lots, tracts or parcels for the purpose, whether immediate or future, of sale, legacy or building development. This includes all divisions of land involving a new street or change in existing streets and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

(a) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards set forth in these Regulations.

(b) The division of land into parcels of ten (10) acres or more where all of such parcels have frontage on a county maintained road; provided, however, in such cases a final plat shall be submitted to the Polk County Planning and Zoning Department for approval.

2 (noun). Where appropriate to the context, the term “subdivision” also may be used in reference to the aggregate of all lots held in a common ownership at the time of division.

All subdivisions shall have preliminary plats submitted to the Polk County Planning and Zoning Department.

**Substantial improvement** – Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during the life of a structure, in which the
cumulative cost equals or exceeds 50% of the market value of the structure. The market value should be either the appraised value of the structure prior to the start of the initial repair or improvement; or, in the case of damage, the value of the structure prior to the damage occurring. For the purpose of these Regulations, “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 structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications that are solely necessary to assure safe living conditions.

**System Improvement** – Any improvement or facility such as streets, bridges or rights-of-way identified in the Comprehensive Plan, and any traffic control measures, landscaping or other features to same and is further designed to provide service to the community at large.

**Tie Point** – The point of reference for a boundary survey. Said point of reference shall be an established, monumental position that can be identified or relocated from maps, plats or other documents on public record. Two GPS ties with coordinates shall be required on all final plats.

**Tree** – Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at any point and a height of over ten feet.

**Tree Diameter** – The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at any point below dbh for new trees or multi-trunked species, but in no case less than 6 inches from the ground.

**Tree Protection Area** – Any portion of a site wherein are located existing trees that are proposed to be retained in order to comply with the buffer requirements of the Zoning Ordinance or other applicable ordinances and regulations of Polk County.

**Trout Streams** – All streams or portions of streams within a watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources, under the provisions of the Georgia Water Quality Act. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

**Vegetative Erosion and Sediment Control Practices** – Practices for the stabilization of erodible or sediment-producing areas by covering the soil with: a) permanent seeding, sprigging or planting, producing a long-term vegetative cover; b) temporary seeding, producing short-term vegetative cover; or c) sodding, covering areas with a turf of perennial sod-forming grass.

**Polk County Water Authority** – The department charged with the responsibility for the design, installation, inspection, approval and maintenance of the potable water supply and distribution system for areas under Polk County’s jurisdictional control.
**Watercourse** – Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bet, and banks and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Wetlands** – 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, marches, bogs and similar areas.

**Zoning Ordinance** – The currently adopted Zoning Ordinance of the Polk County Board of Commissioners and all succeeding amendments thereto.
ARTICLE 3
GENERAL

3.1 DRIVEWAYS ACCESSING COUNTY ROADS

3.1.1 APPLICATION

A. No curb shall be changed or removed, and no driveway connected to a county maintained roadway, or on, or across a public right-of-way, or public property shall be repaired or installed without first having the written approval of the Building Inspections Department.

B. Applications may be made at the Building Inspections Department.

C. Approval shall expire for work not started within 90 days or completed within 6 months of the date of approval.

D. The Building Inspection Department shall inspect and approve the location of all driveways.

3.1.2 STANDARDS AND SPECIFICATIONS

A. The driveway shall not obstruct or impair drainage in roadside ditches or roadside areas. The County shall determine the size of all driveway pipes and in no case shall a driveway pipe be less than fifteen (15) inches in diameter.

B. A driveway pipe, if required, shall be Bituminous Coated Corrugated Metal and shall have a minimum installed length of twenty-four (24) feet. All driveway pipes are to be installed by the Polk County Public Works Department.

C. All work shall conform to the following specifications and standards. These standards are implemented by Polk County for the purpose of ensuring proper driveway installation and avoiding future problems with the county road system.

1. Driveways shall intersect streets at between 60 and 90 degrees. From the edge of a county maintained roadway, driveways shall be surfaced with concrete or pavement for 25’ or to the right-of-way line, whichever distance is greater. Driveways shall be surfaced with either 3,000 psi concrete at least six (6) inches thick, or asphaltic concrete consisting of at least 6” of GAB and 3” pavement. Driveways providing access to parking lots that contain six (6) or more spaces shall be paved in accordance with the parking lot requirements of the Zoning Ordinance.

2. The maximum grade of any driveway that shall be permitted is fifteen (15) percent.

3. The driveway surface connecting the county road must have a minimum five (5) percent slope down and away from the edge of pavement for the lesser of a distance of six (6) feet, or to the centerline of a roadside ditch, to prevent surface water drainage from the driveway flowing into the county road surface.

4. Vehicular access from properties to streets shall comply with the following dimensional requirements, measured at the right-of-way line.
Table 3-1
Driveway Width Requirements

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Driveway Width*</th>
<th>Minimum Driveway Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Two-Way</td>
<td>One-Way</td>
</tr>
<tr>
<td>Single-Family Residence</td>
<td>25 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Multi-Family Res. and mobile home parks</td>
<td>36 feet</td>
<td>26 feet</td>
</tr>
<tr>
<td>Commercial &amp; Industrial</td>
<td>36 feet</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

*Includes divided entrances with center islands.

5. Driveway connections shall be provided between the edge of the pavement or back of curb to the right-of-way line. No property may be afforded access from a public street except as follows:

6. Curb and gutter streets shall be provided with a driveway apron constructed of 3,000 psi concrete at least six (6) inches thick. Sidewalks, where provided, shall be warped to the driveway apron and are to be identified across the driveway apron by construction joints or control joints.

7. Swale ditch section streets shall be provided with a driveway apron constructed of 3,000 psi concrete at least six (6) inches thick, or asphaltic concrete consisting of at least 6” of GAB and 3” pavement.

8. All driveway aprons shall have a radius connecting the driveway to the curb line or pavement edge as follows:

Table 3-2
Driveway Apron Radii

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Driveway Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>5 feet</td>
</tr>
<tr>
<td>Commercial or Multi-Family</td>
<td>15 feet</td>
</tr>
<tr>
<td>Industrial</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

9. Requirements of the Georgia Department of Transportation shall apply whenever more restrictive than the standards in this code.
10. No point of access shall be allowed within 35 feet of the right-of-way line of any street intersections for single-family and two-family residential lots and within 50 feet for multi-family and nonresidential properties.

11. In office, commercial and industrial zoning districts, no curb cut shall be less than 40 feet from another curb cut, measured along the right-of-way line, nor less than 20 feet from any property line. In cases of practical difficulty, these distances may be reduced upon approval of the Director of Public Works if adequate traffic safety conditions can be maintained.

12. Along State or U.S. highways, no more than one (1) point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.

13. Along major streets other than State or U.S. highways, no more than two (2) points of vehicular access from a property to each abutting public street shall be permitted for each 200 feet of lot frontage, or fraction thereof; provided however, that lots with less than 100 feet of frontage shall have no more than one point of access to any one public street. The Public Works Department shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.

14. No landscaping, fences, terraces, or other natural or artificial features adjacent to the driveway shall impair visibility from approaching vehicular traffic where that visibility is a threat to safety.

15. The driveway shall be located on the property so as to provide proper sight distance. Minimum sight distance requirements must comply with Section 7.2.6 Vertical Alignment of Streets.

16. Any property with an existing driveway that requires a building permit for a new construction shall comply with these requirements herein.

3.1.3 DRIVEWAYS ACCESSING STATE ROUTES

The Georgia Department of Transportation is responsible for issuing driveway permits along all state routes.

3.1.4 INSPECTIONS

Driveway Connection Installation: With the exception of State Routes, all driveway connection installations within unincorporated Polk County will be inspected by the Building Inspections Department.

3.1.5 MAINTENANCE OF DRIVEWAY

A. The Public Works Department will be responsible for the maintenance of the drainage pipe under the driveway and will also be responsible for maintaining a smooth transition from the county road to the driveway within the road right-of-way.
B. The property owner is responsible for maintaining the surface of the driveway and any associated improvements to the property, which has encroached upon the county right-of-way such as landscaping, fences, etc.

C. If any improvements encroaching on the county right-of-way are found to be in violation of this section or are a safety hazard, the property owner will be notified in writing to remove such improvement. If the property owner does not comply within a reasonable period of time, Polk County Public Works will remove such improvement.

3.1.6 VARIANCES

1. A variance may be requested in cases where these requirements might create an undue hardship.

2. Before a variance can be considered, a letter must be submitted to the Planning and Zoning Director stating the reasons for requesting a variance.

3. Within five (5) working days, a decision on granting the variance will be made by the Director. The party requesting the variance will be notified by letter if the variance is to be granted or not. Any special conditions attached to the variance will also be stated in this letter.

4. The decision of the Planning and Zoning Director may be appealed to the County Manager, who shall have the authority to reverse the decision. An appeal to the County Manager shall be decided in a timely manner.

5. If the decision of the Planning and Zoning Director is upheld by the County Manager, the applicant may further appeal to the Board of Commissioners by submitting a written notice of appeal. An appeal submitted to the Board of Commissioners shall be considered and decided within thirty (30) days or at the next regularly scheduled Commission meeting.

3.2 EASEMENTS

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

3.2.1 UTILITY

When it is found to be necessary and desirable to locate public utility lines in areas other that street right-of-ways, easements shall be shown on the plat for such purposes. Such easements shall not be less than twenty (20) feet in width and may be required to be wider depending on the depth of the cut, where possible easements shall be centered on rear or side lot lines.

3.2.2 DRAINAGE

A. Where a proposed subdivision is traversed by a watercourse, drainage way or stream, or piped stormwater drainage system, appropriate provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. Such easements shall conform substantially with the lines of said watercourse and be of sufficient width for construction and/or maintenance. All easements shall be no less than 20 feet wide.
B. All easements and appropriate storm drain pipes shall be subject to the following:

**TABLE 3-3**
EASEMENTS FOR WATERCOURSE AND DRAINAGE
STORM DRAIN PIPES

<table>
<thead>
<tr>
<th>PIPE SIZE (in)</th>
<th>MAXIMUM PIPE INVERT DEPTH (ft)</th>
<th>MINIMUM EASEMENT WIDTH (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>18</td>
<td>20</td>
<td>20</td>
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<td>24</td>
<td>20</td>
<td>20</td>
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<td>30</td>
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<td>20</td>
</tr>
<tr>
<td>36</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>42</td>
<td>N/A</td>
<td>20</td>
</tr>
<tr>
<td>48</td>
<td>N/A</td>
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</tr>
<tr>
<td>54</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>60</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>66</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>72</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

A. Drainage easements shall be opened at the time of development to control surface water runoff.

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

### 3.2.3 PRIVATE EASEMENT SUBDIVISIONS

A. Private Easement Subdivisions will no longer be allowed as a subdivision classification in Polk County, as of September 2, 2009. Private Easement Subdivisions established prior to this date shall be allowed to remain in their existing state as long as the lots are not modified from their existing configuration.

B. All means of ingress and egress to the Private Easement Subdivision shall remain in force as provided by the original grantor or his successors or assigns. The grantee and the property owner(s) shall continue to be responsible for their proportionate share of the upkeep and maintenance of this private easement and completely hold the governing body of Polk County harmless from any necessity for such upkeep and maintenance.

### 3.2.4 OVERLAPPING EASEMENTS

Easements for water, sanitary sewer, and drainage purposes shall not overlap unless approved by the Planning and Zoning Department Department.

### 3.2.5 INTER-PARCEL ACCESS REQUIREMENTS
A. Internal Access Easements Required

1. For any office or retail sales or services use, the property owner shall grant an access easement as described in this Section to each adjoining property that is zoned or used for an office or retail sales or services use. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public street.


1. The easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but parking spaces may be restricted to use by the owner’s customers and tenants only.

2. The granting of such easement shall be effective upon the granting of a reciprocal easement by the adjoining property owner.

3. Upon the availability of access to driveways and parking areas of the adjoining lot, pavement or other surfacing of the owner’s driveways and parking areas shall be extended to the point of access on the property line.

C. Relief

1. Where the proposed land use is such that adverse impact of the required easement on use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the Planning and Zoning Director may waive the requirement for access easements, in whole or in part, administratively.

3.3 GENERAL PERMITS

3.3.1 DEVELOPMENTS OF REGIONAL IMPACT

The Georgia Planning Act of 1989 authorized the Department of Community Affairs (DCA) to establish procedures for regional review of development projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located. These large-scale projects are referred to as Developments of Regional Impact (DRIs). Projects that exceed the minimum thresholds established by the DCA are required to go the DRI process prior to commencement of development activity. This process involves submittal to the Northwest Georgia Regional Commission (NWGRC) and review and comments from other local governments and affected parties. Within 30 days, the NWGRC will issue the results of the review process including a Review Finding that the proposed activity is or is not in the best interest of the State.

3.3.2 DEVELOPMENT PERMIT

A. Responsibility

1. No person shall conduct any pre-construction, land-disturbing and/or development activity involving more than 0.4 acres without first obtaining a development permit from
the Planning and Zoning Department to perform such activity, unless exempted under other sections of this code.

2. Any person proposing development shall first submit to the Planning and Zoning Department an application for a Development Permit, including all civil design and construction drawings required by these Development Regulations.

3. The Planning and Zoning Department is responsible for administering and coordinating the review process for issuance of development permits. The Planning and Zoning Department shall forward a copy of the Development Permit application, including the civil design and construction drawings for the project, to the County Departments and other agencies as appropriate, for their review and comment. The Planning and Zoning Department shall provide all comments to the applicant for resolution, and shall issue the Development Permit when all requirements of these Development Regulations are met.

4. No development permit shall be interpreted to relieve any developer, owner, or contractor of the responsibility of maintaining full compliance with all applicable codes, ordinances, and other regulations of Polk County. Any development permit issued in error or in contradiction to the provisions of these Development Regulations shall be considered to have been null and void upon its issuance.

5. Liability
   a. The issuance of a development permit or the compliance with any other provision of these Development Regulations shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor any liability upon the Governing Body for damage to any person or property.
   b. The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in these Development Regulations or of the terms of the development permit.

B. Development Activities Authorized

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

C. Process For Approval of Development Permit

1. An application for a development permit may proceed simultaneously with an application for development plans approval, but may not be issued prior to project approval of such plans by the Planning and Zoning Department.

2. The application for a Development Permit shall be submitted to the Planning and Zoning Department and must include the following:
a. Six copies of the civil design and construction documents prepared in conformance with the specifications and standards in these Development Regulations to include the site plan, requesting or reflecting project approval by the Building Inspection Department.

b. Payment of any Development Permit fee, as established from time to time by the Governing Body.

c. A statement from the Polk County Tax Commissioner’s office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

3. The application will be checked for completeness within 5 business days of its submission. Incomplete applications will be returned to the applicant.

4. In addition to the Development Permit application, the Developer/Owner shall submit the soil erosion and sediment control plan to the Coosa River Soil & Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion and sediment control plan. No Development Permit will be issued unless the plan has been submitted to and reviewed by the District, and any variances and bonding, if required, have been obtained.

5. The applicant may be required by the Planning and Zoning Department to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:

   a. The Building Inspection Department
   b. The Public Works Department
   c. The Water Department
   d. Fire Department
   e. County Health Department
   f. Coosa River Soil and Water Conservation Commission District
   g. Georgia Department of Transportation
   h. Georgia Department of Natural Resources
   i. U.S. Army Corps of Engineers
   j. U.S. Environmental Protection Agency

6. Upon receipt of comments from other departments, the Planning and Zoning Department shall forward all comments related to compliance with these Development Regulations, conditions of zoning approval, and other regulations or ordinances, as appropriate.

7. The applicant shall be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received from the various departments and agencies.

D. Required Performance Surety

1. If the applicant has had two or more violations of previous development permits, these Development Regulations or the Georgia Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Planning and Zoning Department shall refer the Development Permit to the Governing Body.
2. The Governing Body may deny the Development Permit application; or,

3. The Governing Body may require the applicant to post a performance bond in the form of government security, cash, irrevocable letter of credit or any combination thereof up to, but not exceeding, $3,000.00 per acre (or fraction thereof) of the proposed land-disturbing activity, prior to issuing the Development Permit. If the applicant does not comply with these Development Regulations or with the conditions of the Development Permit after issuance, the Governing Body may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

E. Issuance of Development Permit

1. Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all bonds (if required), the Planning and Zoning Department shall issue a Development Permit authorizing development activities to begin based on the approved development plans.

2. No Development Permit shall be issued unless the erosion and sediment control plan has been submitted to and reviewed by the Coosa River Soil and Water Conservation District and has been affirmatively determined that the plan is in compliance with all requirements of these Development Regulations. If the Development Permit is denied, the reason for denial shall be furnished to the applicant.

3. If the tract is to be developed in separate and distinct phases, then a separate Development Permit shall be required for each phase.

4. The Development Permit may be suspended, revoked, or modified as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion and sediment control plan or that the holder or his successor in title is in violation of these Development Regulations. A holder of a Development Permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the Development Permit.

F. Expiration of Development Permit

1. A Development Permit shall expire if the development activity described in the permit is not begun within 6 months from the date of issuance or if development activities cease for a period of 6 months within any 12 month period.

2. The Planning and Zoning Department may renew any development permit that has expired with the concurrence of the Planning and Zoning Commission, within 6 months of expiration. If a Development Permit has expired for more than 6 months, the applicant shall be required to apply for a new Development Permit under the Development Permit approval process of these Development Regulations.

G. Fee
1. Article 11 of these Regulations outlines the appropriate fees for all plan reviews, permits, and inspections associated with development projects.

### 3.3.3 BUILDING PERMIT

**A. General**

Building permits issued by the Chief Building Official are required in advance of the initiation of construction, erection, moving or alteration of any building or structure where the cost of such construction, erection, moving or alteration as estimated by the Chief Building Official will be in excess of $1000.00. No building permit shall be issued and no building shall be erected on any lot in the county unless access has been established in accordance with these Development Regulations. No building permits shall be issued before approval of the final plat. All structures shall comply with the requirements of these Development Regulations, whether or not a building permit is required.

**B. Building Codes**

The building codes adopted and enforced by Polk County shall include those mandated by the State of Georgia; and may include those approved by the State. Building codes may be revised from time to time as mandated or approved by the State.

**C. Single Family and Duplex Subdivision**

1. A building permit for a single or two-family residence in a platted subdivision may be issued after the recording of a final plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record. The following also apply to the issuance of such building permits:

   1. Approval of a House Location Plan by the Building Inspection Department may be required prior to issuance of the building permit, as noted and conditioned on the final plat.

   2. In single-family and duplex residential subdivisions, building permits for no more than two (2) model home buildings on specific lots may be issued by the Building Inspections Department on the basis of an approved preliminary plat, Health Department, and the Polk County Water Authority, and subject to all limitations or requirements as may be established by this ordinance.

   3. No certificate of occupancy shall be issued for model homes prior to approval and recording of the final plat, which contains the model home building lots.

   4. Manufactured homes cannot be placed in a platted subdivision.

   5. In all such lots requiring a House Location Plan pursuant to subsection 1., an as-built survey of the dwellings, building or structure shall be provided to the Building Inspections Department prior to final inspections and the issuance of a certificate of occupancy. In the even the as-built survey shows the dwelling does not have proper setbacks, finished floor elevations or other discrepancies, the Chief Building Official may deny the issuance of the certificate of occupancy.
6. Plumbing, electrical and mechanical permits shall be issued separately by the Building Official or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.

D. Single Family and Duplex Private Dwellings

1. A private dwelling approval is required prior to issuance of a building permit on any property that is not part of a platted subdivision.

2. A recorded survey plat shall be required showing street right-of-way width, lot configuration, easements, etc.

3. More than two lots created as a result of subdividing parcels must meet the subdivision requirements outlined in Article 5 of these regulations.

4. Plumbing, electrical and mechanical permits shall be issued separately by the Building Official or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.

E. Nonresidential and Multi-Family Structures

1. Issuance of building permit for any principal building other than a single-family detached or duplex residence (and associated accessory structures) shall first require issuance of a development permit for the building site, and the building permit shall be consistent with said development permit.

2. Building plans must be reviewed and approved by the Building Inspection Department prior to permitting for all structures. Building Plan approval shall expire after one year, after which re-review and approval by the Building Inspection Department shall be required prior to the issuance of a building permit for the building or additional buildings.

3. Building permits shall only be issued on buildable lots of record, as defined in these Regulations, except under special circumstances limited to and as specifically described in this Section. In nonresidential subdivisions, building permits may be issued by the Building Inspection Department on the basis of an approved Preliminary Plat with corresponding construction plans for specific buildings and associated site improvements after a development permit has been approved.

4. Plumbing, electrical and mechanical permits shall be issued separately by the Building Official or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.

5. Issuance of building permits shall be conditioned on the following:

   a. An Irrevocable Letter of Credit from a reputable Georgia Bank shall have been received in a form acceptable to the Chief Building Official, drawn in favor of Polk County in accordance with these Regulations.

   b. Approval of the Health Department for on-site sewage disposal shall be required prior to issuance of any building permit.
c. Construction of any required public improvements shall proceed concurrently with construction of the buildings.

d. No certificate of occupancy shall be approved for any structure within a subdivision prior to recording of the final plat without the express written approval of the Chief Building Official.

F. Inspections

1. Inspections shall be scheduled with the Chief Building Inspector at least 24 hours before the inspection is needed for all foundations and footings, and 48 hours prior to all other inspections. Requests for inspection should include the street address, lot number, building permit number, and type of inspection.

2. Required Inspections:

   a. Foundation. Verify minimum required building and setbacks, footing, trenches dug and reinforcing steel in place.

   b. Plumbing Connections. Water supply line and sewer lateral in slab foundation.

   c. Framing. Completion of all rough-ins and insulation is installed.

   d. Interior walls may not be covered until the following inspections are completed:

      1) Mechanical. Rough-ins complete with pressure test on gas line.

      2) Electrical. Rough-ins with neutral, ground, and service cable wired are completed.

      3) Plumbing. Rough-ins complete and all fixtures installed.

      4) Other inspections are completed as required by the Building Inspection Department as necessary to ensure compliance with all applicable codes.

   e. Final Inspection. Building is complete and ready to occupy.

G. Application and Fee

1. Building permit fees are as applicable by the Building Inspection Department and as approved by the Polk County Board of Commissioners. Permit fees and all other fees pertaining to the Building Inspection and Planning & Zoning Departments are available in each office, in the County Clerk’s office, and on the Polk County Government website. Building permits may be obtained through the Polk County Building Inspection Department located at 144 West Ave. Cedartown, Ga. 30125

3.3.4 SPECIAL HAZARD BUILDING PERMIT

A. Authorization must be obtained from the State Fire Marshal, Local Fire Chief or State Inspector for any Special Hazard Building as defined by O.C.G.A. § 25-2-13, as amended,
prior to the issuance of any building permit. Specifically, and without limitation these include the following:

1. Buildings more than three (3) stories in height.
2. Residential structures for three or more families greater than (3) stories in height.
3. Any building with more than 15 sleeping accommodations for hire.
4. Schools or academies with more than 15 children.
5. Hospitals, health care and nursing center, and schools.
6. Racetracks, stadiums and grandstands.
7. Theaters, auditoriums, restaurants, bars, lounges, nightclubs, and public assembly of 300 or more, or 100 or more where alcohol is served.
8. Church with occupant load of 500 or more.
9. Department of retail stores in excess of 25,000 square feet.
10. Group day care and day care center where more than six (6) children are kept.
11. Licensed personal care homes.
12. Landmark buildings.

B. An application, consisting of plans for Structural Reviews involving any Special Hazard Building must first be submitted to the State Fire Marshal for review and approval prior to applying for a building permit.

3.3.5 BURNING PERMIT

A. Contact the Georgia Forestry Commission, District 1 at (770) 749-2251, to obtain a burn permit. Burn permits are only issued for natural vegetative materials, no man made materials including tires, shingles, plastics, etc..

3.3.6 UTILITY ROADWAY CROSSING PERMIT

A. All contractors must notify the Building Inspection Department prior to beginning any work within a County maintained roadway. This includes the placement and repair of utilities that require the roadway surface, base, and/or sub-base to be disturbed in any way, including boring under County maintained roadways.

B. Contractors must provide a plan and profile (as necessary) of proposed work to be done. The exact location and extents of proposed work must be provided as well as specific dates when the work will be performed.

C. Contractors must implement traffic control measures as specified in the most current edition of the Manual of Uniform Traffic Control Devices (MUTCD).

D. Roadway repair work shall be completed according to the roadway construction standards specified in Article 7 of these Development Regulations. Roadway repair work will be inspected by the Polk County Road Department. Any unsatisfactory workmanship will be corrected at the contractor’s expense.

E. Contractors who have, within the last three years, failed to properly complete roadway crossings or have failed to properly correct unsatisfactory workmanship will be required to provide a $1000.00 performance bond in the form of an irrevocable letter of credit or certified bank check prior to being issued a Utility Roadway Crossing Permit.
F. Contractors that fail to obtain a utility roadway crossing permit shall be accessed a penalty fee per the Polk County Schedule of Fees. Failure to pay any penalty and/or permit fee shall be considered a County Ordinance violation.

3.3.7 BLASTING NOTIFICATION

A. The following requirements must be presented to Building Inspection Department:

1. A certified copy of the State of Georgia Explosive License issued by the State.
2. A certified copy of liability blasting insurance.
3. The exact location of blasting activity.
4. Proof of notification to 911 prior to blasting
5. Familiarity with Chapter 120-S-10, Georgia Safety Regulations.

B. Note: OSHA requires that Title 29 C.F.R.; part 1926 sub part U, Blasting and use of explosives be compliant with all blasting operations contractors.

3.3.8 FLOOD AREA PERMIT

A. Permit Required

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

B. Application Process for a Flood Area Permit

1. Application for a flood area permit shall be made to the Building Inspection Department on forms furnished by them prior to any development activities.

2. The application for a flood area permit is to include the following:

   a. Floodplain management / flood damage prevention plan (as outlined in Article 6.1.6) in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question.
   b. Location of existing or proposed structures, fill, storage or materials and drainage materials.
   c. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings.
   d. Elevation in relation to mean sea level to which any nonresidential building will be flood-proofed.
   e. Certificate from a registered professional engineer or architect that any nonresidential flood-proofed building will meet the flood-proofing criteria in Article 6 of these Development Regulations.
   f. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

3. An application for a flood area permit shall be processed in the same manner as a Development Permit.
3.3.9 ROAD USE PERMITS

A. Polk County intends to protect the County’s bridges, ditches, and road system from damage and excessive maintenance cost occasioned by the travel of heavily laden off road construction vehicles. In addition to land disturbance permits, a road use permit may be required for heavily laden off road construction vehicles before they are allowed to travel on or cross County Maintained Roads. The Building Inspections Department shall issue such permits.

B. Heavy laden off road construction vehicles associated with roadway or other land development projects where such vehicles as earth moving equipment will be frequently traveling or crossing a county maintained roadway, shall be required to provide the Building Inspections Department a performance bond in the form of an irrevocable letter of credit or certified bank check from an approved area bank or financial institution in an amount equal to $5000.00 plus $2000.00 for every 100 linear foot of roadway traveled. Contractors who fail to obtain this required permit shall be subject to a minimum penalty fee per the Polk County Schedule of Fines and Fees, plus all applicable permit fees. Failure to pay any penalty and/or permit fee shall be considered a County Ordinance violation.

3.3.10 TRENCHING/EXCAVATION NOTIFICATION

A. Trenching and/or excavation work completed within the right-of-way of any county maintained roadway shall require a Trenching/Excavation Activity Notification to the Building Inspection Department.

B. The exact location and extents of proposed work must be provided as well as specific dates when the work will be preformed.

C. All work must be in compliance with the provision with any applicable laws of the State of Georgia or the United States or any rules and regulations of the United States Department of Labor Occupational Safety and Health Administration in Title 29 C.F.R. Part 1926, Sub part P. 50-562.

D. All work shall be properly backfilled and compacted. The work area shall also be grassed and mulched. Trenching/excavation work will be inspected by the Polk County Road Department. Any unsatisfactory workmanship will be corrected at the contractor’s expense.

E. Contractors who have, within the last three years, failed to properly complete trenching and/or excavation activities or have failed to properly correct unsatisfactory workmanship will be required to provide a $1000.00 performance bond in the form of an irrevocable letter of credit or certified bank check. Contractors who fail to notify the County of such trenching/excavation activity shall be subject to a minimum penalty fee per the Polk County Schedule of Fines and Fees, plus all applicable permit fees. Failure to pay any penalty and/or permit fee shall be considered a County Ordinance violation.

3.3.11 DRIVEWAY PERMIT

A. Any development that requires access to a county maintained roadway via a driveway shall first be required to obtain a driveway permit from the Building Inspection Department.
3.4 APPEALS

3.4.1 TYPES OF APPEALS

A. Persons may appeal to the Planning and Zoning Commission for relief under the following circumstances:

B. When aggrieved by an action or an interpretation of an administrative official made under these Development Regulations.

C. When an exception is desired for a particular property from a certain requirement of these Development Regulations, as specified in this Section.

D. When compliance with the requirements of these Development Regulations would create a particular and unique hardship.

E. When the requirements for flood protection affect an historic structure.

3.4.2 INITIATION

A. All requests for relief shall be taken as an appeal to the Planning and Zoning Commission, as provided in this Section.

B. If denied, an application for a hardship variance or special exception affecting the same property shall not be considered for a period of 12 months from the date of denial; provided, however, that the Planning and Zoning Commission may reduce the waiting period under extenuating circumstances or on its own motion.

3.4.3 APPEALS OF AN ADMINISTRATIVE DECISION

A. Appeals of an administrative decision to the Planning and Zoning Commission may be initiated by any person aggrieved, or by an officer or department head of the County. Such appeal shall be initiated within 15 days of the action, or decision appealed from, by filing with the Planning and Zoning Director a notice of said appeal specifying the grounds thereof.

B. The holder of or applicant for a Development Permit or a building permit may appeal any of the following actions taken by an administrative official:

1. The suspension, revocation, modification or grant with condition of a Development Permit upon finding that the holder is not in compliance with the approved erosion and sediment control plan or other approved plans.

2. The determination that the holder is in violation of Development Permit or Building Permit conditions.

3. The determination that the holder is in violation of any other provision of these Development Regulations.

C. Interpretations.
1. The Planning and Zoning Commission, upon appeal of an aggrieved party or at the request of the County Manager, Chief Building Official, or Planning and Zoning Director shall:
   
   a. Interpret the use of words or phrases within the context of the intent of these Development Regulations as pertinent to their jurisdiction.
   
   b. Determine the boundaries of the various zoning districts where uncertainty exists.
   
   c. Decide appeals from any order, determination, decision or other interpretation by the County Manager, Chief Building Official, or other person acting under authority of these Development Regulations, where a misinterpretation or misapplication of the requirements or other provisions of these Development Regulations are alleged.
   
   d. Interpret such other provisions of these Development Regulations as may require clarification or extension in specific or general cases.

D. An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the officer or department head from whom the appeal is made certifies to the Planning and Zoning Commission, after the notice of appeal shall have been filed, that by of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which must be granted by a court of competent jurisdiction.

E. A decision of the Planning and Zoning Commission shall be final unless the aggrieved party requests an appeal before and/or adjudication by the Polk County Board of Commissioners and County Attorney in an effort to resolve appeals, prior to going to court. Only a court of competent jurisdiction may hear such appeals.

3.4.4 SPECIAL EXCEPTIONS

A. General limitations on relief.

   1. Special Exceptions shall be limited to relief from the following requirements of these Development Regulations:
      
      a. Maximum building setbacks.
      
      b. Maximum building height.
      
      c. Minimum lot width.
      
      d. Public street frontage.
      
      e. Buffers and screening.
      
      f. Signage, in accordance with a uniform sign plan.
      
      g. Parking requirements.

B. Standards for approval.
A special exception may be granted upon a finding that the relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of these Development Regulations.

C. If denied, an application for a special exception affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Board of Adjustment may reduce the waiting period under extenuating circumstances or on its own motion.

D. In no case shall a special exception be granted from the conditions of approval imposed on a property through a zoning change granted by the Governing Body.

3.4.5 HARDSHIP VARIANCES

A. General.

1. Relief from the application of the provisions of these Development Regulations may be granted by the Planning and Zoning Commission upon a finding that compliance with such provision will result in a hardship to the property or owner that is substantially unwarranted by the protection of the public health, safety, or general welfare, and the need for consistency among all properties similarly zoned.

2. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

B. Standards for approval.

1. A hardship variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding by the Planning and Zoning Commission that:

   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or,

   b. The application of these Development Regulations to this particular property would create an unnecessary hardship; or,

   c. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.

C. If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Board of Appeals and Adjustments may reduce the waiting period under extenuating circumstances or on its own motion.

D. In no case shall a hardship variance be granted for any of the following:

   1. A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
2. A change in the conditions of approval imposed through a zoning change granted by the Governing Body.

3. Reduction of a minimum lot size required by a zoning district.

4. A use of land or building or structures that is not permitted by the zoning district that is applicable to the property.

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

3.4.6 FLOOD PROTECTION VARIANCES

A. Flood protection variances may be approved for the reconstruction, rehabilitation, or restoration of building listed on the National Register of Historic Places or the State Inventory of Historic Places provided that the proposed reconstruction, rehabilitation, or restoration will not result in the building losing its historical designation.

B. In passing a flood protection variance, the Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these Development Regulations relating to flood damage prevention, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger to life and property due to flooding or erosion damage;

3. Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner;

4. Importance of the services provided by the facility to the community;

5. Necessity of the facility to a waterfront location, in case of a functionally dependent facility;

6. Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7. Compatibility of the use with existing and anticipated development;

8. Relationship of the use to the comprehensive plan and flood plain management program for that area;

9. Safety of access to the property in times of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
C. Upon consideration of the factors listed above, and the purposes of these Development Regulations, the Planning and Zoning Commission may attach such conditions to the granting of the variance as it deems necessary to further the purposes of flood damage prevention.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Conditions for variances are as follows:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historical character and design of the building.

2. Variances shall only be approved upon:
   a. Showing of good and sufficient cause;
   b. Determination that failure to grant the variance would result in exceptional hardship; and
   c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or Development Codes.

3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

4. The Chief Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

3.4.7 PROCESS FOR GRANTING APPEALS

A. Upon receiving a notice of an appeal, the Planning and Zoning Department shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.

B. An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The Department may request such additional information from the appellant as necessary to provide a full understanding of the appellant’s request.

C. Once the record has been assembled, Planning and Zoning Director shall schedule the appeal for consideration at the next scheduled Board of Adjustment for which adequate public notice can be given.

D. Public Notice.
1. Notification to the General Public.
   a. At least 15 days, but not more than 45 days, prior to the public hearing, notice shall be published in a newspaper of general circulation within the county. The Planning and Zoning Department shall prepare such notice, which shall state the time, place, and purpose of the hearing.
   b. A request for a special exception, hardship variance, or flood protection variance shall be heard at a public hearing only upon:
      1) The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the nature of the requested action; and
      2) At least 15 days prior to the public hearing, the Planning and Zoning Department shall post a sign or signs of not less than 6 square feet stating the date, time, and place for the public hearing, the present zoning classification and the nature of requested action. One such sign shall be placed in a conspicuous location along each street frontage of the subject property. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

E. Any appellant wishing to withdraw an appeal prior to the meeting of the Planning and Zoning Commission shall file a written request for such withdrawal with the Planning and Zoning Department. The appeal shall thereupon be removed from the Board’s agenda and the request shall have no further effect.

F. Planning and Zoning Commission Public Hearing.
   1. The Chairperson, Vice-Chairperson, or the Planning and Zoning Commission’s designee, who shall act as the Presiding Official, shall convene the public hearing at the scheduled time and place.
   2. The Presiding Official may administer oaths and compel the attendance of witnesses by subpoena.
   3. The Planning and Zoning Department shall submit the assembled record of the appeal to the Planning and Zoning Commission. The Planning and Zoning Director, or other appropriate party if the appeal was taken from an administrative action or interpretation, shall provide such information or explanation as appropriate to the circumstances of the appeal.
   4. At the hearing, any party may appear in person or by agent or by attorney. No person in attendance shall speak unless first recognized by the Presiding Official. Upon rising to speak each person recognized shall state his or her name and home address. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a request, on the time allowed for each speaker, and on the total time allowed for presentation of the request. No less than 10 minutes shall be provided for all of those speaking in support of the request and no less than 10 minutes shall be provided for of those speaking against, unless such proponents or opponents take less time than
allowed. If reasonable time limitations permit, any member of the general public may speak at a hearing. However, the appellant and nearby property owners shall be afforded the first opportunity to speak.

5. The appellant shall be allowed to speak first in order to present the request. Others in support of the request may then speak, followed by those in opposition to the request. The appellant will then be allowed time for rebuttal. Rebuttal must be limited to points or issues raised by opponents to the request at the hearing.

6. During the public hearing, the members of the Planning and Zoning Commission may ask questions at any time. Time devoted to questions and answers will not be counted against time limitations that have been imposed on presentations.

7. At the meeting, following presentation of the appeal, action shall be taken by vote of the Planning and Zoning Commission.

   a. A motion to approve or deny an appeal must be approved by an affirmative vote of the Planning and Zoning Commission in order for the motion to be approved.

   b. If a motion to approve an appeal fails, the appeal is automatically denied. If a motion to deny an appeal fails, another motion would be in order.

   c. A tie vote on a motion for approval of an appeal shall be deemed a denial of the appeal. A tie vote on any motion shall be deemed to be no action, and another motion would be in order.

   d. If no action is taken on an appeal, it shall be considered tabled and action deferred to the next regular meeting of the Planning and Zoning Commission.

8. In taking action on an appeal, the Planning and Zoning Commission may:

   a. Approve, approve with changes, or deny the request; or,

   b. Table the appeal, with the consent of the applicant, for consideration at its next scheduled meeting; or,

   c. Allow withdrawal of the appeal at the request of the appellant.

3.5 **TEMPORARY SUSPENSION OF PERMITTING**

Upon submission of a valid application for a zoning change or for the granting of an appeal on a property, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.
ARTICLE 4
ZONING

4.1 TITLE, APPLICABILITY, AND PURPOSE

A. Zoning within the unincorporated areas of Polk County has been established by County Ordinance. This Article of the Polk County Development Regulations is provided an overview of the zoning ordinances for Polk County, which are located within the Official Code of Polk County. In the event that Article 4 conflicts with the Official Code of Polk County, the Official Code shall take precedence.

B. These regulations shall apply to all present and future land development located within the unincorporated areas of Polk County, Georgia. The requirements contained herein are declared to be minimum requirements necessary to carry out the purpose of this article [division]. This article [division] shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density and distribution of population; the location and use of buildings and other structures; and the use, condition of use or occupancy of land and trade, industry, housing, recreation, transportation, agriculture or for any other purpose; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, enforcement and amendment; creating a Planning Commission and defining the powers and duties thereof; providing penalties and resolutions and for other purposes.

C. The purpose shall be to protect the aesthetic values of land and property, public health and the following purposes listed below:

1. To protect existing development in the County.

2. To prevent flooding of improved property.

3. To prevent overcrowding of schools and other public facilities.

4. To achieve such timing, density, and distribution of land development and use as will prevent overloading public infrastructure systems for providing water supply, sewage disposal, drainage, sanitation, police and fire protection, and other public services.

5. To achieve such density, distribution and design of land development and use as will protect the traffic movement capabilities of streets within the County and prevent traffic hazards.

6. To encourage such distribution of population, land development and use as will facilitate the efficient and adequate provision of public services and facilities.

7. To achieve such density, design, and distribution of housing as will protect and enhance residential property values and facilitate the provision of adequate housing for every citizen.
8. To secure such accessibility, design and density of land development and use as will reduce fire hazards and fire losses.

9. To promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Polk County.

10. To encourage greater efficiency and economy of land development through natural resource conservation.

11. To preserve the County's natural beauty and encourage architecturally pleasing development.

12. To improve the quality of life through protection of the County's total environment including the prevention of air, visual, water and noise pollution.

4.2 ESTABLISHMENT OF DISTRICTS

4.2.1 OFFICIAL ZONING MAP

The County is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and incorporated herein as though fully set forth herein. The primary public information sources should be consulted for verification of the information contained on the map. A copy of the Official Zoning Map shall be maintained on file with the County Clerk for inspection and review by the public.

4.2.2 DISTRICT DESIGNATIONS

A. For the purpose of this ordinance, Polk County is hereby divided into zoning districts designated as shown below.

1. Single-Family Residential
   a. R-1 Detached Single-Family Residential, Maximum 1 Dwelling Unit/Acre
   b. R-2 Detached Single-Family Residential, Maximum 2 Dwelling Units/Acre
   c. RA-8 Attached Single and Multi-Family Residential, Maximum 8 Dwelling Units/Acre
   d. PRD(SF) Planned Residential Development (Single-Family)
   e. R-4 Mobile Homes/Manufactured Housing Park

2. Commercial
   a. CN Neighborhood Business
   b. C-1 General Business
   c. LRO Low-Rise Office
3. Industrial
   a. I-1 General Industrial
   b. I-2 Heavy Industrial
   c. AGRICULTURAL
   d. A-1 Agricultural

4.2.3 APPLICATION OF DISTRICT REGULATIONS

A. Rules Governing Interpretation

1. Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

   a. Where boundaries are indicated as approximately following the center line right-of-way of streets and alleys, land lot lines, militia district lines or lot lines, such lines shall be construed to be such boundaries.

   b. Where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps. Split zoned properties shall no longer be permitted, however, those existing on the date of adoption of this article [division] shall be allowed to continue as a nonconforming use. Property owners may request the County rezone the entire property to one of the existing zonings or subdivide the property along the district boundary provided all lot standards are achieved for each newly created lot.

   c. Where a district boundary line divides a lot which was in single ownership at the time of passage of this article [division], the Planning Commission may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

B. Uniformity And Compliance

1. The regulations set by this article [division] within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and specifically, except as hereinafter provided.

C. Compliance With District Regulations

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or
structurally altered except in conformity with all of the regulations herein specified for
the district in which it is located.

D. Lots Reduced Below Requirements

1. No lot existing at the time of passage of this article [division] shall be reduced in
dimension or area below the minimum requirements set forth herein. Lots created after
the effective date of this article [division] shall meet at least the minimum requirements
established by this article [division].

E. Special Land Use Permit Necessary

1. Any person requesting a special exception from those permitted uses listed under any
zoning district must comply with those procedures set forth in Division 722 (Planning
Commission) of the Official Code of Polk County, Georgia.

4.3 NONCONFORMING USES

4.3.1 INTENT

Within the districts established by this article [division] or amendments that may later be adopted
there may exist; lots, structures, uses of land and structures, and characteristics of use which were
lawful before this article [division] was passed or amended, but which would be prohibited,
regulated, or restricted under the terms of this article [division] or such amendment. It is the intent
of this article [division] to permit these nonconformities to continue until they are removed, but
not to encourage their survival. It is further the intent of this article [division] that
nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for
adding other structures or uses prohibited elsewhere in the same district.

4.3.2 CONTINUANCE OF NONCONFORMING USE

A. The lawful use of any building or structure or land existing at the time of enactment of this
ordinance or amendment thereto may be continued, even though such use does not conform
with the provisions of this article [division], except that the nonconforming use shall not be:

1. Changed to another nonconforming use;

2. Reestablished after discontinuance for a continuous period of 6 months or 18 months
during any 3 year period (except when government action impedes access to the
premises);

3. Expanded, extended or enlarged in any manner which increase its nonconformity, but
such structure may be altered to decrease its nonconformity.

4.3.3 CONTINUANCE OF NONCONFORMING BUILDING OR STRUCTURE

A. Any nonconforming building or structure existing as of the date of adoption of this ordinance,
may be retained, except that it shall not be:

1. Expanded, extended or enlarged in any manner which increase its nonconformity.
2. Rebuilt, altered or repaired if such construction costs would exceed 50% of its replacement cost. Except that, in the event that a nonconforming building or structure is destroyed wholly or in part by accidental or unintentional fire, flood or natural disaster, then said building or structure may be repaired or rebuilt, or a new building or structure may be built, on the same building footprint as the original structure.

4.3.4 EXCEPTIONS

A. Nothing in this article [division] shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, provided such construction costs do not exceed 50% of its replacement cost.

B. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record existing on January 1, 1999, notwithstanding limitations imposed by other provisions of this article [division], only so long as it is used for a single family residence. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements, in order to build upon any such vacant single lot of record, shall be obtained only through action of the Planning Commission.

C. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this article [division], and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this article [division], and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this article [division], nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this article [division].

4.4 DISTRICT STANDARDS AND PERMITTED USES

4.4.1 R-1, SINGLE-FAMILY RESIDENTIAL/AGRICULTURE (1 UNIT/acre)

A. Purpose and Intent. The R-1 district is intended to be used for low density single-family detached housing and residentially compatible uses requiring large amounts of open space.

B. Permitted Uses.

1. Single-family detached dwellings, but not including manufactured homes less than 24 feet wide.

2. Noncommercial horticulture and agriculture except in front and side yard setback.

3. Livestock, poultry and noncommercial riding stables, provided:

   a. No livestock shall be kept on a lot containing less than 5 acres.
b. All buildings used for animals shall be set back not less than 150 feet from all property lines.

c. All animals shall be maintained at least 50 feet from any property line and shall have 5,000 square feet of fenced lot area not covered by the principal structure for each animal.

4. Noncommercial clubs or lodges.

5. Private parks and playgrounds.

6. Golf courses and driving ranges, provided:
   a. Any building or structure established in connection with such use must be set back no less than 100 feet from any property line,
   b. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

7. Group homes consisting of 6 or fewer individuals, inclusive of resident staff (see standards set forth in Section 712.02).

8. Personal care homes, provided:
   a. The principal structure contains a residential facade architecturally similar to adjacent buildings.
   b. Such facilities obtain all necessary local and state licenses.
   c. The use is limited to the principal structure only.
   d. The maximum number of beds permitted shall be limited to 1 per 250 gross square feet of heated floor space within the principal structure.
   e. Signage is limited to 1 non-illuminated wall sign no greater than 6 square feet and is permitted through the Department of Planning and Zoning.


10. Neighborhood recreation centers or swimming pools, provided:
    a. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
    b. Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
    c. All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
11. Religious institutions, churches, monasteries, mosques, temples and synagogues, provided:
   a. Minimum lot size is 5 acres.
   b. All buildings shall be set back 75 feet from any property lines except along right-of-ways, in which case the front setback shall apply.
   c. Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5-acre church requirement.
   d. All parking areas shall meet the following criteria.
      1) Minimum 30-foot landscaped buffer when abutting any residentially zoned property.
      2) Minimum 20-foot landscaped buffer adjacent to all other property lines not under the direct ownership and control of the religious facility.
      3) All expansions of existing parking areas must be approved by the Planning Commission.

12. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director.
   1. Temporary or portable sawmill not to exceed a period of 6 months. Such mill may only process timber removed from the property on which it is located.
   2. Limited Home Occupations (see standards set forth in Section 4.6.4).

D. Special Uses Permitted by Planning Commission.
   1. Home Occupations (see standards set forth in Section 4.6.4).
   2. Cemeteries and mausoleums, provided:
      a. Minimum lot size is 10 acres.
      b. A 25-foot undisturbed buffer be established around the perimeter of the use with a solid fence or wall no less than 6 feet in height.
      c. All buildings must be set back at least 25 feet from the buffer.
      d. All graves be set back 10 feet from the buffer.
      e. No graves may be placed within any required setback.
      f. Funeral homes and mausoleums must have 20,000 square feet dedicated solely to their use.
3. Group homes consisting of more than 6 individuals (see standards set forth in Section 4.6.2).

E. Special Uses Permitted by Board of Commissioners.

1. Not applicable in this district.

F. Accessory Structures.

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

3. No accessory building shall be constructed upon a lot before the principal building.

4. No accessory structure may exceed the mean height of the principal building.

5. The area of the accessory building's footprint may not exceed 50% [of] that of the principal structure.

6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations.

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence at least 6 feet in height. The Director may approve the substitution of plantings for the required fence.

2. No more than one (1) RV/work truck under 28,000 GBW.

3. Garage Sales, provided:
   a. Limited to 3 consecutive days and 1 event every 3 months.
   b. No consignment goods may be offered for sale.
   c. Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
   d. One sign per property frontage is allowed, maximum 6 square feet in size.

H. Bulk and Area Regulations.
Minimum Lot Size: 33,000 sq. ft. for lots developed in conjunction with a new publicly dedicated street - 1 acre for lots developed on existing County right-of-way (unless Polk County Health Department requires greater minimum lot size).

Maximum Density: One dwelling unit per acre

Minimum Lot Width: 125 ft./100 ft. for a cul-de-sac if developed on existing County right-of-way. 100 ft/75 ft. for a cul-de-sac if developed on new publicly dedicated street.

Maximum Building Height: 35 ft. Maximum

Floor Area: 1,200 sq. ft. minimum

Front Setback (local): 40 ft.

Side Setback (major): 35 ft.

Side Setback (minor): 25 ft.

Rear Setback: 35 ft.

I. Landscape and Buffer Requirements

1. Not applicable in this district.

4.4.2 R-2, SINGLE-FAMILY RESIDENTIAL (2 UNITS/ACRE)

A. Purpose and Intent - The R-2 district is intended to be used for low density single-family detached housing and residentially compatible uses in a conventional subdivision development consisting of new publicly dedicated street(s) with required connection to public water and sewer.

B. Permitted Uses


2. Private parks and playgrounds.

3. Group homes consisting of 6 or fewer individuals, inclusive of resident staff (see standards set forth in Section 4.6.2).

4. Public buildings and utilities.

5. Neighborhood recreation centers or swimming pools, provided:

a. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

b. Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
c. All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.

6. Personal care homes, provided:
   a. The principal structure contains a residential facade architecturally similar to adjacent buildings.
   b. Such facilities obtain all necessary local and state licenses.
   c. The use is limited to the principal structure only.
   d. The maximum number of beds permitted shall be limited to 1 per 250 gross square feet of heated floor space within the principal structure.
   e. Signage is limited to 1 non-illuminated wall sign no greater than 6 square feet and is permitted through the Department of Planning and Zoning.

7. Religious institutions, churches, monasteries, mosques, temples and synagogues, provided:
   a. Minimum lot size is 5 acres.
   b. All buildings shall be set back 75 feet from any property lines except along right-of-ways, in which case the front setback shall apply.
   c. Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
   d. All parking areas shall meet the following criteria:
      1) Minimum 30-foot landscaped buffer when abutting any residentially zoned property.
      2) Minimum 20-foot landscaped buffer adjacent to all other property lines not under the direct ownership and control of the religious facility.
      3) All expansions of existing parking areas must be approved by the Planning Commission.

1. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director

1. Guest homes and servant quarters, provided:
   a. Such structure is located to the rear of the principal structure and no less than 20 feet from any property line and 10 feet from the principal building.
b. Such structure has 5,000 square feet of lot area dedicated to its use in addition to the
district requirements for the principal use.

c. No paying guests or tenants are housed.

d. No other similar use or structure is located on the lot.

e. The building's height and/or area do not exceed that of the principal building.

2. Limited Home Occupations (see standards set forth in Section 4.6.4).

D. Special Uses Permitted by Planning Commission

1. Home Occupations (see standards set forth in Section 4.6.4).

2. Cemeteries and mausoleums, provided:
   a. Minimum lot size is 10 acres.
   b. A 25-foot undisturbed buffer is established around the perimeter of the use with a
      solid fence or wall no less than 6 feet in height.
   c. All buildings must be set back at least 25 feet from the buffer.
   d. All graves are set back 10 feet from the buffer.
   e. No graves may be placed within any required setback.
   f. Funeral homes and mausoleums must have 20,000 square feet dedicated solely to
      their use.

3. Group homes consisting of more than 6 individuals (see standards set forth in Section
   4.6.2).

E. Special Uses Permitted by Board of Commissioners

Not Applicable in District.

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the
   principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the
   accessory structure may not be closer to any right-of-way than the principal building.

2. When an accessory building is attached to the principal building in any manner, it shall
   be deemed part of the principal structure and subject to all bulk and area requirements of
   same.

3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

5. The area of the accessory building's footprint may not exceed 50% [of] that of the principal structure.

6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence no less than 6 feet in height. The Director may approve the substitution of plantings for the required fence.

2. Each dwelling unit may contain a maximum of 4 domesticated animals weighing 3 pounds or more. This standard shall not apply to animals less than 6 months of age. No livestock are permitted.

3. Garage Sales, provided:
   a. Limited to 3 consecutive days and 1 event every 3 months.
   b. No consignment goods may be offered for sale.
   c. Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
   d. One sign per property frontage is allowed, maximum 6 square feet in size.

H. Bulk and Area Regulations

<table>
<thead>
<tr>
<th>Minimum Lot Size:</th>
<th>33,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Density:</td>
<td>1.5 dwelling units per acre</td>
</tr>
<tr>
<td>Minimum Lot Width:</td>
<td>100 ft./75 ft. for a cul-de-sac</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area:</td>
<td>1,200 sq. ft.</td>
</tr>
<tr>
<td>Front Setback (local):</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Side Setback (major):</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side Setback (minor):</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear Setback:</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>
Public Street: All lots required to be developed in conjunction with a new publicly dedicated street.

I. Public Sewer and Water Requirements. All lots within this district are required to be connected to public water and sanitary sewer.

4.4.3 RA-8, ATTACHED SINGLE AND MULTIFAMILY RESIDENTIAL

A. Purpose and Intent

1. The RA-8 district is intended to provide suitable areas for attached single-family housing and multifamily housing designed in a manner so as to function as a singular and integrated land use. These districts may also serve as transitional zones between light commercial/office uses and districts reserved for lower density single-family uses.

B. Permitted Uses

1. Duplexes, triplexes and quadplexes.
2. Fee simple townhomes.
3. Condominiums.
4. Apartments.
5. Private parks and playgrounds.
6. Public buildings and utilities.
7. Neighborhood recreation centers or swimming pools, provided:
   a. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.
   b. Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
   c. All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
8. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director. Limited Home Occupations (see standards set forth in Section 4.6.4).

D. Special Uses Permitted by Planning Commission

1. Home Occupations (see standards set forth in Section 4.6.4).
2. Group homes (see standards set forth in Section 4.6.2).

E. Special Uses Permitted by Board of Commissioners

Not applicable in this district.

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

3. No accessory building shall be constructed upon a lot before the principal building.

4. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

5. The area of the accessory building's footprint may not exceed 50% [of] that of the principal structure.

6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations

1. All outside storage associated with nonresidential uses must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence no less than 6 feet in height. The Director may approve the substitution of plantings for the required fence.

2. Each dwelling unit may contain a maximum of 4 domesticated animals weighing 3 pounds or more. This standard shall not apply to animals less than 6 months of age. No livestock are permitted.

3. Minimum parking provided shall be 2 spaces per dwelling unit. Such space shall be provided not more than 150 feet from the dwelling unit.

4. Garage Sales, provided:
   a. Limited to 3 consecutive days and 1 event every 3 months.
   b. No consignment goods may be offered for sale.
c. Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.

d. One sign per property frontage is allowed, maximum 6 square feet in size.

H. **Bulk and Area Regulations**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size:</td>
<td>33,000 sq. ft. - duplexes 33,000 sq. ft. - triplexes 33,000 sq. ft. - quadplexes 3,000 sq. ft. - fee simple townhomes (All permitted development/uses pursuant to this Section are subject to Polk County Health Department approval and may require greater minimum lot size, tract size, or less density.)</td>
</tr>
<tr>
<td>Maximum Density:</td>
<td>8 dwelling units per acre</td>
</tr>
<tr>
<td>Minimum Tract Size:</td>
<td>4 acres</td>
</tr>
<tr>
<td>Minimum Lot Width:</td>
<td>35 ft. - if required parking is provided within the front setback 25 ft. - if required parking is provided to the rear, side or in common areas</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area/unit:</td>
<td>1,000 sq. ft. - for all permitted uses except apartments</td>
</tr>
<tr>
<td>Apartments</td>
<td>450 sq. ft. - efficiency 600 sq. ft. - one bedroom 800 sq. ft. - two bedroom 1,000 sq. ft. - three bedroom 1,200 sq. ft. - four bedroom</td>
</tr>
<tr>
<td>Front Setback:</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Side Setback (major):</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side Setback (minor):</td>
<td>0 ft. for attached units/20 ft. spacing between buildings</td>
</tr>
<tr>
<td>Rear Setback:</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

I. **Landscape and Buffer Requirements.** When an RA-8 district abuts an "R" district, a 30-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height (finished side to the exterior).

**4.4.4 R-4, MOBILE HOMES/MANUFACTURED HOUSING PARK**

A. **Purpose and Intent.** The R-4 district is intended to provide suitable areas for mobile home parks designed in a compatible and complementary manner so as to function as a singular and integrated land use.

B. **Permitted Uses**

1. Mobile home parks.
2. Private parks and playgrounds.

3. Public buildings and utilities.

4. Neighborhood recreation centers or swimming pools, provided:
   a. Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
   b. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

5. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director

1. Limited Home Occupations (see standards set forth in Section 4.6.4).

2. Garage Sales, provided:
   a. Limited to 3 consecutive days and 1 event every 3 months.
   b. No consignment goods may be offered for sale.
   c. Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.
   d. One sign per property frontage is allowed, maximum 6 square feet in size.

D. Special Use Permitted by Planning Commission

Home Occupations (see standards set forth in Section 712.04).

E. Special Uses Permitted by Board of Commissioners

Not applicable in this district.

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. When an accessory structure is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

3. No accessory building shall be constructed upon a lot before the principal building.

4. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
5. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

G. Use Limitations

1. No outside storage is permitted with residential uses, excluding firewood and lawn furnishings.

2. No unit may have direct access to an arterial or collector street outside the development.

3. No part of a mobile home park shall be used for nonresidential purposes, except accessory uses that are required for the direct servicing and well-being of the residents and management.

4. All park ingress and egress roads shall extend for at least 100 feet into the development with no parking and no access to or egress from mobile home lots.

5. All homes within the development shall be set back not less than 50 feet from the property line of such development, and not less than 200 feet from property zoned for residential purposes.

6. All structures must be constructed in conformity with all federal and state standards in effect on the date of manufacture.

7. Each dwelling unit may contain a maximum of 4 domesticated animals weighing 3 pounds or more. This standard shall not apply to animals less than 6 months of age. No livestock are permitted.

8. Each mobile home shall be located on a lot which meets the following standards:

   a. Each lot shall front on a private street having a pavement width of not less than 20 feet.

   b. Each lot shall not be less than 50 feet wide and 80 feet deep.

   c. A mobile home stand shall be located on each lot for placement of the mobile home and its appurtenant structures including tiedown. The stand shall provide for the retention of the mobile home on the lot in a stable condition. All mobile homes shall use takedowns and underpins.

   d. Each lot shall have rear, side and front yard setbacks of no less than 10 feet each, but in no case shall the distance between mobile home stands on opposite sides of the street be less than 40 feet.

9. Garage Sales, provided:

   a. Limited to 3 consecutive days and 1 event every 3 months.

   b. No consignment goods may be offered for sale.
c. Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.

d. One sign per property frontage is allowed, maximum 6 square feet in size.

H. **Bulk and Area Regulations**

- Minimum Lot Size: 10,000 sq. ft.
- Maximum Density: 4 units per acre
- Minimum Tract Size: 10 acres
- Minimum Lot Width: 50 ft.
- Maximum Building Height: 15 ft.
- Maximum Impervious Surface: 70%
- Minimum recreation area: 10% of total acreage
- Front Setback (local): 10 ft.
- Side Setback (major): 10 ft.
- Side Setback (minor): 10 ft.
- Rear Setback: 10 ft.

I. **Landscape and Buffer Requirements** - When a R-4 district abuts an "R" or "PRD(SF)" district, a 30-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height.

J. **Mobile Home Park/Manufactured Housing Regulations** - Any manufactured house/mobile home placed in a planned manufactured house/mobile home park located in Polk County, Georgia, and regardless of the zoning district applicable to such lot, tract or parcel shall be required to adhere to the following Federal, State and Polk County standards:

1. All manufactured housing and mobile homes shall have been constructed in accordance with federal manufactured home construction and safety standard which came into effect on June 15, 1976, and shall bear an insignia issued by the United States Department of Housing and Urban Development (HUD).

2. No manufactured houses or mobile homes shall be brought into nor located within Polk County unless:
   a. Such manufactured house or mobile home is ten (10) years old or less (from the date of manufacture);
   b. The manufactured house or mobile home has been issued a placement permit by the Board of Commissioners of Polk County; and
   c. Contains at least 800 square feet of living area.

Once legally located within Polk County, nothing herein shall prohibit the relocation of said manufactured house or mobile home regardless of age provided it meets all federal, state, and local rules and regulations. The Building Inspector
shall also inspect the manufactured home or mobile home for safe and sanitary living conditions.

3. Before previously owned manufactured house/mobile home is issued a placement permit, it shall be inspected to insure that it has maintained its structural integrity.

4. No person shall locate, install, or cause to be installed a manufactured house/mobile home in Polk County, Georgia, unless the owner of such manufactured housing/mobile home has been issued a location permit as defined by this ordinance.

5. No manufactured housing or mobile home shall be used as a storage building under any circumstances, whether inside an approved manufactured housing/mobile home park or on an individual owned lot, regardless of the lot size or area of location UNLESS said manufactured house/mobile home has been modified so that it no longer falls within the definition of a manufactured house/mobile home as defined by this ordinance.

6. Manufactured house/mobile homes shall not be used for retail business.

7. A manufactured house or mobile home shall not be attached or built on to, in any manner, to either an existing site built house, manufactured house, mobile home, motor home or any other structure used for any purpose except for porches, landings, rails, and steps. For any permanent addition, a building permit must be obtained for such additions and the additions must comply with all building, electrical and plumbing codes; other applicable laws and regulations; and all yard and set back requirements set forth in this ordinance.

8. All doublewide manufactured house/mobile homes shall have shingled roofs. County approved skirting, and the tongues, axles and wheels removed, in addition to all other requirements.

K. Placement Permits

1. REQUIREMENT FOR PERMIT: No manufactured house/mobile home shall be located or relocated in Polk County, Georgia unless the manufactured house or mobile home owner has been issued a placement permit by the Board of Commissioners of Polk County, Georgia.

2. APPLICATION: A manufactured house/mobile home owner may apply for a placement permit on such form as may be provided by the Board of Commissioners of Polk County, Georgia. The application shall be approved or denied by the Polk County Building Inspector. The decision of the Building Inspector shall be in writing, setting forth the reasons therefore, and shall be given to the applicant, should the application be denied, the applicant may request a hearing before the Planning Commission.

L. Manufactured Housing/Mobile Homes Located on Individual Lots in Manufactured Housing and Mobile Home Park

1. OWNER/OCCUPANT: Manufactured housing/mobile homes may be placed on an individual lot inside of a manufactured house/mobile home park subject to the following conditions and requirements:
a. The minimum lot width and the minimum lot area shall be determined according to the following schedule:

<table>
<thead>
<tr>
<th>Utilities Available</th>
<th>Minimum Width</th>
<th>Minimum Area (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Water</td>
<td>50 feet</td>
<td>33,000</td>
</tr>
<tr>
<td>Public Sewerage</td>
<td>50 feet</td>
<td>33,000</td>
</tr>
</tbody>
</table>

b. The lot shall have a minimum set back of 35 feet from any public road right-of-way and 10 feet from each side lot line and 25 feet from the rear lot line.

c. The manufactured house/mobile home and lot placement shall be [in] compliance with all State and County disposal systems and regulations; fire regulations; and building, electrical, sewerage, gas and health codes, rules and regulations.

d. The manufactured house/mobile home shall have skirting installed and shall be secured by a minimum of six (6) anchored tie downs, as approved by the Building Inspector unless such manufactured house or mobile home is underpinned and placed on a permanent foundation.

e. Only one manufactured house/mobile home shall be permitted per lot as defined in Section a) above.

1) No manufactured house/mobile home shall be placed on a lot on which is located another dwelling unit of any type. ONLY ONE PRINCIPAL STRUCTURE PER LOT, TRACT, OR PARCEL.

2) Subject to the requirements of this section, an owner may apply to the Board of Commissioners for a temporary medical hardship in order to place a manufactured house/mobile home on a lot in which is located another dwelling unit. Such grant of a temporary medical hardship will be for a period of 12 months at which time it will be subject to review by the Board, for renewal or termination.

f. The owner of the manufactured house/mobile home shall have proof of ownership of both the manufactured house/mobile home and the real estate upon which the manufactured house/mobile home is located or to be located and shall have all location permits and placement permits required by Polk County officials. Any other provision of this Section notwithstanding, owners of doublewide manufactured house/mobile homes shall be allowed to rent such units.

2. MANUFACTURED HOUSING/MOBILE HOMES TEMPORARILY USED AT CONSTRUCTION SITES: A manufactured or mobile home(s) and industrialized structures may be temporarily placed on construction sites, provided it is only used as an office, storage, or a night watchman's post for security at the construction site. However, the use of such manufactured/mobile home or industrialized structure shall be documented on the project's building permit at the Board of Commissioner's Office, and meet Polk County's building codes.
4.4.5 PRD (SF), PLANNED RESIDENTIAL DEVELOPMENT

A. Purpose and Intent - The PRD (SF) district is intended to allow flexible site planning and building arrangements under a unified plan of development so that innovative land planning methods may be utilized which foster natural resource conservation and neighborhood cohesiveness as well as neo-traditional developments. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale and other public benefits. In this district smaller lots than might otherwise be permitted under traditional zoning districts may be allowed; however, the purpose is not merely to allow smaller lots or reduce development requirements but to achieve other goals including the protection of sensitive environmental, historic, or aesthetic resources as well as the provision of site amenities such as parks, open space, walking trails, etc. The PRD district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning techniques which result in quality residential patterns that conserve and create open space, reduce vehicle trips and provide stable developments which enhance the surrounding area.

B. Permitted Uses


2. Private parks and playgrounds.

3. Group homes consisting of 6 or fewer individuals (see standards set forth in Section 4.6.2).

4. Accessory uses and structures incidental to any permitted use.

C. Temporary/Conditional Uses Allowed by Director

Limited Home Occupations (see standards set forth in Section 4.6.4).

D. Special Uses Permitted by Planning Commission.

Home Occupations (see standards set forth in Section 4.6.4).

E. Special Uses Permitted by Board of Commissioners

Only those uses delineated in the approved general and detailed plans.

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

3. No accessory building shall be constructed upon a lot before the principal building.
4. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

5. The area of the accessory building's footprint may not exceed 50% [of] that of the principal structure.

G. Use Limitations

1. All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a wood fence no less than 6 feet in height. The Director may approve the substitution of plantings for the required fence.

2. Each dwelling unit may contain a maximum of 4 domesticated animals weighing 3 pounds or more. This standard shall not apply to animals less than 6 months of age. No livestock are permitted.

3. Garage Sales, provided:
   a. Limited to 3 consecutive days and 1 event every 3 months.
   b. No consignment goods may be offered for sale,
   c. Sales are conducted between the hours of 8:00 a.m. and 7:00 p.m.,
   d. One sign per property frontage is allowed, maximum 6 square feet in size.

H. Bulk and Area Regulations - All PRD districts shall meet the following general development standards:

   Minimum Tract Size: 20 acres
   Minimum Lot Size: 20,000 sq. ft. - if on public water and sewer 33,000 sq. ft. - in all other cases (unless Polk County Health Department requires greater lot size).
   Minimum Floor Area: 1,400 sq. ft.
   Minimum Open Space: 25%

I. Landscape and Buffer Requirements

Not applicable in this district.

J. Procedure for Establishment of Planned Development District

1. GENERAL PLAN FILED. The owner or owners of the entire tract of land proposed to be included in the planned development districts shall file a general plan with a request for a change in zoning with the Planning Commission for consideration and referral to the Board of Commissioners for recommendation. Twenty (20) copies of the general plan shall be submitted. Said plan shall contain such information and representations required
or deemed necessary by the Board of Commissioners, Planning Commission and Public Works Director to permit proper review. Such information and representations must include, but is not limited to, the following:

a. A statement describing why standard zoning districts are insufficient and how the proposed development conforms to those parameters and ideals set forth in the "Intent and Purpose" element of this district.

b. The general method of development and operation of the proposed general plan.

c. The boundaries of the tract of land included in the general plan, the computed area and the legal description thereof, the topography and other salient features of the tract by reference to a plat of survey prepared by a licensed land surveyor.

d. The location and extent of existing and proposed public rights-of-way, easements and water and drainage courses bounding and within the tract included in the general plan by reference to a plan or drawing.

e. The location and type of existing buildings and structures proposed to be retained or removed by reference to a plan or drawing.

f. The general location of proposed buildings by reference to a plan or drawing and an indication of the use to be made of each building.

g. Dwelling unit density as defined in Section 724.02.

h. Minimum standards for lot development including setbacks, distances between buildings and house sizes.

i. Architectural, facade or material requirements.

j. The maximum floor area designated for each use.

k. The percentage of development maintained as open space and/or recreation areas and impervious surfaces.

l. Preliminary tree protection plan and screening standards.

m. Public transportation facilities or provisions (if any).

2. PLAN REVIEWED. Said plan shall be reviewed by the Planning Commission and a determination made as to whether the proposed plan is consistent with the intent and standards of this district and whether the development of the tract serves the public welfare. Such determination shall be made after an analysis prepared by the Department of Planning and Zoning. Said analysis shall include, but is not limited to, the availability of public access and utilities to the tract, neighboring property uses, and the effect on the efficient delivery of city services. A recommendation relating to the proposed plan shall be transmitted to the Board of Commissioners.
3. BOARD OF COMMISSIONERS APPROVAL. The Board of Commissioners, upon receiving the recommendation of the Planning Commission relating to a planned development proposal, shall proceed in accordance with the requirements of law to consider amendment of the zoning map. In the event the Board of Commissioners approves the general plan and changes the zoning by passing the required amendments to the zoning map, the requirements of the plan shall constitute the zoning regulations for the district and the zoning maps shall be amended.

4. PLAN AMENDMENTS. Pursuant to the same procedures and subject to the same limitations by which plans were approved and amendments to the Official Zoning Map adopted, such plans may be amended in whole or in part. Minor changes in use and intensity of use may not require an amendment to the general plan and may be submitted for approval in conjunction with the development plans during the permitting process.

4.4.6 CN, NEIGHBORHOOD BUSINESS

A. Purpose and Intent. The CN district is intended to provide suitable areas for limited retail and personal services serving those neighborhoods in the immediate area. Uses located within this district supply those goods and services which require frequent purchasing with a minimum of customer travel. The scope at which properties are developed within the CN district should reflect their relatively small market areas. This zoning district may serve as a step down from more intense commercial uses to residential uses.

B. Permitted Uses

1. Automobile service stations.
   a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines unless otherwise approved by the Fire Marshal.
   b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
   c. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
   d. No outside storage or engine/body dismantling is allowed.

2. Banks and financial institutions.

3. Barber and beauty shops.


5. Carwashes.

6. Coin operated laundries and dry cleaning pickup establishments.

7. Convenience stores. Such uses may include self-service fuel sales, provided:
   a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
b. Canopies over fuel islands shall not encroach within 15 feet of any property line.

c. No automotive repair is allowed.

8. Copy centers.

9. Day care centers and nursery schools, provided:

   a. Such use must obtain certification from the Georgia Department of Human Resources.

   b. Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.

10. Eating and drinking establishments, excluding drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.

11. Neighborhood retail uses with floor areas under 10,000 square feet. Appropriate uses include:

   a. Book and video stores (non-adult)

   b. Camera shops

   c. Florists

   d. Drugstores

   e. Gift shops

   f. Toy stores

   g. Pet grooming and supply shops

   h. Jewelry stores

   i. Pawn shops

   j. Sporting goods and hobbies

   k. Apparel stores

   l. Beverage shops

   m. Other similar and customary uses

[12, 13. Reserved.]
14. Non-automotive repair services such as cameras, shoes, jewelry and the like.

15. Parking for vehicles. If such use abuts a single-family residential district, a 5-foot wide landscaped buffer with a solid fence or wall no less than 6 feet in height shall be provided.

16. Professional offices with floor areas under 10,000 square feet.

17. Religious institutions, provided:
   a. Minimum lot size is 5 acres.
   b. All buildings shall be set back 75 feet from any property lines except along right-of-ways, in which case the front setback shall apply.
   c. Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
   d. All parking areas shall meet the following criteria.
      1) Minimum 30-foot landscaped buffer when abutting any residentially zoned property.
      2) Minimum 20-foot landscaped buffer adjacent to all other property lines not under the direct ownership and control of the religious facility. If abutting property is owned by the religious facility and is sold or leased for another use, the buffer requirement may be applied retroactively.
      3) All expansions of existing parking areas must be approved by the Planning Commission.

18. Shopping centers, neighborhood markets (up to 30,000 square feet in gross floor area).
   a. No out-parcels allowed.
   b. All businesses and uses within these centers must be permissible within the district in their own right.
   c. All loading areas shall be located to the rear.

19. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

20. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director - Certain temporary uses such as tent or sidewalk sales may be permitted within this district, provided:
   1. Written permission of the property owner is obtained.
2. Such use does not last longer than 45 days.

3. These uses are not located within 25 feet of any public right-of-way.

4. Adequate parking, ingress and egress are provided on site.

5. A temporary use permit is applied for and approved by the Department of Planning and Zoning.

D. Special Uses Permitted by Planning Commission

Not applicable in this district.

E. Special Uses Permitted by Board of Commissioners

Not applicable in this district.

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.

3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.

5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

6. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

7. Recycling collection/drop off centers.
   a. No outside storage allowed.
   b. Location of container bins must be approved by the Planning and Zoning Director.

G. Use Limitations

1. All outside storage areas must be located in the rear yard and must be screened by a solid fence or wall no less than 6 feet in height.
2. No manufacturing processes are permitted.

3. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. *Bulk and Area Regulations*

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
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<tbody>
<tr>
<td>Minimum Lot Size:</td>
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<td>Minimum Lot Width:</td>
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<td>Maximum Building Height:</td>
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<td>Maximum Floor Area Ratio:</td>
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<td>Maximum Impervious Surface:</td>
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<td>Minimum Landscaped Area:</td>
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<td>Front Setback (local):</td>
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<tr>
<td>Side Setback (major):</td>
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<tr>
<td>Side Setback (minor):</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear Setback:</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

I. *Landscape and Buffer Requirements*

1. When a property in this district directly abuts a residential district, a 30-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height.

2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Section 4.6.8) may be counted within this figure, however, no more than 33% of the required landscaping provided may be within stormwater retention facilities.

3. Stormwater retention facilities are not permitted within required buffers.

**4.4.7 C-1, GENERAL BUSINESS**

A. *Purpose and Intent* - The C-1 district is intended to provide suitable areas for the provision of retail and personal services oriented towards those neighborhoods making up the adjacent community. The regulations which apply within this district are designed to encourage the formation of compatible and economically healthy business and service uses which benefit from close proximity to each other.

B. *Permitted Uses*

1. Ambulance services.

2. Amusement centers and arcades, including billiards and pool halls.

3. Animal hospitals, kennels clinics.

   a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
b. All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.

4. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.

5. Athletic and health clubs.

6. Automobile, trailer and boat sales.
   a. Minimum 1 acre lot size.
   b. All vehicles shall be set back at least 10 feet from the street right-of-way line.
   c. When such use abuts residentially zoned properties, a solid fence or wall no less than 6 feet in height shall be provided for visual screening.

7. Automotive repair shops (including paint and body).
   a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
   b. All activities shall be carried on entirely within an enclosed building.
   c. Such use shall not be established on a lot which is adjacent to or directly across the street from any single-family residential district.
   d. All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than 6 feet in height.

1. Automobile service stations.
   a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
   b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
   c. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
   d. No outside storage or engine/body dismantling is allowed.

2. Convenience stores. Such uses may include self-service fuel sales, provided:
   a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
   b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
   c. No automotive repair is allowed.
3. Banks and financial institutions.

4. Barber and beauty shops.

5. Carwashes.

6. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
   a. All activities shall take place within an enclosed building.
   b. No outside storage or engine/body dismantling is allowed.

7. Reserved.


9. Clubs and lodges, including assembly halls and conference centers. Such use may include office space where incidental to the principal use.

10. Coin operated laundries and dry cleaning pickup establishments.


12. Commercial landscapers. Outdoor storage shall be at least 25 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned single-family residential.

13. Copy centers.

14. Cultural facilities. Art galleries, museums, theaters, libraries, and other uses similar in character to those listed.

15. Day care centers and nursery schools, provided:
   a. Such use must obtain certification from the Georgia Department of Human Resources.
   b. Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.

16. Dry cleaning utilizing petrochemicals.
   a. Such use shall not be established within 100 feet of any property used or zoned for residential purposes.
   b. No such plant may not serve more than 5 dry-cleaning pickup establishments other than itself.
17. Eating and drinking establishments, including drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.

18. Extended stay facilities (see standards set forth in Section 4.6.3).

19. Exterminating facilities.

20. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from the street right-of-way.

21. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.

22. Golf courses, club houses and golf/baseball driving ranges.
   a. The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
   b. Central loudspeakers are prohibited.
   c. Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.

23. Grocery and food stores.

24. Helicopter landing areas. Minimum 1 acre. Must be enclosed by a fence no less than 8 feet in height.

25. Hospitals.

   a. Such use shall not be established within 300 feet of any property zoned for residential use.
   b. Maximum density of 100 guest units per acre.

27. Lumber, hardware, paint, glass and wallpaper stores. Outdoor storage shall be at least 50 feet from the street right-of-way line and be screened with a solid fence or wall no less than 6 feet in height.

28. Medical and dental laboratories, provided chemicals are not manufactured on site.

29. Mini warehouses and self-storage facilities.

30. Movie theaters.

31. Non-automotive repair service centers. No outside storage is permitted.
32. Parking lots and garages. Up to 75% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single-family residential district, a 5-foot wide landscaped buffer with a solid fence or wall no less than 6 feet in height shall be provided.

33. Pharmacies and drugstores.

34. Plumbing and heating equipment dealers. Outdoor storage shall be at least 50 feet from the street right-of-way. Such use shall be at least 100 feet from any property zoned for residential purposes.

35. Printing services.

36. Professional and general business offices. No outside storage is permitted.

37. Radio, recording and television studios.

38. Religious institutions, provided:
   a. Minimum lot size is 5 acres.
   b. All buildings shall be set back 75 feet from any property lines except along right-of-ways, in which case the front setback shall apply.
   c. Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
   d. All parking areas shall meet the following criteria.
      1) Minimum 30-foot landscaped buffer when abutting any residentially zoned property.
      2) Minimum 20-foot landscaped buffer adjacent to all other property lines not under the direct ownership and control of the religious facility. If abutting property is owned by the religious facility and is sold or leased for another use, the buffer requirement may be applied retroactively.
      3) All expansions of existing parking areas must be approved by the Planning Commission.

39. Retail automobile parts and tire store.
   a. There shall be no dismantling of vehicles on the premises to obtain auto parts.
   b. The only auto part installation that shall be permitted in connection with such use shall be the installation of tires and the installation of minor maintenance or accessory parts.
   c. Major auto repair shall not be permitted in connection with such uses. Minor repair and maintenance may be permitted provided such repair and maintenance shall be incidental to the normal up-keep of an automobile.
40. Retail trade. Appropriate uses include, but are not limited to:
   a. Book and video stores (non-adult)
   b. Camera shops
   c. Florists
   d. Drugstores
   e. Gift shops
   f. Toy stores
   g. Pet grooming and supply shops
   h. Jewelry stories
   i. Furniture, home furnishings and equipment stores
   j. Pawnshops
   k. Office supplies
   l. Sporting goods and hobbies
   m. Apparel stores
   n. Beverage shops

41. Shelters for the homeless. Minimum 1 acre lot size.
   a. Such use shall be located at least 750 feet from residentially zoned property.
   b. Such use may not be established within 1,000 feet of any other shelter for the homeless.
   c. All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.

42. Shopping centers (up to 200,000 square feet in gross floor area, including outparcels). All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. All loading areas shall be located to the rear. Car rental facilities shall meet the following additional criteria:
   a. All vehicles must be stored or otherwise kept to the rear of the shopping center.
   b. No vehicle maintenance shall be performed on site except vacuuming and washing of vehicles.
c. The number of vehicles stored or otherwise kept on site cannot exceed twenty.

d. All vehicles on site must be in good working order.

43. Stations, bus or train terminals for passenger service with minimum freight.

44. Taxi stands and dispatching agencies.

45. Telecommunications facilities (see standards set forth in Section 4.6.7).

46. Vehicle leasing or rentals.

47. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

48. Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Director - Certain temporary uses such as tent or sidewalk sales may be permitted within this district, provided:

1. Written permission of the property owner is obtained.

2. Such use does not last longer than 45 days.

3. These uses are not located within 25 feet of any public right-of-way.

4. Adequate parking, ingress and egress are provided on site.

5. A temporary use permit is applied for and approved by the Department of Planning and Zoning.

D. Special Uses Permitted by Planning Commission

Not applicable in this district.

E. Special Uses Permitted by Board of Commissioners

Telecommunications facilities (see standards set forth in Section 4.6.7).

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. Accessory structures may not be located within 25 feet of any residential property. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. Any accessory building in excess of 1,500 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.

5. No accessory structure may exceed the more restrictive of either 25 feet or the height of the principal building.

6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

8. Recycling collection/drop off centers.
   a. No outside storage allowed.
   b. Location of container bins must be approved by the Planning and Zoning Director.

G. Use Limitations

1. All outside storage areas must be located in the side or rear yard and must be screened by a solid fence no less than 6 feet in height. Limited to 25% of total lot.

2. No manufacturing processes are permitted.

3. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Value</th>
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<tbody>
<tr>
<td>Minimum Lot Size:</td>
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<tr>
<td>Minimum Lot Width:</td>
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<td>Maximum Building Height:</td>
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<td>Maximum Floor Area Ratio:</td>
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<td>Maximum Impervious Surface:</td>
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<td>Minimum Landscaped Area:</td>
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<tr>
<td>Front Setback (local):</td>
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<tr>
<td>Side Setback (major):</td>
<td>25 ft.</td>
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<td>Side Setback (minor):</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Rear Setback:</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>
I. Landscape and Buffer Requirements.

1. When a property in this district directly abuts a residential district, a 40-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height.

2. Landsaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Section 712.08) may be counted within this figure, however, no more than 33% of the required landscaping provided may be within stormwater retention facilities.

3. Stormwater retention facilities are not permitted within required buffers.

4.4.8 A-1, AGRICULTURE DISTRICT

The A-1 agriculture district is established primarily to encourage the retention and development of suitable areas for common farm practices and various compatible nonfarm uses, preservation of open space, the conservation and management of soil, water, air, game and other natural resources and amenities, and to discourage the creation or continuation of conditions which could detract from the function, operation, and appearance of areas to provide food supplies and to prevent or minimize conflicts between common farm practices and on-farm uses. Within an A-1 agriculture district no building structure, land, or water shall be used except with one or more of the following uses:

A. All agricultural and horticulture uses provided that any chicken house, meat processing facility, swine enclosure, dairy barn, or stable shall be located not less than 100 feet from the adjoining property line and not less than 500 feet from the closest point to any dwelling located on adjoining property;

B. Public buildings, structures, and land;

C. Home occupation;

D. Single-family dwellings (conventional, manufactured or industrialized units) containing 1,200 square feet minimum floor area and customary accessory usages, including docks and boathouses on a lot not less than 44,100 square feet with 125 foot minimum lot width;

E. Guest houses and customary accessory uses, including docks and boathouses provided, that if there is located on adjoining property an existing chicken house, meat processing facility, swine enclosure, dairy barn, or stable, then the guesthouse shall be located not less than 100 feet from the closest point to any of the above referred to activities;

F. Meat processing and temporary holding lot;

G. Religious institutions, churches, monasteries, mosques, temples and synagogues, provided:

   1. Minimum lot size is 5 acres.

   2. All buildings shall be set back 75 feet from any property lines except along right-of-ways, in which case the front setback shall apply.
3. Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.

H. Tenant dwellings, one and two-family, where the land is used for bona fide agricultural purposes; provided further, that such dwellings house only those persons and their immediate family employed in carrying out such bona fide agricultural use;

I. In-home nursery schools (day care) and kindergarten with no more than ten (10) children at any one time; provided that they shall have at least thirty-five (35) square feet of indoor space provided for each child and at least 100 square feet of play area per child in the outdoor play area which shall be enclosed by a fence having a minimum height of six (6) feet; provided further that prior to the submission of the application, the applicant shall show proof of registration and licensing as required by the Georgia Department of Human Resources; and

J. Family care homes not exceeding six (6) persons, excluding resident staff, licensed by and in compliance with the applicable regulations of the Georgia Department of Human Resources; provided that:
   1. There is no external signage or other evidence of the use of the dwelling as other than a residential dwelling unit;
   2. The dwelling shall maintain its residential appearance;
   3. There is adequate off-street parking for resident, staff and visitors' parking such that, except for planned special events, there are no vehicles parked on the street or road right-of-way; and
   4. Visitation hours are restricted as to not create undue traffic congestion.

K. Drop zone for authorized or permitted recreational use. (County 8-5-08)

L. Conditional Uses:

   The following may be permitted as a special use provided the use is approved in accordance with the requirements of Section 712.01 and further provided that the requirements of this section are met.

   1. Cemeteries;

   2. Kennels, including the commercial raising or breeding of dogs; provided said property shall consist of a minimum of twenty (20) acres and remain in a predominantly natural state; provided further, the kennel area shall be located not less than 500 feet from any adjoining property line.

   3. Public utility and service structures; commercial antennas subject to approval by the Federal Aviation Administration, if required, and provided that the owner thereof shall purchase or lease sufficient land so that the radius of the antenna base to the leased or purchased property line shall at least equal the height of the tower. Provided further, that the lighting on said antennas shall be dimmed or changed to red lights from sunset to sunrise.
4. Country and golf clubs, fishing clubs, fishing camps, marinas, and gun clubs when located on lands comprising twenty (20) acres or more and making use of land in its predominantly natural state.

5. Riding or boarding stables; provided that the property shall consist of a minimum of ten (10) acres; provided further, the stable shall be located not less than 200 feet from any adjoining property line; provided further, that the land must remain in a predominantly natural state.

6. Recreational vehicle/travel trailer parks and campgrounds; provided the park or campground shall consist of a minimum of twenty (20) acres and developed in accordance with the provisions of this ordinance pertaining to defining travel trailer parks and campgrounds; provided that the nearest parking space or campsite be located not less than 500 feet from any adjoining property line. (County 8-5-08)

7. Privately sponsored arts and crafts fairs, limited to not more than 14 days in duration per year, provided sufficient space is available to provide a buffer of 500 feet from adjoining property owners and off-street parking and said fair is not open to the public after sundown.

8. Privately owned historic sites regularly open for public visitation, provided the same consist of twenty (20) acres or more and is a component of the National Register of Historic Places and the Georgia Register of Historic Places; provided further, that any fees charged or revenue generated in connection with the site are used solely to offset the costs of restoring and maintaining the buildings and grounds of said site; provided further, that the only ancillary facilities permitted are a museum, restaurant and gift shop (which may contain a snack bar); provided further, that facilities for parking must be self-contained on the premises and shielded from public view. No activity which would cause sound to travel beyond the limits of the property is allowed. No activity not directly related to the historic nature of the property, shall be permitted. Overnight parking is prohibited.

9. Bed and breakfast inns, provided there is sufficient space to provide adequate parking and the rental is limited to temporary occupancy only; provided further that the nearest parking space shall be located not less than 500 feet from any adjoining property line.

10. Musical festivals and nonprofit fundraising events.

11. Motorcycles and all terrain vehicle riding parks and all auxiliary service.

12. Polk County Sanitary Landfill and all appurtenants thereto, presently being operated under the State of Georgia, Environmental Protection Division Permit No.: 115-008D(SL), and any further addition, annexation, change, development, expansion, and/or extension thereto as may be approved by the Board of Commissioners and permitted by all applicable state and/or federal agencies.

13. Any other use which the Board of Commissioners determines to be appropriate, in its discretion, for the stated use, considering the present zoning of the subject property and its impact on the surrounding area.
M. No building or structure, except silos, granaries, windmills, barns, commercial antennas, and other structure concurrent to the operation of an agricultural enterprise, may exceed fifty (50) feet in height.

N. Accessory buildings and structures which are not used for the housing of livestock or poultry and are ancillary to the residential use shall maintain the same front and side yards [yards] as the main structure; however, they will not project beyond the established building line. Rear yard setbacks shall be a minimum of twenty-five (25) feet.

O. Buildings or structures which are intended for use or used for the housing or shelter of livestock or poultry and silos, granaries, barns, and similar structures which are concurrent to the operation of an agricultural enterprise shall observe a minimum setback of 500 feet from any residence on an adjacent lot or parcel.

P. Off-street parking/loading shall be provided in accordance with Section 716 of the Zoning Ordinance.

4.4.9 LRO, LOW-RISE OFFICE

A. Purpose and Intent. The LRO district is intended to provide suitable areas for small scale professional offices and other non-retail oriented commercial uses such as offices and day care centers. This district provides a step down from more intense uses and is ideally located between residential zonings and more intense uses.

B. Permitted Uses

1. Banks and financial institutions, including those with drive-in services and automatic tellers.

2. Cultural facilities.

3. Day care centers and nursery schools, provided:
   a. Such use must obtain certification from the Georgia Department of Human Resources.
   b. Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.

4. Health service clinics.

5. Offices, professional and general office. Maximum gross floor area of 15,000 square feet.

6. Personal care facilities, provided:
   a. Such use must obtain all necessary local and state licenses.
   b. The maximum number of beds permitted shall not exceed 1 per 200 gross square feet.
7. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

8. Accessory uses and structures incidental to any permitted use.

C. Temporary/Conditional Uses Allowed by the Director

Not applicable in this district.

D. Special Uses Permitted by Planning Commission

Group homes (see standards set forth in Section 4.6.2).

E. Special Uses Permitted by Board of Commissioners

Not applicable in this district.

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building. Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.

2. Reserved.

3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.

5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations

1. No outside storage is permitted.

2. No laboratories or clinics are permitted.
3. Lighting shall be established so that no direct light shall cast over any property line nor adversely affect neighboring properties.

4. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations

- Minimum Lot Size: 15,000 sq. ft.
- Minimum Lot Width: 60 ft.
- Maximum Building Height: 35 ft.
- Maximum Floor Area Ratio: 0.50
- Maximum Impervious Surface: 75%
- Minimum landscaped area: 15%
- Front Setback (local): 30 ft.
- Side Setback (major): 25 ft.
- Side Setback (minor): 15 ft.
- Rear Setback: 30 ft.

I. Landscape and Buffer Requirements

1. When a property in this district directly abuts a single-family residential district, a 20-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height.

2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Section 4.6.8) may be counted within this figure, however, no more than 25% of the required landscaping provided may be within stormwater retention facilities.

3. Stormwater retention facilities are not permitted within required buffers.

4.4.10 OI, OFFICE INSTITUTIONAL

A. Purpose and Intent - The OI district is intended to provide suitable areas for non-retail commercial uses such as offices and financial institutions, schools and clinics. This district is designed to support mid-sized office developments, banking and professional offices, hotels and other non-retail commercial activities.

B. Permitted Uses

1. Animal hospitals and veterinary clinics.
a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.

b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.

2. Assembly halls including union halls, conference centers, fraternal clubs and uses of a similar nature.

3. Private parks and playgrounds.

4. Banks and financial institutions, including those with drive-in services and automatic tellers.

5. Cultural facilities.

6. Day care centers and nursery schools, provided:
   a. Such use must obtain certification from the Georgia Department of Human Resources.
   b. Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.

7. Group homes and halfway houses, limited to 1 bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.

8. Fraternity and sorority houses and residence halls.

9. Funeral homes. Such use shall be at least 300 feet from any property Zoned for residential purposes.

   a. The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
   b. The operator obtains certification from the appropriate state licensing body.
   c. No other such facility is located within 1,000 feet as measured from property line to property line.

11. Health service clinics (including accessory pharmacies).


13. Hotels.
   a. Such use shall not be established within 300 feet of any property zoned for residential use.
b. Maximum density of 100 guest units per acre.

14. Medical and dental laboratories.

15. Offices, professional and general business.

16. Parking lots and garages. Up to 50% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single-family residential district, a 5-foot wide landscaped buffer with a solid fence or wall no less than 6 feet in height shall be provided.

17. Public buildings and utilities.

18. Radio, recording and television studio facilities.

19. Religious institutions, provided:
   a. Minimum lot size is 5 acres.
   b. All buildings shall be set back 75 feet from any property lines except along right-of-ways, in which case the front setback shall apply.
   c. Accessory schools and cemeteries are permissible provided an additional 3 acres is provided in addition to the 5 acre church requirement.
   d. All parking areas shall meet the following criteria.
      1) Minimum 30-foot landscaped buffer when abutting any residentially zoned property.
      2) Minimum 20-foot landscaped buffer adjacent to all other property lines not under the direct ownership and control of the religious facility. If abutting property is owned by the religious facility and is sold or leased for another use, the buffer requirement may be applied retroactively.
      3) All expansions of existing parking areas must be approved by the Planning Commission.

20. Sanitariums, rest and retirement homes, nursing homes, assisted living and personal care facilities.
   a. Maximum 20 beds per gross acre of development.

   a. Minimum 5 acre lot size.
   b. Accessory uses may include food preparation and service, athletic facilities, residence halls, limited retail activities and any other use denoted as a permitted use
within this subsection subject to such use being wholly accessory to the principal use.

22. Shelters for the homeless.

a. Minimum 1 acre lot size.

b. Such use shall be located at least 750 feet from residentially zoned property.

c. Such use may not be established within 1,000 feet of any other shelter for the homeless.

d. All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.

23. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

24. Accessory uses and structures incidental to any legal permitted use, provided:

a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and are limited to the first 2 stories.

b. No show window or other advertising shall be visible from the exterior of the primary use structure.

C. Temporary/Conditional Uses Allowed by the Director

Not applicable in this district.

D. Special Uses Permitted by Planning Commission

Not applicable in this district.

E. Special Uses Permitted by Board of Commissioners

Not applicable in this district.

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. Any accessory building in excess of 1,000 square feet of gross space must be at least 10 feet from any property line and architecturally compatible with the principal structure.
3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.

5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations

1. No outside storage is permitted.

2. No uses which emit odors, fumes or sounds are permitted.

3. No kennels are permitted with veterinary clinics.

4. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Value</th>
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<tbody>
<tr>
<td>Minimum Lot Size</td>
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<tr>
<td>Minimum Lot Width</td>
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<td>Maximum Building Height</td>
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<td>Maximum Floor Area Ratio</td>
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<td>Maximum Impervious Surface</td>
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<td>Minimum Landscaped Area</td>
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<tr>
<td>Front Setback (local)</td>
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<tr>
<td>Side Setback (major)</td>
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<tr>
<td>Side Setback (minor)</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>

I. Landscape and Buffer Requirements
1. When a property in this district directly abuts a single-family residential district, a 30-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height.

2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Section 4.6.8) may be counted within this figure, however, no more than 25% of the required landscaping provided may be within stormwater retention facilities.

3. Stormwater retention facilities are not permitted within required buffers.

4.4.11 OS, OFFICE SERVICES

A. Purpose and Intent - The OS District is intended to provide suitable areas for office and business distribution/service facilities, and assembly processes which do not emit noise, vibration, smoke, gas, fumes, or odors and are located entirely within an enclosed building. This district is designed to support warehousing and distribution uses and light assembly uses.

B. Permitted Uses

1. Administrative and distribution offices.

2. Animal hospitals and veterinarian clinics.
   a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
   b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.

3. Assembly halls including union halls, conference centers, fraternal clubs and uses of a similar nature.

4. Athletic and health clubs.

5. Colleges and universities, including accessory uses such as dormitories, stadiums and research facilities. Minimum 10 acre lot size. All standards set forth in the Southern Association of Colleges and Schools shall be met.

6. Community fairs.

7. Extended stay facilities (see standards set forth in Section 4.6.3).

8. Hotels and motels.
   a. Such use shall not be established within 300 feet of any property zoned for residential use.
   b. Maximum density of 100 guest units per acre.

10. Health service clinics (including accessory pharmacies).

11. Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.

12. Medical and dental laboratories, provided no chemicals are manufactured on-site.

13. Office service and supply facilities (non-retail).


15. Parking lots and garages. Up to 50% of the gross floor area of a parking garage's ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single-family residential district, a 5-foot wide landscaped buffer with a solid fence or wall no less than 6 feet in height shall be provided.


17. Public and private schools.
   a. Minimum 5-acre lot size.
   b. All standards set forth in the Southern Association of Colleges and Schools shall be met.

18. Radio and television studio facilities.


20. Sanitariums, rest and retirement homes, nursing homes, assisted living and personal care facilities.
   a. Must attain all required state certifications.
   b. Maximum 20 beds per gross acre of development.

21. Shelters for the homeless.
   a. Minimum 1 acre lot size.
   b. Such use shall be located at least 750 feet from residentially zoned property.
   c. Such use may not be established within 1,000 feet of any other shelter for the homeless.
   d. All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.

22. Vocational schools.
23. Wholesale trade and distribution facilities, including office showrooms and display areas.

24. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

25. Accessory uses and structures incidental to any legal permitted use, provided:

   a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than 10% of the gross floor area.

   b. No show window or other advertising shall be visible from the exterior of the primary use structure.

C. Temporary/Conditional Uses Allowed by the Director

   Not applicable in this district.

D. Special Uses Permitted by Planning Commission

   Not applicable in this district.

E. Special Uses Permitted by Board of Commissioners

   Telecommunications antennas and towers (see standards set forth in Section 4.6.7).

F. Accessory Structures

   1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

   2. Any accessory building in excess of 1,000 square feet of gross space must be setback 15 feet from any property line and architecturally compatible with the principal structure.

   3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

   4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.

   5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

   6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations

1. No uses which emit odors, fumes or sounds are permitted.

2. All outside storage areas must be located in the rear yard and must be screened a solid fence or wall no less than 6 feet in height.

3. No manufacturing processes are permitted.

4. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size:</td>
<td>40,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum Lot Width:</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio:</td>
<td>0.75</td>
</tr>
<tr>
<td>Maximum Impervious Surface:</td>
<td>80%</td>
</tr>
<tr>
<td>Minimum Landscaped Area:</td>
<td>15%</td>
</tr>
<tr>
<td>Front Setback (local):</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Side Setback (major):</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Side Setback (minor):</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Rear Setback:</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>

I. Landscape and Buffer Requirements

1. When a property in this district directly abuts a single-family residential district, a 50-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height.

2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots may be counted within this figure, however, no more than 33% of the required landscaping provided may be within stormwater retention facilities.

3. Stormwater retention facilities are not permitted within required buffers.

4.4.12 I-1, GENERAL INDUSTRIAL

A. Purpose and Intent - The I-1 district is intended to provide suitable areas for office and business distribution/service facilities, and assembly processes which do not emit noise,
vibration, smoke, gas, fumes, or odors and are located entirely within an enclosed building. This district is designed to support warehousing and distribution uses and light assembly uses.

B. Permitted Uses

1. Administrative and distribution offices.

2. Animal hospitals and veterinarian clinics.
   a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
   b. All animals shall be housed within an enclosed building and adequate sound and odor control shall be maintained.

3. Assembly halls including union halls, conference centers, fraternal clubs and uses of a similar nature.

4. Athletic and health clubs.

5. Colleges and universities, including accessory uses such as dormitories, stadiums and research facilities. Minimum 10 acre lot size. All standards set forth in the Southern Association of Colleges and Schools shall be met.

6. Community fairs.

7. Extended stay facilities (see standards set forth in Section 712.03).

8. Hotels and motels.
   a. Such use shall not be established within 300 feet of any property zoned for residential use.
   b. Maximum density of 100 guest units per acre.


10. Health service clinics (including accessory pharmacies).

11. Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.

12. Medical and dental laboratories, provided no chemicals are manufactured on-site.

13. Office service and supply facilities (nonretail).


15. Parking lots and garages. Up to 50% of the gross floor area of a parking garage's ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If

17. Public and private schools.
   a. Minimum 5 acre lot size.
   b. All standards set forth in the Southern Association of Colleges and Schools shall be met.

18. Radio and television studio facilities.


20. Sanitariums, rest and retirement homes, nursing homes, assisted living and personal care facilities.
   a. Must attain all required state certifications.
   b. Maximum 20 beds per gross acre of development.

21. Shelters for the homeless.
   a. Minimum 1 acre lot size.
   b. Such use shall be located at least 750 feet from residentially zoned property.
   c. Such use may not be established within 1,000 feet of any other shelter for the homeless.
   d. All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.

22. Vocational schools.

23. Wholesale trade and distribution facilities, including office showrooms and display areas.

24. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

25. Accessory uses and structures incidental to any legal permitted use, provided:
   a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than 10% of the gross floor area.
   b. No show window or other advertising shall be visible from the exterior of the primary use structure.
C. Temporary/Conditional Uses Allowed by the Director

Not applicable in this district.

D. Special Uses Permitted by Planning Commission

Not applicable in this district.

E. Special Uses Permitted by Board of Commissioners

Telecommunications antennas and towers (see standards set forth in Section 4.6.7).

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. Any accessory building in excess of 1,000 square feet of gross space must be setback 15 feet from any property line and architecturally compatible with the principal structure.

3. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

4. No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.

5. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

6. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

7. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations

1. No uses which emit odors, fumes or sounds over 45 decibels are permitted.

2. All outside storage areas must be located in the rear yard and must be screened a solid fence or wall no less than 6 feet in height.

3. No manufacturing processes are permitted.

4. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.
H. **Bulk and Area Regulations**

- **Minimum Lot Size:** 40,000 sq. ft.
- **Minimum Lot Width:** 100 ft.
- **Maximum Building Height:** 40 ft.
- **Maximum Floor Area Ratio:** 0.75
- **Maximum Impervious Surface:** 80%
- **Minimum Landscaped Area:** 15%
- **Front Setback (local):** 40 ft.
- **Side Setback (major):** 35 ft.
- **Side Setback (minor):** 20 ft.
- **Rear Setback:** 35 ft.

I. **Landscape and Buffer Requirements**

1. When a property in this district directly abuts a single-family residential district, a 50-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height.

2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Section 712.08) may be counted within this figure, however, no more than 33% of the required landscaping provided may be within stormwater retention facilities.

3. Stormwater retention facilities are not permitted within required buffers.

4.4.13 **I-2, HEAVY INDUSTRIAL**

A. **Purpose and Intent** - The I-2 district is intended to provide suitable areas for uses such as offices, financial institutions and accessory sales and services in buildings over 5 stories in height.

B. **Permitted Uses**

1. Assembly halls including union halls, conference centers, fraternal clubs and uses of a similar nature.

2. Banks and financial institutions.

3. Colleges and universities, including accessory uses such as dormitories, stadiums and research facilities.

   a. Minimum 10 acre lot size.
b. All standards set forth in the Southern Association of Colleges and Schools shall be met.

4. Cultural facilities.

5. Day care centers and nursery schools, provided:
   a. Such use must obtain certification from the Georgia Department of Human Resources.
   b. Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
   c. Such use is a secondary or ancillary use only.

6. Extended stay facilities (see standards set forth in Section 712.03).

7. Health service clinics (including accessory pharmacies).

8. Hospitals.


   a. Minimum 10 acre lot size.
   b. If located on a state or federal highway, said use must be maintained a minimum of 2,500 feet from the right-of-way.
   c. The boundary of the property must be enclosed by a solid wooden or opaque fence a minimum of eight (8) feet in height; and a landscaped or undisturbed buffer shall be required a minimum of fifty (50) feet in width against all adjacent properties, which buffer shall require the approval of the Director.
   d. Said use shall not be permitted adjacent to any residential districts.

11. Manufacturing, light uses that do not emit smoke, fumes, or sounds over 60 decibels.

12. Medical and dental laboratories.

13. Offices, professional and general business.

14. Parking lots and garages. Up to 75% of the gross floor area of a parking garage's ground floor level may be devoted toward commercial use oriented towards pedestrian traffic. If a surface parking lot abuts a single-family residential district, a 5-foot wide landscaped buffer with a solid fence or wall no less than 6 feet in height shall be provided.

15. Public buildings and utilities.
16. Schools, public and private.
   a. Minimum 5 acre lot size.
   b. All standards set forth in the Southern Association of Colleges and Schools shall be met.

17. Reserved.

18. Radio and television studio facilities.

19. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

20. Accessory uses and structures incidental to any legal permitted use, provided:
   a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and are limited to the lowest 2 stories.
   b. Accessory parking garages may devote a minimum of 50% of the gross floor area of the ground floor level to commercial use oriented towards pedestrian traffic (no additional parking required).
   c. Notwithstanding commercial uses in parking garages, no show window or other advertising shall be visible from the exterior of the primary use structure.

C. Temporary/Conditional Uses Allowed by the Director

Telecommunications facilities, accessory only (see standards set forth in Section 4.6.7).

D. Special Uses Permitted by Planning Commission

Not applicable in this district.

E. Special Uses Permitted by Board of Commissioners

Not applicable in this district.

F. Accessory Structures

1. All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.

2. Freestanding or attached parking garages are subject to the following conditions:
   a. Maximum height is 50 feet provided it is at least 20 feet shorter than the principal structure.
b. When abutting any other nonresidential district there is no required setback from property lines.

c. When abutting residential district such structures must be set back 5 feet from the required buffer.

d. A minimum of 35% of the gross ground level floor area must be devoted toward commercial use oriented to pedestrian traffic.

3. Any accessory building in excess of 1500 square feet of gross space must be setback at least 20 feet from any property line and architecturally compatible with the principal structure.

4. When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.

5. No accessory structure shall be constructed upon a lot before the principal structure.

6. No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.

7. Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.

8. Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations

1. Only outside storage surrounded by a 6 foot opaque fence is permitted.

2. No uses which emit odors, fumes or sounds exceeding 60 decibels are permitted.

3. Building design and materials may be of the developer's choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.

H. Bulk and Area Regulations

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<thead>
<tr>
<th>Requirement</th>
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<td>Minimum Lot Size:</td>
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<td>Minimum Lot Width:</td>
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</tr>
<tr>
<td>Minimum Building Height:</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio:</td>
<td>4.0</td>
</tr>
<tr>
<td>Maximum Impervious Surface:</td>
<td>80%</td>
</tr>
<tr>
<td>Minimum Landscaped Area:</td>
<td>15%</td>
</tr>
<tr>
<td>Front Setback (local):</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Side Setback (major):</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side Setback (minor):</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Rear Setback:</td>
<td>35 ft.</td>
</tr>
</tbody>
</table>
I. Landscape and Buffer Requirements

1. When a property in this district directly abuts a single-family residential district, a 75-foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than 6 feet in height.

2. Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Article 6 of these Regulations) may be counted within this figure, however, no more than 25% of the required landscaping provided may be within stormwater retention facilities.

3. Stormwater retention facilities are not permitted within required buffers.

4.5 SUPPLEMENTARY DISTRICT REGULATIONS

4.5.1 PROHIBITED USES

In all districts, unless a use is specifically permitted, it is prohibited.

4.5.2 TEMPORARY BUILDINGS

Temporary buildings and trailers shall not be allowed in any district except when utilized for construction site contracting work. Requests to utilize a temporary building pending completion of a permanent building may be granted a Special Land Use Permit (SLUP) by the Planning Commission for a period not to exceed 1 year. Utility hookups to temporary buildings must be screened from view through fencing or landscaping subject to the discretion of the Planning and Zoning Director. Temporary structures associated with seasonal sales at an individual lot may be approved by the Planning and Zoning Director once per calendar year for a period no longer than 45 consecutive days, subject to concurrence by the Fire Marshal and Public Works Director.

4.5.3 REQUIREMENTS FOR MOVING A BUILDING

No dwelling unit or other permanent structure shall be moved within or into the County unless it is first approved by the Planning and Zoning Director who shall verify that it meets all the zoning standards of the district in which the structure will be located. The Public Works Director shall represent the County in all manners pertaining to the actual relocation of the structure.

4.5.4 FENCES AND WALLS

In all cases the finished side shall be to the exterior.

A. In all zoning districts, except I-1 and I-2:

1. Fences or walls in any yard fronting a public/private street shall not exceed 6 feet in height and shall not be constructed within 2 feet of a public right-of-way. Fences or walls in any rear yard abutting a public/private street shall not exceed 6 feet in height and shall not be constructed within 2 feet of a public right-of-way.
2. Fences or walls located in side yards of residentially zoned properties between the street and the front edge of the house shall not exceed 6 feet in height and shall not be constructed within 2 feet of a public right-of-way.

3. In all other instances, fences and walls shall be no more than 8 feet in height and shall not be constructed within 2 feet of a public right-of-way.

B. Fences or walls located on property zoned I-1 or I-2 shall have a maximum height of 8 feet and shall not be constructed within 2 feet of the public right-of-way. However, industrially zoned properties that are located on arterial or collector streets are restricted to a 6-foot fence or wall in any yard fronting a street and shall not be constructed within 2 feet of a public right-of-way.

C. When this article [division] requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary use structure. Telecommunications towers are not subject to the requirements set forth in Section 710.04, but must meet all requirements listed in Section 712.07. Retaining walls are not subject to the requirements of Section 710.04. All properties must also be in accordance with Section 716.04.

D. All swimming pools shall be enclosed by a fence having a height of not less than 5 feet with a self-closing, self-latching gate unless otherwise approved by the Planning and Zoning Director.

4.5.5 BUFFERS

Buffer areas required by this article [division] shall be established and maintained by the property owner and must:

A. Be landscaped and maintained as a planted area with trees, shrubs, flowers, grass, stone, rocks, and other landscaping materials.

B. Not be used for parking or contain any structure other than a fence or drainage improvement required by the County. Access through a buffer is allowed provided it is perpendicular to the buffer only and is designed so as to cause the least amount of intrusion possible. Bike paths and greenways are excluded from these restrictions.

C. Utilize and preserve the natural topography and growth of the land except that which is necessary to prevent a nuisance, or to thin such natural growth where too dense for normal growth, or to remove diseased or dangerous vegetation. Up to 20% of the required buffer may be cleared for utilization as a slope easement where required to prevent soil erosion subject to the approval of the Planning and Zoning Director who shall determine the minimum area necessary for said easement and the replanting schedule to be followed upon completion of the improvements.

D. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to.

E. Buffers need not be established in those instances in which a street separates zoning districts.

4.5.6 FIRE SAFETY REQUIREMENTS
Accessibility for fire equipment on hard surfaced sub-base (sub-grade plus an asphalt first layer or bound crushed stone) shall be maintained through all stages of construction from the time framing begins. Minimum width of private access driveways within a development, excluding parking, shall be 20 feet and the minimum turning radius shall be 35 feet. Fire hydrants and water service shall be installed to within 300 feet of units under construction before proceeding with framing.

4.5.7 STORAGE

Exterior storage yards (excluding vehicles for sale or lease) shall not be permitted in any districts except the C-1, I-1 and I-2 districts. Exterior storage yards shall be enclosed by an opaque fence not less than 6 feet in height (except where otherwise stated and approved by the administrator) to provide visual screening. Such use is subject to the following:

A. The regulations of the applicable zoning district.
B. No open storage of wrecked or non-operative automobiles and trucks, except for junkyards as set forth in the I-2 district.
C. No parts or waste materials shall be stored outside any building.

4.5.8 BULK SANITATION CONTAINERS

Bulk sanitation containers shall not be located within a detached single-family district. They are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right of way. No bulk container shall be located within 50 feet of a structure utilized for detached single-family residential purposes. The Planning and Zoning Director may provide for an exemption from this requirement when conditions cannot be met. In such cases, the property owner or tenant may submit a plan for the Director's approval. Such plan may include provision for an alternative container utilizing appropriate screening such as a nontransparent fence not less than 6 feet in height with a gate which will open in full to allow service.

4.5.9 SUBSTANDARD LOTS OF RECORD

No substandard lot of record may be developed without approval by the Planning Commission or, if applicable, permission of the Planning and Zoning Director.

4.5.10 DENSITY CALCULATIONS

Residential density standards determining the number of families, individuals, dwelling units or housing structures per unit of land shall be calculated from all the land within the boundaries of the area excluding wetlands and floodplain areas.

4.5.11 HEIGHT REQUIREMENTS EXCEPTIONS

In all but single-family residential districts, height limitations stated in this article [division] shall not apply to:

A. Farm structures, belfries, cupolas and domes, monuments, chimneys and smokestacks;
B. Bulkheads, elevator penthouses, water tanks and heating and air conditioning units, provided that such structures shall not cover more than 25 percent of the total roof area of the building on which such structures are located.

4.5.12 PROJECTIONS INTO YARDS

A. An open unenclosed porch or hard surfaced terrace, steps, stoops, and similar fixtures of a building may project into a required setback no more than 50% of that established by the zoning district.

B. Fences, walls and hedges over 3 feet in height may not be established within 15 feet of a right-of-way intersection unless approved by the Public Works Director. In residential districts fences in front yards are restricted to 6 feet in height.

4.5.13 ELECTRICAL AND COMMUNICATIONS EQUIPMENT ON BUILDING EXTERIORS

All electrical service equipment, telephone or cable service equipment, or any other such equipment attached to the exterior of any structure shall be located to the side or rear of the structure and in no case shall be attached to any building face which abuts a street or other public right-of-way or is visible from such street or right-of-way.

4.6 SUPPLIMENTARY USE REGULATIONS

4.6.1 SPECIAL LAND USE PERMITS

A. Within each zoning district's standards, certain property uses may be allowed provided they obtain a Special Land Use Permit (SLUP) from the Board of Commissioners. This additional review is necessary due to the increased possibility that such uses may have a negative impact on surrounding properties and their value. The County retains its right to subject certain uses to greater scrutiny to determine if they are appropriate or if additional safeguards may mitigate potentially harmful effects on neighboring properties. Table B below denotes those uses which are permitted only after issuance of a Special Land Use Permit and a permitted zoning district.

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning District</th>
<th>Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telecommunications Infrastructure</td>
<td>OS, I-1 and I-2</td>
<td>Board of Commissioners</td>
</tr>
<tr>
<td>Group Home containing more than 6 residents</td>
<td>R-1, R-2 and R-4</td>
<td>Board of Commissioners</td>
</tr>
<tr>
<td>Group Home, regardless of the number of residents</td>
<td>LRO</td>
<td>Board of Commissioners</td>
</tr>
<tr>
<td>Home Occupation, Type B</td>
<td>R-1, R-2, RA-8 and PRD (SF)</td>
<td>Board of Commissioners</td>
</tr>
</tbody>
</table>
B. All applications for Special Land Use Permits heard by Board of Commissioners shall be advertised in the same manner as applications for rezoning and public hearings will be held thereon in the same manner.

C. The Board may grant Special Land Use Permits for any given period of time at their own discretion.

D. The Board shall consider, at a minimum, the following in its determination of whether or not to grant a Special Land Use Permit:

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.

2. Whether or not the use is compatible with the neighborhood.

3. Whether or not the proposed use will constitute a nuisance as defined by state law.

4. Whether or not property values of surrounding property will be adversely affected.

5. Whether or not adequate provisions are made for parking and traffic considerations.

6. Whether or not the site or intensity of the use is appropriate.

7. Whether or not adequate provisions are made regarding hours of operation.

8. The location or proximity of other similar uses (whether conforming or nonconforming).

9. Whether or not adequate controls and limits are placed upon commercial deliveries.

10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.

11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

4.6.2 COMMUNITY RESIDENCES

A. Intent and Purpose - The Fair Housing Amendment Act (1988) states that local zoning regulations may not prohibit community residences and requires that counties provide "reasonable accommodation" of such uses. Polk County regulates community residences using criteria based upon the actual use of the facility and the number of individuals utilizing its services. This provides individuals with opportunities for normalization instead of institutionalization thereby reducing social costs and fostering personal growth and responsibility while also allowing the County to maintain viable neighborhoods based primarily upon similar single-family or planned multifamily dwellings.

B. Group Homes - Group homes are defined throughout the entirety of this ordinance as dwellings shared by nonrelated individuals who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.
This use shall also apply to homes for the handicapped; however, the term "handicapped" shall not include current illegal use of or addition to a controlled substance or alcohol, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

1. Group homes with 6 or fewer residents, inclusive of resident staff, are permitted uses within the R-1, R-2, and R-4, zoning districts, provided:
   a. The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
   b. The operator of the group home obtains certification from the appropriate state licensing body.
   c. No other such facility or halfway house is located within 1,000 feet as measured from property line to property line.

2. Group homes with more than 6 residents, inclusive of resident staff, may be permitted within the R-1, R-2, and R-4 zoning districts only if granted a Special Land Use Permit (SLUP) after a public hearing before the Board of Commissioners.

3. Group homes may be permitted within R-4, RA-8 and LRO zoning districts (regardless of the number of occupants) if granted a SLUP from the Board of Commissioners.

4. Group homes are considered permitted uses by right in OI zoning districts, subject to those standards set forth therein.

4.6.3 EXTENDED STAY FACILITIES

A. Extended Stay Hotels or Motels shall be defined as any hotel or motel in which fifty percent or greater of all guest rooms have facilities for both the storage and preparation of food and which are designed or utilized for weekly or monthly occupancy.

B. Extended Stay Hotels and Motels are permitted within the OS, and C-1 zoning districts and shall comply with the following restrictions:

1. All guest rooms which have facilities for both the storage and preparation of food and have less than 300 square feet of floor area are limited to a maximum of 2 persons per such room; however, for all such guest rooms greater than 300 square feet, 1 additional person shall be allowable per each additional 75 square feet of floor area up to and including a maximum of 4 persons.

2. No more than 10 percent of individual guests shall register, reside in, or occupy any room or rooms within the same licensed facility for more than a 180 day period.

3. An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of 5 square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by the Planning and
Zoning Director prior to development to ensure that all applicable safety specifications and standards are met.

4. No permanent business license shall be issued for the conduct of any business from any guest room of the facility.

5. No hotel or motel under this section is to be converted to or used as an apartment or condominium without prior approval of Board of Commissioners. Any hotel or motel converted to such use must meet all applicable state and local codes including zoning standards.

6. Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee.

7. Each guest room having a stove-top unit or other type burner unit shall be required to also include a maximum 60 minute automatic power off timer for each such unit.

8. A hard-wired smoke detector shall be provided and installed in each guest room.

9. No outside storage or permanent parking of equipment or vehicles shall be allowed.

10. All such facilities shall provide a 25-foot undisturbed buffer from any property zoned for multifamily residential purposes and/or a 50-foot undisturbed buffer from any property zoned for single-family residential purposes.

11. No building may be placed within 300 feet of any residentially zoned property, inclusive of the required buffer.

12. These restrictions shall apply to all facilities permitted or expanded after June 1, 2004.

13. All extended stay facilities shall have a maximum density of 75 guest units per gross acre of development.

### 4.6.4 HOME OCCUPATIONS

A. **Intent and Purpose.** Certain occupational uses termed "home occupations" are allowed in dwelling units on the basis that such uses are incidental to the use of the premises as a residence. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use and the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effect on the surrounding neighborhood and, as such, may be permitted provided such uses:

1. Are incidental to the use of the premises as a residence;

2. Are conducted within the bona fide residence of the principal practitioner;

3. Are compatible with residential uses;
4. Are limited in extent and do not detract from the residential character of the neighborhood.

B. **Definition of Accessory Home Occupations** - There are 2 types of home occupations, Type A and Type B. Permit requirements and uses allowed in each type vary and are allowed only if they comply with all of the requirements of this ordinance. Deviation from any standard requires a variance approval from Board of Commissioners.

1. In Type A home occupations residents use their home as a place of work, home office or business mailing address. Employees or customers are prohibited from coming to the site. Examples include artists, crafts people, writers and consultants.

2. In Type B home occupations the resident uses their home for work which requires or results in either employees or customers coming to the site. Examples are counseling, tutoring, family daycare, and single-chair hair cutting and styling. Type B home occupations must obtain a Special Land Use Permit from Board of Commissioners due to their greater possible impact on the surrounding neighborhood as a result of individuals and visitors from outside the neighborhood coming to the property.

C. **General Provisions and Prohibited Uses.** All home occupations shall meet the following:

1. A home occupation shall be incidental and accessory to the use of a dwelling as a residence. No more than 25% of the floor space of the dwelling unit (including attached garages) may be used for the occupation.

2. There shall be no exterior evidence of the home occupation or alteration of the residence and/or accessory buildings to accommodate the home occupation. External changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting. Any alteration or addition which expands the floor area of the principal structure dedicated to the home occupation use shall void the existing business license and require a new business license be obtained, subject to property compliance verification by the Department of Planning and Zoning. For Type B home occupations a new public hearing must be held for the rights associated with the Special Land Use Permit to be reestablished.

3. There shall be no outside operations or exterior storage of inventory or materials to be used in conjunction with a home occupation.

4. No use or activity may create noise, dust, glare, vibration, smoke, smell, electrical interference or any fire hazard.

5. All home occupations shall be subject to periodic inspections by the Department of Planning and Zoning.

6. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
D. **Specific Criteria for Type A Home Occupations** - In addition to the general criteria established in Subsection C, Type A home occupations are subject to the following restrictions:

1. No clients, nonresident employees or customers are allowed on the premises.

2. Pickups from and deliveries to the site in regard to the business shall be restricted to vehicles which have no more than 2 axles and shall be restricted to no more than 2 pickups or deliveries per day between the hours of 8 a.m. and 6 p.m.

3. No signage regarding the home occupation is permitted on the property.

E. **Specific Criteria for Type B Home Occupations** - In addition to the general criteria established in Subsection C, Type B home occupations are subject to the following restrictions:

1. A Special Land Use Permit must be obtained from Board of Commissioners following a public hearing. Board of Commissioners shall consider the desires of the immediate neighborhood, the nature of the proposed business, the availability of parking, traffic generation and any other issue that may detract from the residential character of the area and property values. The public hearing shall follow the same procedures and fees set forth in Division 722.

2. No Type B home occupation may be established in districts zoned for multifamily residential purposes.

3. Family day care facilities must be certified by Georgia Department of Human Resources prior to the issuance of a business license and must accompany all applications for a Special Land Use Permit. The number of children allowed by this ordinance shall be calculated at 1 child per 250 gross square feet of the residence.

4. Two nonresident employees are allowed with a Type B home occupation provided no customers come to the site and adequate parking is provided on-site. Home occupations which have customers coming to the site are not allowed to have nonresident employees (defined as an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.)

5. Retail sales of goods must be entirely accessory to any permitted services provided on the site (such as hair care products sold as an accessory to hair cutting).

6. No more than 1 Type B home occupation per dwelling is permitted.

7. Customers may visit the site only between the hours of 8 a.m. and 8 p.m.

8. Each Type B home occupation is permitted signage according to the following criteria:

   a. Sign shall be either an attached wall sign or detached sign only and limited to 6 square feet;

   b. Signs may not be illuminated in any fashion;
c. No detached sign may exceed 4 feet in height; and

d. All signs are permitted through the Department of Planning and Zoning.

### 4.6.5 TELECOMMUNICATION TOWERS AND INFRASTRUCTURE

Towers may be permitted in C-1, I-1, I-2, and OS zoning districts pursuant to those additional restrictions listed herein.

#### A. General Requirements

1. A Special Land Use Permit granted by Board of Commissioners shall be required for the construction of all new communications towers within the County limits after the following factors are considered:

   a. The proposed height of the tower;
   
   b. Proximity to residential structures and residential district boundaries;
   
   c. Nature of uses on adjacent and nearby properties;
   
   d. Surrounding topography, tree coverage and foliage;
   
   e. Design of the tower, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness.

2. All permit applications submitted to the Department of Planning and Zoning shall include a complete inventory of the applicant's existing towers and receivers/transmitters located within Polk County including each asset's location, height and collocation usage or capabilities. The Department of Planning and Zoning shall utilize such information to promote collocation alternatives for other applicants.

3. All applicants must demonstrate that no existing tower or structure can accommodate the proposed antenna(s). Evidence of an engineering nature shall be documented by the submission of a certification by a qualified engineer. Such evidence may consist of the following:

   a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

   b. No existing structure is of sufficient height to meet the applicant's engineering requirements.

   c. No existing tower or structure has sufficient structural strength to support applicant's proposed antenna(s) and related equipment.

   d. Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing tower or structure.
e. The fees or costs required to share the existing tower or structure or to adapt the existing tower or structure for shared use are unreasonable. Costs exceeding new tower development are presumed unreasonable.

f. Such other limiting factor(s) as may be demonstrated by the applicant.

4. At the time of filing the application for a tower, the applicant shall provide a site plan and information regarding tower location, accessory structures, neighboring uses and proposed landscaping. Documentation must be submitted and certified by a qualified engineer delineating coverage and propagation zones, tower design and collocation capabilities.

5. In granting a Special Land Use Permit, the Board of Commissioners may impose additional conditions to the extent determined necessary to minimize adverse effects on adjoining properties.

B. Standards

1. All towers must be set back a distance of twice (X 2) the full height of the tower from any residentially zoned property or structure used for residential purposes.

2. All towers shall be separated from each other by a distance of at least 1,000 feet.

3. All new self-supporting towers which do not incorporate approved alternative design features must be designed and built in a manner that allows at least 2 other entities to collocate on the structure.

4. All towers and their related structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment. Towers shall be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the Federal Aviation Administration (FAA).

5. Any tower which directly abuts a residentially zoned property shall have a minimum 50' landscaped buffer with a solid fence or wall no less than 6 feet in height.

6. All landscaping plans shall be prepared by a registered landscape architect. For each 30 linear feet of perimeter fencing, no less than 2 trees and 2 shrubs shall be installed. The remainder of the property shall be landscaped in accordance with County standards (see standards set forth in Article 6 of these Development Regulations).

7. Towers shall be enclosed by security fencing not less than 6 feet in height and shall be equipped with an appropriate anticlimbing device; provided, however, that such requirements may be waived for alternative design mounting structures.

8. All towers shall be monopole designed except those located in Heavy Industrial districts that are greater than 150 feet in height.

9. All towers must meet or exceed current standards and regulations of the Federal Communications Commission (FCC) and FAA.
10. Subsequent to Board of Commissioners approval but prior to the issuance of any building permits, compliance with Section 106 of the Natural Historic Preservation Act, shall be demonstrated.

11. Tower heights shall be measured from the existing ground base level to the highest point in the tower or other structure, even if said highest point is an antenna, in accordance with Table C:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Three Users*</th>
<th>Four or more Users*</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-2</td>
<td>150'</td>
<td>200'</td>
</tr>
<tr>
<td>I-1</td>
<td>125'</td>
<td>150'</td>
</tr>
<tr>
<td>OS/C-1</td>
<td>100'</td>
<td>120'</td>
</tr>
</tbody>
</table>

*Refers to the number of separate entities collocating on the same structure.

C. Administrative Approval

1. The addition of transmitting and/or receiving whip antennas and panels may be approved administratively by the Planning and Zoning Director, so long as any such addition does not add more than 10 feet in height to an existing structure greater than 50 feet in height or more than 5 feet in height to an existing structure less than 50 feet in height but greater than 20 feet in height and all necessary building permits are obtained. Such acceptable structures include buildings, signs, light poles, water towers, and other free standing nonresidential structures. Antennas attached to existing structures, along with supporting electrical and mechanical equipment, shall be of a color identical to, or closely compatible with, that of the supporting structure. Notification shall be given to Board of Commissioners at least 10 days prior to the granting of said request, and if no objection is lodged, considered valid.

2. The Planning and Zoning Director may administratively approve alternative mounting structures such as fake trees, clock towers, bell steeples, light standards, and similar alternative mounting structures, provided such alternative structure is determined by the Director to satisfy such factors set forth in subsection A. These structures shall also be exempt from the additional separation and setback requirements pertaining to towers. Notification shall be given to Board of Commissioners at least 10 days prior to the granting of said request, and if no objection is lodged, considered valid.

3. The Planning and Zoning Director may administratively approve the shared use of an existing tower or structure by another provider, including the placement of additional accessory buildings or other supporting equipment. The Director may administratively waive district setback requirements by up to 50% to accommodate the placement of such additional buildings or other supporting equipment in order to encourage the shared use of existing infrastructure.

4. The addition of antennas to an existing structure is exempted from all setback requirements which pertain to residentially zoned or used properties.

D. Removal of Antennas and/or Towers - All towers shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection by the Department of Public Works such tower is
determined not to comply with the code standards and to constitute a danger to persons or property, then upon written notice by certified mail, return receipt requested, or by personal service being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance. The owner of the tower may appeal the determination by the Department of Public Works by filing a written appeal to the County Manager within 10 days of the receipt of the notice of noncompliance by the owner. The County Manager shall hold a hearing within 5 days of receiving said written appeal. In the event such tower is not brought into compliance within 30 days, the County may petition the municipal court for an order removing such antenna and/or tower and may petition the court for a lien upon the property for the costs of removal.

E. Exceptions

1. Antennas or towers located on publicly owned property or owned by governmental bodies shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the appropriate governing body.

2. A tower under 70 feet in height owned and operated by a federally-licensed amateur radio station operator shall be exempt from these requirements. However, the owner or operator of such tower shall be required to comply with all applicable local, state and federal codes.

3. Any existing or previously approved tower or antenna shall be considered "grandfathered" and will not be required to meet any additional requirements of this ordinance other than those in place prior.

4.7 SIGNS

4.7.1 PURPOSE

These standards are intended to:

A. Safeguard life, public health, aesthetic quality and welfare by regulating the location, size, number, illumination, construction, maintenance and quality of materials of all signs and outdoor advertising structures and to eliminate visual clutter and blight within the County

B. Promote the safety of persons and property by providing that signs do not create traffic or other hazards due to collapse, fire, visual obstruction, decay or abandonment.

4.7.2 PERMIT REQUIREMENTS

The following requirements and limitations shall apply with regard to signs, in addition to provisions appearing elsewhere in the text of these regulations or in the schedule of zoning district regulations.

A. Any property owner, tenant, agent, or contractor must obtain a permit from the Department of Planning and Zoning prior to the erection, replacement, reconstruction, or relocation of a sign. Said permit shall be required for all signs except those specifically exempted within this ordinance. If the sign is erected by the tenant, the tenant must have a current license to do business in the County at the location where the erection, replacement, reconstruction, or
relocation is to take place. Agents or contractors actively erecting or maintaining signs must have a license to do business in the County.

B. Each application for a sign permit shall contain the following information:

1. Name of property owner.

2. Name of sign owner (if different from property owner).

3. Name, address, and telephone number of the sign erecter.

4. Location sketch showing the dimensions of the location of any structure on the lot upon which the sign is to be attached or erected and the exact position of the sign in relation to nearby buildings or structures and to nearby streets.

5. Plans, specifications and structural details of construction and attachment to the building or in the ground. A single submission may be permitted for standardized signs. All signs must conform to the standards of the current National Electrical and Standard Building Codes issued at the time of application and/or other codes of the County that may be applicable. The applicable issues of the Standard Building Code and National Electrical Code, as amended, are incorporated herein by reference as though fully set forth herein, a copy of which shall be maintained on file with the County Clerk for inspection and review by the public. The chief building official may require plans be certified as to meeting the standards in the Standard Building Code and the National Electrical Code by an engineer or architect registered with the State of Georgia. If a proposed detached free standing sign is larger than 32 square feet, the plans must be certified by a registered engineer or architect.

6. ELECTRICAL PERMITS. Any electrical permit required and issued for electrical hookup for said sign.

7. PERMIT FEES. The permit fee for signs shall be: As established by the Board of Commissioners from time to time.

C. The Department of Planning and Zoning may issue temporary permits for promotional signs to be placed along the streets of the County whereby the public will be directed to a specific place or event. All applicants for a temporary permit shall file a statement that they will be responsible for removal of such signs within 7 days following the civic, promotional, or other similar event. Temporary permits shall not be utilized in lieu of permanent signs regulated by other sections of this article [division] nor exceed any sign area requirements.

D. The County is hereby authorized and empowered to revoke any permit issued by it upon failure of the holder thereof to comply with any provisions of this article [division] within 30 days' written notice to the property owner.

4.7.3 SIGNS EXEMPT FROM PERMIT REGULATIONS

The following classes of signs are exempted from permit requirements, but other limitations, regulations, and requirements (such as setback from right-of-way or signs not to constitute a hazard) concerning such signs remain applicable.
A. Announcement signs. Limit 2 with an aggregate area of no more than 4 square feet. Restricted to business hours, open/close, credit card acceptance or other incidental information. Must be in window of business being advertised.

B. Signs, notices, traffic signs, official flags and emblems erected by or on order of governmental jurisdictions.

C. National flags and flags of political subdivisions shall be flown in compliance with the standards applicable under State and Federal law. Flags of the United States, the State of Georgia or any other nation, state or government shall not be used for the purpose of advertising, selling or promoting the sale of any good or service.

D. Traffic movement and internal directional signs not to exceed 4 square feet per sign face or 2 feet in height. Limited to 1 per curb cut. No advertising text may be affixed.

E. Temporary political campaign signage (including posters and advertisements) limited to 32 square feet per sign face and there shall be no more than 2 sign faces per road frontage. Any political signage which does not meet these requirements shall be required to obtain a sign permit and follow those restrictions set forth for that type of sign. All signs must be removed within 15 days of the last day that the candidate's name or that issue appears on a ballot for a primary, runoff, general or special election. All such signs are prohibited (a) within any public right-of-way, (b) on any public property or building, (c) on any private property unless the owner thereof has given permission.

F. Delivery receptacles for mail and newsprint deliveries.

G. Construction/development signs when placed at a location under construction or alteration, not to exceed 15 square feet in residential districts or 50 square feet in nonresidential districts. All such signs shall be removed from site upon issuance of certificate of occupancy.

H. Real estate signs, limited to 6 square feet in developed residential districts and 32 square feet in undeveloped residential districts or nonresidential districts. No more than 2 such signs per lot shall be allowed and they shall be removed within 30 days of the sale or lease of the property.

I. Real estate directional signs, 1 per property road frontage not otherwise dedicated for other signage allowance, limited to 6 square feet in developed residential districts and 32 square feet in undeveloped residential districts or nonresidential districts. No more than 2 such signs per lot shall be allowed and they shall be removed within 15 days of the sale or lease of the property for which directions are provided.

J. Building addresses and emergency information.

4.7.4 GENERAL REGULATIONS

All signs shall be located on private property and shall abide by those regulations which pertain to each class of signs. The permit number shall be permanently affixed to each permitted sign. In all cases sign regulations shall be applied on a parcel level basis. If several buildings or tenants are located upon the same parcel, the allocation of sign space for multiple uses shall be controlled by the property owner provided that the total number of signs (and the sum of their areas) shall not exceed that permitted for the parcel as a whole. The Board of Commissioners shall not grant any
variance to these standards which results in an increase exceeding 25% of the applicable limitation.

A. *Projecting Signs*

Are permitted in nonresidential districts and shall be securely fastened by metal supports to the building surface and meet all applicable building codes while maintaining a clear height of 10 feet above the ground level. No projecting sign may extend above the parapet wall. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

B. *Wall Signs*

Are permitted in nonresidential districts and shall be securely fastened to the building surface meeting all applicable building codes. Walls signs may project up to 18 inches from the building provided that, if they project more than 4 inches from the building surface, they shall maintain a clear height of 10 feet above the ground level. No wall sign may extend above the parapet wall. The number of building faces which may contain wall signage shall be equal to the number of property lines which abut public roadways or designated access drives to planned centers for a minimum of 50 feet. No more than 15% of any wall face may contain wall signage with a minimum of 32 square feet allowed. The total permissible sign area for a single business may be incorporated within wall, canopy, under canopy, projecting or window signage provided that in aggregate, they do not exceed the 15% limit.

C. *Canopy Signs*

Are permitted in nonresidential districts and shall be securely fastened by metal supports to the building surface and meet all applicable building codes. Canopy signs may not extend above the parapet wall and shall maintain a clear height of 10 feet above the ground level. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

D. *Window Signs*

Are permitted in nonresidential districts subject to those standards which apply to wall signs. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

E. *Under Canopy Signs*

May be no larger than 6 square feet and must be no less than 8 feet above the ground at the lowest extremity of the sign and attached to the supporting structure at no less than 2 points. Permissible sign area shall be considered inclusive of the total wall sign area allowance for the building.

F. *Free Standing (Detached) Signs*

Are permitted in all zoning districts except R-1, R-2, PRD (SF), and A-1. For each property line which abuts public right-of-way, 1 freestanding sign is permitted provided all support members are located at least 12 feet from any property line and that no part of the sign shall project over right-of-way lines. In the case of corner lots, a single sign with up to 4 sides may
be erected in lieu of 2 or more separate signs. In no case shall a property contain multiple detached signs along the same road frontage. The maximum allowable height and sign face area of detached signs shall be determined in accordance with the type of roadway along which the sign is to be located to account for varying travel speeds, sight distances and commercial conditions (see Table H).

TABLE H. MAXIMUM HEIGHT AND SIGN FACE AREA FOR DETACHED SIGNS

<table>
<thead>
<tr>
<th>Use</th>
<th>Roadway</th>
<th>Max. height (ft.)</th>
<th>Sign Area (sq. ft.)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>Major</td>
<td>30</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>Local</td>
<td>15</td>
<td>40</td>
</tr>
<tr>
<td>Multifamily</td>
<td>Major</td>
<td>25</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Local</td>
<td>15</td>
<td>32</td>
</tr>
</tbody>
</table>

*Sign area is calculated per face. Support structures are limited to 50% of the allowable sign face area.

G. *Off-premises Signs*

Shall meet the same standards set forth in subsection H above [below] except that such signage shall also be regulated as a principal use and required to meet all dimensional standards of the applicable zoning district. No off-premises sign shall be located or erected on a substandard lot unless approved by the Board of Commissioners. All distances shall be measured to the nearest point of the sign.

H. *General Advertising Sign*

All general advertising signs are subject to the following restrictions regarding their location and permitting. No general advertising sign lawfully in existence on January 1, 1999, shall be altered or moved unless it be made to comply with the provisions of this article [division]. General advertising signs are subject to the following:

1. No general advertising sign shall be placed within 500 feet of a bona fide residence, church, school, park, public building or cemetery.

2. No general advertising sign shall contain a sign area in excess of 350 square feet.

3. No general advertising sign shall contain more than 2 faces.

4. No general advertising sign shall be located within 2,500 feet of another general advertising sign located on the same side of the road.

5. No general advertising sign may exceed 70 feet in height along a state highway or 35 feet along a major or local road as measured from the established road grade at the nearest point of the aforementioned road.

6. The Department of Planning and Zoning may administratively reduce the setback for general outdoor advertising signs by 50 percent along a state highway right-of-way, when it can be demonstrated that this action is necessary in order to preserve trees, provided,
however, that no trees shall be cut in locating or erecting such outdoor advertising signs and GDOT approval is obtained by the applicant.

7. No general advertising sign shall be located or erected on a substandard lot and shall meet all other zoning district regulations, including required setbacks and lot widths. Support structures shall meet the setback requirements, however sign faces may extend 25% into any required setback. All distances shall be measured to the nearest point of the sign.

8. No general advertising sign shall be located or erected on a lot upon which a building is located if such lot or the building thereon has any sign located thereon.

9. No general advertising sign may be located closer to a permanent structure than a distance which is equal to or greater than the height of the sign.

10. General advertising signs shall be permitted in I-1, I-2, CN, C-1 and OS zoning districts.

11. All variance requests seeking relief from these standards must be made to Board of Commissioners. Application shall be made through the Department of Planning and Zoning.

### 4.7.5 SPECIAL CONDITIONS

There exist unique conditions which require greater diligence due to their ability to more greatly harm the public good by creating unsafe, unsanitary or unkempt conditions. As such, the County hereby imposes additional regulations and standards on the following types of signage:

A. Shopping Centers - In shopping centers and shared commercial buildings, individual tenants are entitled to wall, canopy and under canopy signage utilizing those standards noted previously in this section, calculated by tenant space. Individual tenants are not entitled to any detached signage on the premises, however, the property owner or manager may request 1 detached sign for each property line which abuts public right-of-way for a distance of at least 75 feet based upon the gross square footage of the shared center (exclusive of outparcels) as shown in Table I:

<table>
<thead>
<tr>
<th>Size</th>
<th>Roadway Type</th>
<th>Allowable Sign Area (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;=50,000 sq. ft.</td>
<td>Local</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Collector/Industrial</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Arterial</td>
<td>100</td>
</tr>
<tr>
<td>50,000 - 200,000 sq. ft.</td>
<td>Local</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Collector/Industrial</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Arterial</td>
<td>120</td>
</tr>
<tr>
<td>=&gt; 200,000 sq. ft.</td>
<td>Local</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Collector/Industrial</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td>Arterial</td>
<td>250</td>
</tr>
</tbody>
</table>
B. Personal expression signs are permitted within Single-Family Residential districts provided that no sign may exceed 6 square feet in area or 4 feet in height. Limited to 2 signs per lot. No permit required.

C. Gas stations which incorporate a canopy covering the pumping area may place signage along the canopy eaves. Such signage may be placed on no more than 3 sides and is limited to 10 square feet per side. Signs forming an integral part of a gasoline pump do not require a permit.

D. Animated signs shall be located in commercial or industrial zonings only and may not be placed within 200 feet of any adjoining residential district if visible therefrom. Any such sign within 100 feet of any state highway may be required to obtain approval from GDOT.

E. Temporary signs

   Shall be allowed in nonresidential districts for a period not to exceed 30 consecutive days and are further limited to 90 total days annually at any location. Only 1 temporary sign or advertising device may be displayed on a lot at a time. Temporary signs may only be located upon a building face which abuts a public street or designated access drive. Detached signage will not be permitted as temporary signs. In shopping centers and shared commercial buildings, individual tenants may be entitled to 1 temporary sign or advertising device to be displayed on a building face which abuts a public street or designated access drive. A permit must be obtained for all temporary signs.

   1. Banners shall be subject to all dimensional standards which apply to wall signage.

   2. Inflatable advertising devices (less than 35 feet in height above the roof from its highest point). Approval from the Fire Department is required for any gas-filled figure.

   3. Detached signage in conjunction with seasonal sales may be permitted from November 15 to January 1. Such signage shall be limited to 50 square feet in size and shall be located at least 12 feet from any property line.

F. Changeable copy signs or display case signs for civic, public, charitable, educational or religious institutions shall not be counted toward the number of allowable detached signs when the sign is located on the premises of said institutions.

G. Subdivision entrance signs shall be ground based (monument style) and the sign area shall not be greater than 64 square feet. Permit required.

H. Portable signs (and display cases) shall be permitted and regulated as detached signage and subject to those restrictions except that in no case shall they exceed 15 square feet in area nor may they be located upon a lot which has an existing detached sign (irrespective of road frontages). Those portable signs which are illuminated must also meet all relevant building and electrical codes.

I. Vehicular signs shall conform to the following restrictions:

   1. Vehicular signs shall contain no flashing or moving elements nor any other information than the name, location and phone number of the business.
2. Vehicular signs shall not project beyond the surface of a vehicle in excess of 4 inches.

3. Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle.

4. No banners, flags and other attachments may be placed on the vehicle.

5. Signs, lights and signals used by authorized emergency vehicles shall not be restricted.

6. Commercial vehicles with signs may not be parked within 30 feet of public right of way in a manner as to serve as additional signage for the establishment.

J. In a planned industrial park or residential subdivision where right-of-way is dedicated to the County, signage in compliance with all other district regulations will be allowed in the right-of-way median, provided:

1. All such signs are shown on any submitted and amended plats.

2. A permanent maintenance agreement shall be filed with the Clerk of Superior Court at the time of the final plat indicating how the sign will be maintained, and that the sign may be removed by the County at the property owner expense if it is not maintained.

3. All signs shall be located within a median on the main interior street within the development.

K. Reserved

L. Within single-family residential zoning districts, those uses listed as permitted uses within such a district may incorporate wall signage subject to the following restrictions:

1. The number of building faces which may contain wall signage shall be equal to the number of property lines which abut public roadways for a minimum of 50 feet.

2. No more than 10% of any wall face may contain wall signage with a minimum of 12 square feet allowed.

3. No wall sign may extend above the parapet wall.

M. Religious Institutions - On parcels where religious institutions, churches, monasteries, mosques, temples or synagogues are established on properties zoned R-1, R-2, or R-4, free standing (detached) signs are permitted provided such signs may not exceed 40 square feet in area or 15 feet in height. For each property line that abuts public right-of-way, 1 freestanding (detached) sign is permitted provided all support members shall be at least 12 feet from any property line and that no part of the sign shall project over right-of-way lines.

N. Any signs, fliers, bills, posters, or any other such object illegally placed upon or affixed to the public right-of-way or any publicly owned building or structure, whether located within or outside of the public right-of-way, shall be removed immediately upon notice by the Planning and Zoning Department. Any damage or defacement resulting from such prohibited placement shall immediately be repaired or otherwise corrected by the responsible party. For
purposes of enforcement, the responsible party shall be deemed to be the party benefiting or intending to benefit from the advertisement, notice or message required to be removed.

4.7.6 PROHIBITED SIGNS

A. The following signs are prohibited:

1. Signs on sidewalks, curbs or public rights-of-way.
2. No signs shall be attached to a fence, fence post, tree, tree trunk, street sign or utility pole or be painted on or otherwise attached to a rock or other natural objects.
3. No sign shall be allowed which emits or utilizes in any manner any sound capable of being detected on a public road by a person of normal hearing.
4. No flashing or blinking signs shall be permitted in a residential district, or within 200 feet of a residence.
5. No sign shall be allowed which rotates at a rate exceeding 6 revolutions per minute.
6. Signs which advertise an activity which is illegal under local, state, or federal laws or regulations.
7. Signs which are erected or maintained which obstruct any fire escape, any means of egress or ventilation, or which prevent free passage from one part of a roof to any other part thereof, or attached in any manner to a fire escape.
8. Portable display signs located on property which has an existing detached sign.
9. Off-premises signs located on property which has an existing sign.

B. Signs Not to Constitute a Traffic Hazard - No sign, noise emission or revolving beam or beacon of light shall be erected at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. The Planning and Zoning Director shall determine whether any such sign, noise emission, or illumination creates a hazard to the motoring public. Also, the Planning and Zoning Director shall determine if any sign obstructs or impairs the sight of any vehicle operator. In all zoning districts, no sign or other obstruction to vision between the height of 3 feet and 15 feet, except utility poles, light or street sign standards or tree trunks shall be permitted within 15 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.

C. Nonconforming Signs

1. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable materials on nonconforming signs shall be permitted, notwithstanding those signs described in subsection A. above. Signs which represent a hazard to the public health, safety or welfare shall not be considered nonconforming nor derive any protection therefrom.
2. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of this sign shall be permitted except to make the sign comply with the requirements of this article [division].

4.7.7 COMPLIANCE REQUIREMENTS

A. Administrative Variances - The Planning and Zoning Director may grant administrative variances from the standards of the article [division], where, in their opinion, the intent of the article [division] can be achieved and equal performance obtained by granting the variance. Notification shall be given to Board of Commissioners at least 10 days prior to the granting of said variance. If no objection is lodged, the variance shall be considered valid.

B. Sign Inspections - The Planning and Zoning Director may require the building inspector or other County code enforcement officials to perform field inspections to determine that the display sign being erected, replaced, reconstructed, expanded, relocated, or used is being pursued in accordance with the Standard Building Code and all other applicable ordinances for which a sign permit has been issued. When a violation has been found to exist, the Planning and Zoning Director shall immediately advise the violator of the violation and take appropriate legal action to insure compliance.

C. Notice of Violation

1. NOTICE OF VIOLATION-PRIVATE PROPERTY - If any sign is erected or maintained in violation of any of the provisions of this article [division] or other ordinances, the County shall have the power to give the owner thereof certified written notice of such violation, which must be received at least 5 days prior to the issuance of any citation for such violation. Said notice to include a brief statement of the particulars in which this article [division] or other ordinances are violated and the manner in which such violation is to be remedied. If a sign has been registered with the County, notice to the registered owner or the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing of a copy of the notice to the sign, sign structure, or building for a period of 5 days shall be sufficient. If a sign owner cannot be found, the duty to perform corrections or removal of the sign will be upon the property owner on whose property the sign is attached. Permanent signs are allotted a period of 5 days for removal. Temporary and/or portable display signs have 5 days for removal.

2. NOTICE OF VIOLATION-PUBLIC PROPERTY - All signs placed upon County property, including right-of-way may be removed immediately by code enforcement personnel.

D. Unsafe and Unlawful Signs - If the County shall find that any sign is unsafe or insecure or has been constructed, erected or maintained in violation of the provisions of this article [division], it shall give written notice to the owner of record specifying particular violations and demanding their remedy, and the County may proceed with action as provided by law. The County may cause any sign which is an immediate peril to persons, property, or public safety to be removed without notice. The cost of sign removal will be charged against the sign owner if known or against the property owner on which the sign is attached.

E. Abandoned Sign - Signs which advertise a discontinued product, place, activity, person, institution, or business shall be removed within 30 days from the date of discontinuance. If
such signs are not removed within this time period, they shall be removed at the direction of
the County as a possible hazard to the general public.

F. **Enforcement** - Any violation of the provisions of this article [division] which continues after
proper notice by any person, agent, or tenant who has control over any sign located on
property on which the sign is located is hereby deemed in violation of this article [division].
The Planning and Zoning Director or any law enforcement officer of the County is hereby
authorized and directed, upon discovery of any violation of any provision of this article
[division], to issue a citation for the violator or violators to appear before the appropriate
court on a day and time certain to answer to the charges. Nothing herein contained shall
prevent the County from taking such other lawful action as is necessary to prevent or remedy
any violation.
ARTICLE 5
SUBDIVIDING PARCELS/LOTS

5.1 PURPOSE

These Regulations shall govern all subdivisions of land into two or more individual parcels or lots, within the unincorporated limits of Polk County, Georgia, or any other areas over which the Polk County Board of Commissioners has authority pertaining to land development. No parcels/lots shall be subdivided, combined, or altered in any way within the unincorporated limits of Polk County, Georgia, until a final plat of such divisions has been approved by the Planning and Zoning Director and is recorded with the Clerk of the Superior Court. Any existing lots of record created and recorded with the Clerk of the Superior Court prior to the adoption of these Regulations can be bought or sold, as is, so long as the size and shape of such lots are not modified in any way.

5.1.1 SUBDIVISION OF LAND OVERVIEW

A. Subdivisions with Public Improvements

1. The division of land into two or more lots that will require the construction or extension of public streets, water, or sanitary sewerage (other than the direct connection of buildings to existing facilities) shall be conducted as outlined in Article 6 – Land Development of these Development Regulations.

2. A PDF copy of all approved plats shall be submitted to the Planning and Zoning Department.

B. Minor Subdivisions

1. The division of land into four or fewer lots, each of which have the minimum required frontage on an existing county maintained roadway, water, and sanitary sewerage (if applicable); and which meet all other requirements of these Development Regulations, shall be conducted as follows:

   a. A Final Plat shall be prepared by a Georgia registered land surveyor and include the following:

      1) All data required by Georgia law pertaining to the recording of maps and plats (O.C.G.A. § 15-6-67, as amended).

      2) The final plat shall be drawn to scale of not less than one-inch equals one hundred (100) feet on a sheet or sheets not exceeding seventeen (17) inches by twenty-two (22) inches.

      3) Name of the subdivision. If the development is a private subdivision, “Private Subdivision” shall be included in the title.
4) Street names including both the name and the suffix such as “Street,” “Avenue,” etc.

5) Name of the former subdivision if any or all of the property has been previously subdivided.

6) Show graphic scale and north point. The north point shall be identified as magnetic, true, or grid north.

7) State the total number of acres and number of lots.

8) State zoning category of the property.

9) State names of adjoining property owners or subdivisions, and zoning category of adjacent properties.

10) Show right-of-way, dimension from centerline, pavement width and surface type of all streets and roads on or adjacent to the property to be subdivided.

11) Show location and description of monuments.

12) Provide certification by a registered surveyor attesting to the accuracy of survey. Closure shall be one (1) foot in 2500 feet or better.

13) Provide certification by the Health Department that private sewage systems installed or proposed to be installed fully meet the requirements of the Health Department.

14) Location sketch.

15) Lot lines with dimensions to the 1/100 (0.01) foot; necessary internal angles to the nearest minute, arcs, and chords; and tangent or radii of rounded corners.

16) Building front, side, and rear setback lines with dimensions as to length across each lot and distance from the street right-of-way.

17) Lots numbered in numerical order and blocks lettered alphabetically.

18) Location, dimensions and purpose of all easements, if required, and any areas to be reserved, donated, or dedicated to public use.

19) A listing of the private covenants recorded with each lot or a statement of the location of such covenants recorded with each lot or a statement of the location of such covenants, if applicable.

20) The extent of any area of special flood hazard, as defined in these Development Regulations.

21) Pertinent data including radius, central angle, and tangent distance must be given for regular curves on pre-existing roads.
22) All maps or plats shall show the width of all rights-of-way adjacent to any point of reference.

23) All land lot lines, land district lines, land section lines, and city and county boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the plat with appropriate words and figures.

24) All plats shall show the state plane coordinates of at least two permanent monuments thereon, when a United States Coastal and Geodetic Survey monument is within 500 feet of any point on the property platted, or any point of reference shown thereon.

25) Each Final Subdivision Plat shall carry the following Surveyor’s Certificate, printed or stamped on the plat and signed and dated in black ink.

```
SURVEYOR’S CERTIFICATE
It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision and that all monuments shown thereon actually exist. The field data upon which this plat is based has a closure precision of one foot in ______ feet, and an angular error of ______ per angle point, and was adjusted using ______ rule. This plat has been calculated for closure and is found to be accurate within one foot in ______ feet. By (name): ____________________________
Registered Georgia Land Surveyor No. ____________________________
Address: ______________________________________________________
Telephone Number: _____________________________________________
Date: ____________________________
```

26) Each Final Subdivision Plat shall carry the Surveyor’s Seal. The original final subdivision plat drawing shall bear the original signature, in black ink, of the registered land surveyor placed across the surveyor’s seal in order to be valid and recordable.

27) Each Final Subdivision Plat shall carry the following Owner’s Certificate, printed or stamped on the plat and signed and dated in black ink.

```
OWNER’S CERTIFICATE
State of Georgia
County of Polk

The undersigned certifies that he or she is the owner of the land shown on this plat and that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Polk County Development Regulations. The owner further acknowledges this plat and allotment to be his free act and deed, and dedicates to the public forever all areas shown or indicated on this plat as streets, easements or other public use areas, and all water system, sewerage and other public improvements as depicted on the as-built surveys for this subdivision, approved on ______ (date) ______. Owner’s name: ____________________________
Owner’s address: ____________________________
Telephone Number: ____________________________ Date ____________________________
(Owner’s signature)
```

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Certification by the Health Department that the water supply or sewerage systems installed or proposed to be installed fully meet the requirements of the Health Department’s regulations. (These certifications may be submitted on a separate form as specified by the Planning and Zoning Department.) The Health Department certification statement shall include written notice that each lot not on public sewer must have a septic tank permit prior to the start of construction. For developments with public sewerage and public water systems this certification may be omitted.

The following shall be stamped or printed on the final subdivision plat for execution upon its approval by the Planning and Zoning Department.

---

**CERTIFICATE OF FINAL PLAT APPROVAL**

All requirements of the Polk County Development Regulations having been represented as being fulfilled by this plat and the related as-built surveys approved on ___(date)___, the Polk County Planning and Zoning Department hereby approves this plat for recordation by the Clerk of Superior Court and recognizes the owner’s offer of dedication of all areas and public improvements shown thereon and on said as-built surveys on behalf of the public, subject to maintenance and guarantee by the owner for one year from the date of this approval.

___Date___

(Signature of Planning Director or Designee)

---

b. The Planning and Zoning Director shall review and approve all such plats prior to recordation of the Final Plat with the Clerk of the Superior Court.

c. After recordation of the Final Plat, the lots may be sold and building permits on the lots may be obtained.

d. All plats shall be stamped approved by the Health Department prior to review by the Planning and Zoning Department.

e. Platted parcels or tracts of land that do not meet the minimum requirements of these Regulations regarding size, frontage, etc. shall either be revised to meet the minimum requirements or shall be labeled as un-buildable lots prior to being recorded.

A. Major Subdivisions

1. The division of land into 5 or more lots, each of which have the minimum required frontage on an existing county maintained roadway, water, and sanitary sewerage; and which meet all other requirements of these Development Regulations, shall be conducted as follows:

   a. A Final Plat shall be prepared by a Georgia registered land surveyor according to the same requirements as a Minor Subdivision.

   b. All plats shall be stamped approved by the Health Department prior to review by the Planning and Zoning Department.
c. Platted parcels or tracts of land that do not meet the minimum requirements of these Regulations regarding size, frontage, etc. shall either be revised to meet the minimum requirements or shall be labeled as un-buildable lots prior to being recorded.

d. Administrative review by the Planning Director and approved by the Planning and Zoning Commission and the Polk County Board of Commissioners will authorize recordation of the Final Plat with the Clerk of the Superior Court.

e. After recordation of the Final Plat, the lots may be sold and building permits on the lots may be obtained.

5.1.2 ROAD FRONTAGE

A. Each newly created or amended parcel/lot must abut a roadway that has been accepted by the County as a county maintained roadway or has been designated by the County as a private roadway based upon the following criteria.

1. Lots 10 acres or less shall have a minimum of 30’ road frontage extending uniformly back to the building setback line.

2. Lots larger than 10 acres shall have a minimum of 60’ road frontage extending uniformly back to the building setback line.

3. Lots abutting cul-de-sac turnarounds shall have a minimum of 25’ road frontage.

B. In cases where the minimum frontage (30’ or 60’) is utilized, the area within the (30’ or 60’) strip cannot be considered when determining the minimum required area as specified in section 5.1.3 below.

C. In cases where existing land locked parcels/lots are subdivided, each newly created or amended parcel/lot shall require documented proof of a minimum 30’ wide easement, providing ingress/egress from a county maintained roadway, prior to administrative approval and recording of a final plat.

5.1.3 MINIMUM LOT DIMENSIONS AND AREAS

A. All parcels/lots proposed as a result of subdividing or amending existing parcels/lots shall meet or exceed the area and dimensional requirements of these Development Regulations for the zoning district in which the parcels/lots are located.

B. Except in instances of extreme topography or unusual physical conditions, lot depth shall not be more that five (5) times the lot width at the building line.
The following table shows the dimensional requirements by zoning district:

### Table 5-1

<table>
<thead>
<tr>
<th></th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL AND INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>District</td>
<td>Min. Lot Size (sq ft)</td>
<td>Min. Lot Width (feet)</td>
</tr>
<tr>
<td>R-1</td>
<td>33,000^a</td>
<td>(100/75^e)</td>
</tr>
<tr>
<td></td>
<td>43,560^b</td>
<td>(125/100^e)</td>
</tr>
<tr>
<td>R-2</td>
<td>33,000</td>
<td>100/75^e</td>
</tr>
<tr>
<td>RA-8</td>
<td>3,000^a</td>
<td>35f/25</td>
</tr>
<tr>
<td></td>
<td>33,000bcd</td>
<td></td>
</tr>
<tr>
<td>R-4</td>
<td>10,000</td>
<td>50</td>
</tr>
<tr>
<td>PRD</td>
<td>20,000^i</td>
<td></td>
</tr>
<tr>
<td>A-1</td>
<td>43,560</td>
<td>125</td>
</tr>
</tbody>
</table>

Notes:

a. Fee Simple Townhouse  
b. Duplex  
c. Triplex  
d. Quadplex  
e. On Cul-de-sac  
f. If required parking is provided within the front setback  
g. Lots developed along a new publicly dedicated street.  
h. Lots developed on existing county maintained right-of-ways  
i. If on public water and sewer
ARTICLE 6
LAND DEVELOPMENT

6.1 GENERAL

6.1.1 ENGINEERING

A. Requirements

1. Development plans and supportive studies include but not limited to concept plans, grading plans, roadway plans, utility plans, erosion & sediment control plans, stormwater management plans & reports, details, and specifications shall be submitted for all proposed residential, commercial, and industrial land development projects involving more than 0.4 acres within the unincorporated areas of Polk County.

B. Qualifications

1. All engineering work shall be completed by or under the supervision of a Registered Professional Engineer, currently licensed by the Georgia Secretary of State. All work shall be sealed and signed accordingly.

6.1.2 SURVEYING

A. Requirements

1. Detailed surveys shall be completed and must be the basis for all development plans submitted to the Polk County Planning and Zoning Department for review and approval. All surveys shall be tied to state plane coordinates with elevations tied to Mean Sea Level (MSL).

B. Qualifications

1. All surveys must be completed, sealed, and signed by a Registered Land Surveyor, currently licensed by the Georgia Secretary of State.

6.1.3 CONTRACTOR

A. Requirements

1. Experienced contractors in good standing with Polk County shall construct all elements of land development projects proposed within the unincorporated areas of Polk County.

B. Qualifications

1. Contractors performing land development activities within Polk County shall be required to possess a Georgia Soil and Water Conservation Commission - Level 1A certification. All employees working under a contractor shall at a minimum have attended an erosion and sediment control awareness course. At least one contractor possessing a Level 1A
certification must be present on site at all times while land development activities are being performed.

6.1.4 LIABILITY

A. Approval of development plans by the County shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.

B. No development permit shall be interpreted to relieve any owner/developer/contractor of the responsibility of maintaining full compliance with all applicable codes, ordinances, and other regulations of Polk County. Any development permit issued in error or in contradiction to the provisions of these Development Regulations shall be considered to have been null and void upon its issuance.

C. The approval of plans under the provisions of these Development Regulations, the issuance of a development permit, or the compliance with any other provisions of these Development Regulations shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall there be any liability upon the Governing Body for damage to any person or property.

D. The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in these Development Regulations or of the terms of the Development Permit.

E. The completion of inspections and authorization for work continuation shall not imply or transfer responsibility for the quality of the work performed or materials used from the owner/developer or contractor, under whose supervision the work was completed.

6.1.5 FEES

A. Article 11, of these Regulations outlines the appropriate fees for all plan reviews, permits, and inspections associated with development projects.

6.1.6 COMMON PROJECT DESIGN STANDARDS

A. Suitability of land

1. Land physically unsuitable for development because of poor soils, flooding, poor drainage, steep slopes, rock formations, or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of improvements shall not be approved for development unless adequate methods are formulated by a registered geotechnical engineer for solving the problems and approved by the County. Certification by a registered geotechnical engineer as to the suitability of soils is required for all development projects where the County may have a present or future obligation for maintenance.
B. Development in a Flood Area

1. Findings of Fact

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

2. Statement of Purpose

   a. It is the purpose and intent of this Ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

      2) Require that uses vulnerable to floods, including facilities, which serve uses, be protected against flood damage at the time of initial construction;

      3) Control the alteration of natural flood plains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;

      4) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

      5) Prevent or regulate the construction of flood barriers which naturally divert floodwaters or which may increase flood hazards to other lands.

3. Definitions

   “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, shall be considered New Construction.

   “Appeal” means a request for a review of the Chief Building Official’s and/or Polk County Planning and Zoning Director’s interpretation of any provision of this ordinance.

   “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” is the land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in this Ordinance. All streams
with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

“Base Flood Elevation” means the highest water surface elevation anticipated at any given point during the base flood.

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

“Building.” See “Structure”

“Development” means any man-made change to improve unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

“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 fill, 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.

“Existing Construction” Any structure for which the “start of construction” commenced before the original Polk County floodplain ordinance dated July 2, 1991.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the original Polk County floodplain ordinance date July 2, 1991.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.


“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or

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

“Flood Hazard Boundary Map” or “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.
“Food Insurance Rate Map” or “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” or “FIS” means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

“Floodplain” means any land area susceptible to flooding.

“Flood Proofing” 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” or “Regulatory Floodway” means the channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

“Functionally Dependent Use” means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

“Future Conditions Flood” means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

“Future-conditions Flood Elevation” means the flood standard equal to or higher than the Base Flood Elevation. The Future-conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

“Future-conditions Floodplain” means any land area susceptible to flooding by the future-conditions flood.

“Future-conditions Hydrology” means the flood discharges associated with projected land-use conditions based on a community’s zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

“Historic Structure” means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(b) Certified of preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior in states without approved programs.

“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 ordinance.

“Manufactured Home” means a building, transportable in one or more sections built on a permanent chassis and designed to be use with or without a permanent foundation when connected to required utilities. The term includes any structure commonly referred to as a “mobile home” regardless of the date of manufacture. The term also includes parked trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

“Mean Sea Level” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

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

“New Manufactured Home” means any structure (see definition) for which the “start of construction” commenced after the original Polk County floodplain ordinance dated July 2, 1991 and includes any subsequent improvements to the structure.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the original Polk County floodplain ordinance dated July 2, 1991.

“North American Vertical Datum (NAVD) of 1988” is a vertical control used as a reference for establishing varying elevations within the floodplain.
“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 Polk County Community Development Department to the applicant, which is required prior to undertaking any development activity.

“Recreational Vehicle” means a vehicle, which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by light duty truck; and,

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

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

“Start of Construction” means the date the 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 footing, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. 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 foundation 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.

“Structure” means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

“Subdivision” means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

“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 combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred “substantial damage” regardless of the actual amount of repair work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official and not solely triggered by an improvement or repair project.

“Substantially Improved Existing Manufactured Home Park or Subdivision” is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Variance” is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance.

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

4. Objectives

a. The objectives of this Ordinance are to:

1) Protect human life and health;

2) Minimize expenditure of public money for costly flood control projects;

3) Minimize the need for the rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4) Minimize prolonged business interruption;

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

6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

7) Insure that potential home buyers are notified that property is in a flood area.
5. General Provisions

a. Lands to which this Section applies.

1) This Ordinance shall be applicable to all Areas of Special flood Hazard within Polk County, Georgia.

b. Basis for establishing areas of special flood hazard.

1) The areas of special flood hazard identified by the Federal Emergency Management Agency, and all locally adopted flood ordinances referenced as follows, are adopted by reference and declared to be a part of these Development Regulations:

   i. For Polk County, the Flood Insurance Study dated August 9, 2000 or later revisions, with accompanying maps and other supporting data, and any revision thereto.

c. Establishment of Flood Area Permit.

1) A Flood Area Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within an area of special flood hazard. See Section 3.3.8.

2) An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a Floodplain Management / Flood Damage Prevention Plan. This plan shall include the following items:

   • Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;

   • For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;

   • Proposed locations of water supply, sanitary sewer, and utilities;

   • Proposed locations of drainage and stormwater management facilities;

   • Proposed grading plan;

   • Base flood elevations and future-conditions floodplain;

   • If applicable, the location of the floodway; and

   • Certification of the above by a registered professional engineer or surveyor.
• Certification of the above by a registered professional engineer or surveyor.

• Building and foundation design detail including elevations in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

• Elevation in relation to mean sea level to which non-residential structure will be flood proofed;

• Certification that any proposed non-residential flood proofed structure meets the criteria in these Regulations.

• Certification for enclosures below the base flood elevation, location and total net area of foundation openings as required in these Regulations.

• Design plans certified by a registered professional engineer or architect for all proposed structure(s).

• Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

• Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, Special Flood Hazard Areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;

• Copies of all applicable State and Federal permits necessary for proposed development; and

• All appropriate certifications required under this ordinance.

3) The approved floodplain management / flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

d. Interpretation.

1) In the interpretation and application of this Section, all provisions shall be:

   i. Considered as minimum requirements;

   ii. Liberally construed in favor of the governing body; and

   iii. Deemed neither to limit nor repeal any other powers granted under State statues.
e. Warning and disclaimer of liability.

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

f Severability

1) If the provision of any section, subsection, paragraph, subdivision or clause of this ordinance 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 ordinance.

6. Administration


1) The Chief Building Official is hereby appointed to administer and implement the provisions of this Section.

b. Chief Building Official – Duties and responsibilities.

1) The duties of the Chief Building Official regarding any land within an area of special flood hazard shall include, but not be limited to:

i. Review all Flood Area Permits to assure that the permit requirements of this Section have been satisfied.

ii. Advise permittee that additional federal or state permits may be required, and, if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

iii. Notify adjacent communities and the EPD prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

iv. Submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency for any altered or relocated watercourse, to ensure accuracy of community flood map.

v. Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.
vi. Verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings, in accordance with these Development Regulations and the most recently adopted flood hazard local ordinance as attached by reference.

vii. Verify and record the actual elevation in relation to mean sea level, to which the new or substantially improved buildings have been flood-proofed.

viii. When flood-proofing is utilized for a particular building, the Chief Building Official shall obtain certification from a Professional Engineer or architect.

ix. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Chief Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation as provided in this ordinance.

x. When base flood elevation data or floodway data have not been provided in accordance with this Section, then the Chief Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this Section.

xi. All records pertaining to the provisions of this Section shall be maintained in the office of the Building Inspection Department and shall be open for public inspection.

7. Provisions for Flood Hazard Reduction

a. Floodways

1) Located within areas of special flood hazard are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential, the following provisions shall apply;

i. Encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited, unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

ii. If subsection i. is satisfied, all new construction shall comply with all other applicable flood hazard reduction provisions of this Section.

b. General Standards.

1) In all areas of special flood hazard the following provisions are required:
i. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

ii. Manufactured homes shall be anchored to prevent flotation, collapse, or a lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchor. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

iii. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

iv. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

v. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

vi. New and replacement water systems shall be designed to minimize or eliminate filtration of floodwaters into the system.

vii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

viii. Any alteration, repair, reconstruction, or improvement to a building that is in compliance with the provisions of this Section shall meet the requirements of “new construction” as defined in this Section.

ix. Any alteration, repair, reconstruction, or improvement to a building which is not in compliance with the provisions of this Section shall be undertaken only if such non-conformity is not furthered, extended, or replaced.

c. Specific Standards.

1) In all areas of special flood hazard where base flood elevation data have been provided, new construction or substantial improvement of any buildings shall meet the following requirements:

i. Residential Construction.

Any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation.

Sufficient fill shall be placed, if necessary, to provide at least fifteen (15) feet of clearance at the ground surface between all faces of any building, containing a dwelling unit, and the base flood limits.
ii. Nonresidential Construction.

Any commercial, industrial, or nonresidential building or manufactured building shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Buildings located in all “A” zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied. Such certification shall be provided to the official as set forth in Section 3.3.8 of these Development Regulations.

Sufficient fill shall be placed, if necessary, to provide at least thirty (30) feet of clearance at the ground surface from the face of the building, at its principal entrance, and the base flood limits.

d. Elevated Buildings

1) New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by the foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

The bottom of all openings shall be no higher than one (1) foot above grade.

Openings may be equipped with screens, louvers, valves, or other covering or devices provided they permit the automatic flow of floodwaters in both directions.

ii. Access to the enclosed area shall be the minimum necessary to allow for parking vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

iii. The interior portion of such enclosed area shall not be portioned or finished into separate rooms.

e. Standards for Streams without Established Base Flood Elevation and/or Floodways.
1) Located within the areas of special flood hazard, where streams exist but no base flood data has been provided or no floodways have been provided, the following provisions apply:

i. No encroachments, including fill material or structures, shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood at any point within the jurisdiction. The engineering certification shall be supported by technical data that conforms to standard hydraulic engineering principles.

ii. New construction or substantial improvements of existing buildings shall be elevated or flood-proofed to elevations established in this Section.

f. Standards for Subdivision Proposals.

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

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

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

4) Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

5) All subdivision proposals within a residential zone shall have lots with no less than 70 percent of the minimum lot size, as established in Section 5.3.1, above the base flood elevation.

6) All subdivision proposals within a non-residential zone shall have lots with no less than 40 percent of the minimum lot size, as established in Section 5.1.3, above the base flood elevation.

g. Standards for Areas of Shallow Flooding (AH and AO Zones).

1) Located within areas of special flood hazard are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply in these areas:

i. Residential Buildings.
All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth is specified, the lowest floor, including basement, shall be elevated at three feet above the high adjacent grade.

ii. Nonresidential Buildings.

All new construction and substantial improvements of nonresidential buildings shall:

Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade.

Together with attendant utility and sanitary facilities, the building shall be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

h. Construction in Flood Area

1) Construction of a building for which a flood area permit was issued shall be governed by the following:

i. Upon placement of the lowest floor, or flood proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the Development Permit holder to submit to the Chief Building Inspector a certification of the elevation of the lowest floor, flood proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, which ever is applicable, as built, in relation to mean sea level.

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

iii. Any work undertaken prior to submission of the certification shall be at the Development Permit holder’s risk.

iv. The Chief Building Inspector shall review the floor elevation survey data submitted. The Development Permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure
to make the corrections shall be cause to issue a stop-work order for the project.

i. Recreational Vehicles
All recreational vehicles placed on sites must either:
(a) Be on the site fewer than 180 consecutive days
(b) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
(c) The recreational vehicle must meet all the requirements for new residential construction, including anchoring and elevation requirements.

C. Buffers

A buffer shall be required in any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land zoning district. Mining operations shall require larger buffer areas along all site boundaries.

1. Buffer Design Standards
   a. General.
      1) Buffer areas shall contain no driveways, parking areas, patios, stormwater detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Ordinance. Underground utilities may be permitted to cross a buffer if the screening standards of this Ordinance will be subsequently achieved. Required vehicular access through a buffer may be allowed as a condition of a zoning, Special Use, or Planned Development approval by the Governing Body.
   
   b. Natural Buffers
      1) Natural buffers may not contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.
   
   c. Structural Buffers
      Structural buffers shall meet the following criteria:
      1) Structural buffers shall be vegetated throughout the minimum area required for the buffer around in fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.
      2) All earthen berms shall have a maximum side slope of two (2) horizontal to one (1) vertical. Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.
3) Trees shall be located or planted within any structural buffer at a density of no less than one tree for each 20 feet of buffer length or portion thereof. New trees shall have a caliper of no less than two (2) inches upon planting, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

4) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than two (2) feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location, and design.

5) Fences used in buffers must be made of rot-resistant material or protected from deterioration with water-proofing material.

2. Minimum Buffer Requirements

More intense or special land uses may require larger buffer areas. The following are minimum requirements for this Development Regulation.

a. Width of Buffer

1) Side Lot Line. Buffer required along any side lot line shall be no less than the minimum required width of the side principal building setback, or ten (10) feet, whichever is greater.

2) Rear Lot Line. Buffers required along any rear lot line shall be no less than the minimum required width of the rear principal building setback, or ten (10) feet, whichever is greater.

b. Minimum Required Screening

1) Minimum required screening shall consist of a natural buffer utilizing existing vegetation or a natural structural buffer, whichever provides an opaque visual screen to a height of six (6) feet, or any combination of existing and replanted vegetation which can be reasonably be expected to create an opaque visual screen six (6) feet high with two growing seasons.

c. Mining Operations

1) Mining operations shall require a minimum 200’ wide buffer along all property boundaries. Natural and structural elements shall be used to create an effective buffer.

d. Maintenance

1) Every buffer required by this Ordinance shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to the height of six (6) feet on a continuous, year-round basis.
3. Buffer Modifications

   a. The Planning and Zoning Commission having jurisdiction may reduce the width of the buffer to no less than 5 feet if the buffer includes the combination of fence, vegetation, and berm that will provide effective separation and adequate visual and audial screening. Buffers for mining operations shall not be reduced.

   b. Buffers may be located on the site to best achieve the screening required.

D. Landscaping

1. Landscaping Strips

   a. Frontage Landscape Strips

      A minimum 20 foot wide landscape strip shall be provided along the full length of any street frontage of a multi-family or nonresidential development.

      1) Frontage landscape strips shall contain no structures, parking areas, patios, stormwater detention facilities, or any other accessory uses except for the following:

         i Retaining walls or earthen berms constructed as part of an overall landscape design.

         ii Pedestrian-oriented facilities such as sidewalks and bus stops.

         iii Underground utilities.

         iv Driveways required to access the property.

         v Signs permitted by these Regulations.

      2) One tree shall be provided within the frontage landscape strip for every 40 feet of length of street frontage, or portion thereof. Such trees may be deciduous or evergreen, but must be of a type that is suitable to local growing conditions and that will normally reach at least 12 inches at diameter breast height upon maturity. The trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

      3) All portions of a frontage landscape strip shall be planted in trees, shrubs, grass, or ground cover, except for those ground areas that are mulched or covered by permitted structures.

      4) Upon planting, new trees shall have a caliper of no less than two (2) inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

      5) Plant materials in the frontage landscape strip are not to extend into the street right-of-way unless specifically allowed by the Planning and Zoning Department.
b. Side Yard Landscape Strips

A minimum of five (5) foot wide landscape strip shall be provided along any side lot of a nonresidential development. The side yard landscape strip is to extend from the front principal building setback line to the rear of the property.

1) Side yard landscape strips shall contain no structures, parking area, patios, stormwater detention facilities, or any other uses except for the following:

   i Retaining walls or earthen berms constructed as part of an overall landscape design.

   ii Underground utilities.

   iii Driveways required to access neighboring property.

2) All portions of a side yard landscape strip shall be planted in trees, shrubs, grass, or ground cover, except for those ground areas that are mulched or covered by permitted structures.

3) The side yard landscape strip shall contain at least one (1) tree for every 40 feet of length, or be planted in a continuous hedge or junipers (except for approved access drives and utility easements).

2. Parking Lot Trees

Deciduous shade trees shall be provided within any parking lot designed or intended to accommodate ten (10) or more cars, in accordance with the requirements of this Section. The tree species shall be of such that would not cause damage to pavement, curbs, or sidewalks as tree growth occurs.

a. One deciduous shall tree shall be provided within the parking lot for every 20 parking spaces, or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required. Trees provided to meet the minimum requirements of any landscape strip or buffer may not be counted toward this requirement.

b. A landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than eight (8) feet wide for at least the length of the adjacent parking space. The island shall be planted in trees, shrubs, grass, or ground cover except those areas that are mulched.

c. Tree planting areas shall be no less than eight (8) feet in width and shall provide at least 100 square feet of planting area per tree. No tree shall be located less than 2 ½ feet from the back of the curb. All parking lot landscape islands shall be curbed with minimum 6-inch high vertical curbs.

d. There shall be no trees planted within any public right-of-way.
3. Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation and characteristics for the planting materials they contain.

4. All landscape improvements including but not limited to shrubbery, fences, irrigation systems, etc. within any public right-of-way are the responsibility of individual property owners. The County shall remove any landscape improvement found to impair roadway visibility in the event the property owner fails to correct the problem immediately upon notification. The County is not responsible for landscape improvements disturbed or destroyed due to roadway or utility maintenance or repairs.

E. Mail Boxes

1. Polk County hereby adopts and conforms to the requirements established by the Georgia Department of Transportation regarding acceptable standards for residential mailboxes, which states:

   a. Under O.C.G.A. Section 32-6-1, the County can legally determine that any structure on a county maintained roadway is an obstruction and require its removal. However, in order to give appropriate notice to the public of which mailbox supports may be replaced on county maintained roadways, and those which will be considered an obstruction or encroachment upon county maintained roadways, the following rules are to be followed.

   b. Mailboxes shall be of light sheet metal or plastic construction conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.

   c. Mailboxes supports shall not be set in concrete unless the support design has been shown to be safe by crash tests when so installed.

   d. A single 4”X4” or 4”diameter wooden post or a metal post with strength no greater than a 2”diameter standard strength steel hollow pipe and embedded no more than 24” into the ground will be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10” below the ground surface.

   e. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if a vehicle strikes the installation.

   f. The minimum spacing between the centers of support posts shall be three-fourths the height of the posts above the ground on multiple mailbox installations.

2. Polk County also requires that the roadside face of a mailbox shall be no closer than three (3) feet from the edge of pavement.

F. Turning Lanes

1. Turning lanes shall be required at all entrances to subdivisions and multi-family, industrial, office and commercial developments that front on arterial streets and may be
required on collector streets. Turning lanes shall be 12 feet in width plus curb and gutter for a minimum distance of 200 feet measured from the intersection of the right-of-way lines or the edge of the driveway. The design of turning lanes shall adhere to the latest edition of the AASHTO Green Book (A Policy on Geometric Design of Highways and Streets).

6.1.7 PROTECTION OF NATURAL WATERS

A. Wetlands Protection

1. Protected Wetlands; Defined.

   a. “Wetlands” are freshwater areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar freshwater areas.

   b. Protected wetlands are those wetlands identified and mapped in the Comprehensive Plan, based on criteria defined, identified and mapped by the Georgia Department of Natural Resources (DNR), or based on other credible data provided by a qualified Professional Engineer.

2. Protected Wetlands; Restrictions

   Within any protected wetlands area, the following shall apply:

   a. Alteration or degradation of a protected wetland requires prior approval by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

   b. Hazardous or toxic waste receiving, treatment, or disposal facilities are prohibited.

   c. Sanitary landfills are prohibited.

   d. Land uses that may be allowed if permitted by the zoning district and by the Section 404 permit include:

      1) Timber production and harvesting.

      2) Wildlife and fisheries management.

      3) Camping, hiking, hunting, and fishing recreation facilities.

      4) Public wastewater treatment and natural water quality treatment or purification facilities.

   e. Other uses permitted under Section 404 of the Federal Clean Water Act.

B. Groundwater Recharge Area Protection

1. Protected Groundwater Recharge Areas; Defined
a. Significant recharge areas

1) Significant recharge areas are defined by the Georgia Department of Natural Resources (DNR) using criteria developed by them, and have been mapped on DNR’s Hydrologic Atlas 18 (1989 edition, or as may be amended by DNR from time to time).

b. Pollution susceptibility category

1) Categories of relative vulnerability of an aquifer to pollution (classified as “higher,” “average,” or “lower”) are defined by the DNR using criteria developed by them, and have been mapped on DNR’s Hydrologic Atlas 20 along with the most significant recharge areas.

2. Protected Groundwater Recharge Area Restrictions; General

Within any significant recharge area, as defined and delineated by the DNR, the following shall apply:

a. New hazardous waste treatment or disposal facilities are prohibited.

b. New sanitary landfills, if permitted, shall have synthetic liners and leachate collection systems.

c. Any new facility that involves the treatment, storage, or disposal of hazardous waste, if permitted by DNR and the zoning district, shall perform such operations on an impermeable surface having a spill and leak collection system.

d. Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

e. A new above ground chemical or petroleum tank must have secondary containment of 110% of the volume of the tank or 110% of the volume of the largest tank in a cluster of tanks. This requirement does not apply to:

1) Any tank having a maximum capacity of less than 660 gallons; and,

2) Any tank used for agricultural purposes, provided in compliance with all Federal requirements.

3. Protected Groundwater Recharge Area Restrictions; By Classification

a. Lower Pollution Susceptibility Areas

Within a significant recharge area classified as having “lower” susceptibility to pollution, the following applies:
1) New agricultural waste impoundment sites larger than 50 acre-feet must be lined. The liner must be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than 5 x 10.7 cm/sec or other criteria established by the U.S. National Resource Conservation Service.

2) A new home served by a septic tank/drain field system must be approved by the County Health Department and must have a lot or space that is at least 110% of the minimum lot or space size required by Table MT-1 of the Department of Human Resource’s Manual for On-Site Sewage Management Systems.

3) A new manufactured home park served by a septic tank/drain field system must be approved by the County and must have a lot or space that is at least 110% of the minimum lot or space size required by Table MT-2 of the Department of Human Resource’s Manual for On-Site Sewage Management Systems.

b. Average Pollution Susceptibility Areas

Within a significant recharge area classified as having “average” susceptibility to pollution, the following applies:

1) New agricultural waste impoundment sites larger than 15 acre-feet must be lined. The liner must be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than 5 x 10.7 cm/sec or other criteria established by the U.S. Natural Resource Conservation Service.

2) A new home served by a septic tank/drain field system must be approved by the County Health Department and must have a lot or space that is at least 125% of the minimum lot or space size required by Table MT-1 of the Department of Human Resource’s Manual for On-Site Sewage Management Systems.

3) A new manufactured home park served by a septic tank/drain field system must be approved by the County and must have a lot or space that is at least 125% of the minimum lot or space size required by Table MT-2 of the Department of Human Resource’s Manual for On-Site Sewage Management Systems.

c. Higher Pollution Susceptibility Areas

Within a significant recharge area classified as having “higher” susceptibility to pollution, the following applies:

1) All new agricultural waste impoundment sites must be lined. The liner must be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than 5 x 10.7 cm/sec or other criteria established by the U.S. Natural Resource Conservation Service.

2) A new home served by a septic tank/drain field system must be approved by the County Health Department and must have a lot or space that is at least 150% of the minimum lot or space size required by Table MT-1 of the Department of Human Resource’s Manual for On-Site Sewage Management Systems.
3) A new manufactured home park served by a septic tank/drain field system must be approved by the County and must have a lot or space that is at least 150% of the minimum lot or space size required by Table MT-2 of the Department of Human Resource’s Manual for On-Site Sewage Management Systems.

4) Spray irrigation of wastewater or the land spreading of wastewater sludges must be approved by DNR.

5) Permanent storm water infiltration basins are prohibited.

6) New wastewater treatment basins (except for mining settling basins) must have an impermeable liner and be approved by DNR.

C. Greenways

1. Along State Waters: Land-disturbing activities shall not be conducted within 50 feet of the banks of a creek or stream. Impervious improvements are restricted within the next 25 feet beyond that point, as measured from the point where vegetation has been wrested by normal stream flow or wave action, (see Article 10 for entire Buffer Ordinance) except:

   a. Where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment; or

   b. Where otherwise allowed by the EPD Director; or

   c. Where a drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided however, that greenways of at least 25 feet established pursuant to the Metropolitan River Protection Act shall remain in force unless a variance is granted by the EPD.

2. Along Trout Streams: Land-disturbing activities shall not be conducted within 100 horizontal feet, as measured from the point where vegetation has been wrested by normal stream flow or wave action, of the banks of any state waters classified as “trout streams” unless a variance for such activity is granted by the EPD Director, except where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented.

3. The fact that land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in these Development Regulations or the terms of the development permit.

6.1.8 MINIMUM DEVELOPMENT REQUIREMENTS

A. The following improvements shall be provided by the developer or at the developer’s expense in every development.

1. Survey monumentation of the public streets and lot lines in a subdivision.
2. Streets providing access to a development and to all lots in a subdivision, including the extension of streets required to provide access to adjoining properties.

   a. Streets contained wholly within a subdivision shall be improved to the full standards contained in this Article. Existing streets that adjoin a subdivision shall be improved to the minimum standards provided in this Article from the centerline of the street along the subdivision’s frontage as a project improvement.

   b. Streets within or adjacent to nonresidential subdivisions, or serving residential subdivisions with 200 dwelling units or more shall be improved to collector street standards; however, adjacent streets that are classified as arterials shall be improved to arterial standards. All other streets shall be improved to local street standards.

   c. Curb and gutter or swale ditches along all roadways, as applicable.

3. Storm water drainage and detention facilities.

4. Sidewalks are encouraged but not required for developments having curb and gutter streets within the unincorporated areas of Polk County.

5. Street name signs, stop bars, and traffic control signs shall be installed by Polk County at the developer’s expense.

6. Where public water is available at the property being subdivided, public water service shall be provided to every lot in a subdivision and to every development for both domestic use and fire protection. Water mains shall be connected to the existing public water system and extended past each lot. When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve the adjacent lot, a connection shall be stubbed out to the property line to serve each lot prior to installing the street base. Water mains and fire hydrants shall be installed according to plans and specifications approved by the Polk County Water Authority, the County Board of Health, and the State Department of Natural Resources Environmental Protection Division. Fire protection systems shall be installed to current Insurance Services Office (ISO) specifications and requirements. A contractor approved by the Polk County Water Authority shall install all elements of the water system, including mains, valves, and hydrants at the developer’s expense.

7. Fire hydrants shall be located along the streets in every subdivision and within every development project according to the details and specifications of the Polk County Water Authority.

8. Street lights in a subdivision or development in the unincorporated portion of the county, shall be addressed in accordance with these Regulations.

B. Stormwater Management

   1. Refer to Article 8 of these Development Regulations for all Stormwater Management requirements and specifications.

C. Erosion & Sediment Control
1. Exemptions

a. This Section shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1) Surface mining, as same as defined in O.C.G.A. § 12-4-72.

2) Granite quarrying and land clearing for such quarrying.

3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, which result in minor soil erosion.

4) Single-family detached dwellings, as follows:

i The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy; or

ii The construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of more than two lots.

iii For single-family detached dwelling construction covered by the provisions of this subparagraph, there shall be a greenway zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such greenway zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the greenway zone shall be at least 50 horizontal feet, and no variance to a smaller greenway shall be granted. For secondary trout waters, the greenway zone shall be 50 horizontal feet, but the EPD Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the greenway shall be at least 25 horizontal feet, and no variance to a smaller greenway shall be granted.

2. Minimum Requirements

a. Land-disturbing activities shall, at a minimum, be undertaken using best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sedimentation Control in Georgia in effect at the time the land-disturbing activity was permitted.

3. Review and Approval of Plans

a. Erosion and Sediment Control plans shall be reviewed and approved by the Coosa River Soil and Water Conservation District. Proof of approval must be submitted to
the Planning and Zoning Department during the Development Plans approval process.

b. It shall be the developers’ responsibility to submit the erosion and sediment control plans to the Coosa River Soil and Water Conservation District.

Erosion control measures approved by the Coosa River Soil and Water Conservation District shall be maintained at all times. If full implementation of the approved plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.

6.1.9 INSPECTION AND ENFORCEMENT

A. Periodic Inspections

1. The Chief Building Inspector will periodically inspect the sites of land development activities for which permits have been issued to determine if the activities are being conducted in accordance with the development plans and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land development activities as defined herein has failed to comply with the approved erosion and sediment control plan, with development permit conditions, or with the provisions of these Development Regulations, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance shall state the time within which such measures must be completed. If the person engaged in the land development activity fails to comply within the time specified, he shall be deemed in violation of these Development Regulations.

B. Stop-Work Orders

1. Upon notice from the Chief Building Inspector, work on any project that is being done contrary to the provisions of these Development Regulations or in a dangerous or unsafe manner shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where in the opinion of the Chief Building Inspector an emergency exists, no written notice shall be required.

6.2 RESIDENTIAL DEVELOPMENTS

6.2.1 PRIVATE SUBDIVISIONS

A. There is hereby created a classification of subdivisions known as “Private Subdivisions”. This classification is to be used in those instances where access to the development will be limited by a gate or guarded entrance.

B. The procedures for review and approval of private subdivisions are the same as those for subdivisions with public improvements.

C. Private subdivisions shall meet all requirements and standards that apply to public subdivisions.
6.2.2 EXEMPTIONS

There are currently no exemptions to this Article.

6.2.3 REQUIREMENTS

A. Survey

1. Survey Monuments

   a. Concrete monuments with aluminum or brass marking shall be placed at all corners of the exterior boundaries of a development and shall be set flush or up to six (6) inches above the finished grade. Existing permanent monuments, which in the professional opinion of a registered land surveyor, or the county engineer are of sufficiently durable construction may be maintained in lieu of a new concrete monument as described above. All other street or lot corners or angle points and points of curve in each street shall be marked with an iron pipe or surveyor’s marker at least 24 inches long and driven no less than one (1) inch or up to six (6) inches above the finished grade. All such monuments shall be properly set in the ground and shall be approved by a registered land surveyor prior to the time of a final plat approval by the Planning and Zoning Commission.

B. Health Department

1. Nothing contained in these Regulations shall be construed as preventing the Health Department, after study of the conditions existing in a proposed development, from requiring that all or any portion of the area of such development shall not be built upon or that the minimum lot sizes set forth in these Regulations are inadequate and must be increased to insure the protection of public health.

2. In addition to the requirements for submitting development plans outlined in these Regulations, an extra set of development plans shall be submitted to the Polk County Health Department if a project is to be served by an on-site sewage disposal system. Other projects requiring the review and approval of this department are identified elsewhere in these Regulations.

C. Subdivision Name

1. The name of each subdivision must have the approval of the Planning and Zoning Department. The name shall not duplicate nor closely approximate the name of an existing subdivision.

D. Blocks

1. Length

   a. Blocks shall be at least 600 feet but not more than 1,800 feet in length, except as the Planning and Zoning Department considers necessary to secure efficient use of land or desired features of street pattern.

E. Lots
1. Double Frontage
   a. For double frontage lots (i.e., lots having street frontage both in front and rear) in residential subdivision along major thoroughfares, a no-access easement of at least ten (10) feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting said major thoroughfare. The no-access easement shall be planted with a single line of shrubs or trees, or contain a solid or decorative fence, or contain other such screening treatment as may be proposed by the developer and approved by the Planning and Zoning Department.
   b. For double frontage lots in subdivisions along minor collectors or local streets, there shall also be a no-access easement as described in the paragraph immediately above, except that any planting or screening of the no-access easement shall be at the sole option of the developer.

2. Boundary Lines
   a. Lots shall not be divided by zoning, corporate, or county boundary lines.

3. Corner Lots
   a. Corner lots shall be sufficiently large to permit the location of buildings so as to conform with the building lines on both streets. Corner lots shall have a driveway on only one street.

4. Lot Lines
   a. Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

5. Minimum Lot Dimensions and Area
   a. The minimum lot width at the front building line and minimum lot area shall be in accordance with the Polk County Zoning Ordinance.

6. Lot Depth
   a. Except in instances of extreme topography or unusual physical conditions, lot depth shall not be more that five (5) times the lot width at the building line.

7. Access
   a. Every lot hereafter established shall front or abut on a roadway that has been accepted by Polk County for maintenance; or is to be dedicated to the public for maintenance and conforms to the requirements of these Regulations; or has been designated as a recognized private road by Polk County. Road frontage for parcels 10 acres or less shall be no less than 30 continuous feet as measured along the right-of-way, extending uniformly back to the building setback line and 60 continuous feet, extending uniformly back to the building setback line, for parcels greater than 10
acres. Lots abutting cul-de-sac turnarounds shall have a minimum of 25’ road frontage.

b. No subdivision shall be designed so as to completely eliminate street access to adjoining parcels of land. Every development shall be designed to facilitate access to adjoining properties that are developed or anticipated to be developed in a manner substantially similar to subject property.

c. Generally, lots shall not derive access exclusively from any street designated as an arterial or collector street. If access must be obtained from an arterial or collector street, single-family residential driveways shall be designed and arranged to avoid requiring vehicles to back into traffic. Multiple family residential driveways and drives serving all nonresidential land uses shall be designed and arranged to avoid requiring vehicles to back into traffic on all streets.

d. A maximum of 200 residential dwelling units shall be allowed to be constructed with only one street outlet on an existing public street. If a second access to an existing public street is not available or, in the opinion of the Planning and Zoning Department, could induce non-residential traffic through the development, a single entrance may be allowed if designed with a traffic signal and/or sufficient right-of-way and improvements to provide a protected left-turn lane.

F. Streets/Roadways

1. Streets shall be designed according to Article 7, Roadway Design.

2. Street names shall be approved by the Planning and Zoning Department. Street names shall not duplicate nor closely approximate the name of an existing street.

3. Access

   a. Every subdivision shall provide access to the public street system via a paved roadway. Subdivision projects containing more than 200 lots must have at least two points of access.

4. Improvements

   a. Streets, whether existing or new, shall be constructed or improve according to the standards established in these Regulations.

5. Private streets

   a. Private Streets as may be approved under the provision of these Regulations or other ordinances or regulations of Polk County shall be designed and constructed according to the requirements of these Development Regulations.

6. Right-of-way

   b. Right-of-way for all public streets, existing and proposed, is subject to acceptance by the County for public maintenance in accordance with these Development Regulations.
c. Minimum Right-of-Way

1) Refer to Article 7, Roadway Design for right-of-way requirements according to roadway classifications.

7. Curb and Gutter

a. All new streets and project access improvements shall be provided with curb and gutter except in subdivisions with all lots three (3) acres or larger, where swale ditches may be provided in lieu of curb and gutter.

G. Trees

1. There shall be no trees planted within the right of way of any existing or proposed roadways.

H. Street Lights

1. Polk County currently does not have a requirement for streetlights. A developer or homeowner’s association desiring streetlights in a subdivision shall coordinate with the local power company for design and installation. Streetlights shall be maintained at the expense of a homeowner’s association, not the County.

I. Traffic Control

1. Maintenance of traffic engineering and actual field operations shall adhere to the principals and practices specified in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).

J. Utilities

1. Water

a. Developers shall coordinate with the Polk County Water Authority for the latest requirements and standards for the design and installation of water lines and services.

2. Sanitary Sewer

a. Sanitary sewer service is currently not available within the un-incorporated areas of Polk County.

6.2.4 PRELIMINARY DEVELOPMENT PLANS

A. Pre-application Conference (Optional)

1. Whenever any subdivision or development of land is proposed, the developer is encouraged to present to the Planning and Zoning Department preliminary documentation and graphic exhibits to allow early evaluation of the developer’s intentions.
2. A Pre-Application Conference can be scheduled by contacting the Planning and Zoning Department. The following information shall be required at the time the Pre-Application Conference is requested:

a. Location of project site  
b. Tax parcel or street address  
c. District and lot(s)  
d. Name of person to contact for confirmation of appointment  
e. Telephone number that the contact can be reached  
f. Number of people to attend their conference along with their names and company affiliation  
g. The general nature of the information sought from the various County departments  
h. The type of proposed project

B. Application

1. Preliminary development plans shall be prepared to the requirements and specifications in these Regulations. Application for a preliminary development plan review shall be made by the developer to the Planning and Zoning Department using an application form supplied by the Department. The application, along with six (6) copies of the preliminary development plans and the appropriate fee, shall be submitted to the Department no later than one week prior to the pre-application conference if scheduled or at any other time.

2. All information requested on the application for preliminary development plan review must be provided; incomplete applications will not be accepted. Likewise all plans must contain the minimum information outlined in this Article. The absence of necessary design data shall result in plans being resubmitted for additional plan reviews.

C. Purpose

1. The purpose for the preliminary development plan review is to identify any potential development problems early on and therefore facilitate a more efficient final development plan review process.

D. Process

1. The Planning and Zoning Department shall have 15 business days to review preliminary development plans. If a developer, engineer, surveyor or landscape architect submits several projects for review at the same time or within one week or so of each other, additional time as determined by the Department, shall be allowed for each additional plan submitted. Portions of the plans may be distributed to other departments as necessary to facilitate the review.

2. Following the review, a list of requirements and corrections will be issued. If the Planning and Zoning Department determines that an insufficient amount of information, detail or design was provided for review, the project shall be resubmitted.

3. The developer shall provide the Planning and Zoning Department an opinion from the Polk County School Board about whether or not the proposed development will adversely impact area schools, particularly regarding capacity.
E. Checklist

The following is the minimum required information that shall be included on the preliminary development plan:

1. Show name of project and date of submittal.

2. Show the name, address and phone number of the developer.

3. The minimum scale for preliminary plats shall be 1” = 20’ and the maximum scale shall be 1” = 100’ unless otherwise approved by the Planning and Zoning Department.

4. Plans shall be drawn on no larger than a 24-inch by 36-inch sheet of paper.

5. Plans shall show land lot lines and district.

6. Plans shall include traffic counts for existing roadways that will provide access to the proposed development.

7. Plans shall include a location/vicinity map with land lot lines; minimum scale 1” = 2000’.

8. Show graphic scale, north arrow.

9. State the zoning category of the property.

10. Show the zoning of adjacent properties including property owners name, subdivision name, lot numbers, block letters, land uses, etc.

11. Show any jurisdictional (city or county) boundary lines.

12. Show Topography by contours at vertical intervals of not more than five (5) feet. Tie all elevations to MSL.

13. Show all existing and proposed water features to include contours, structures, wetlands. Include mitigation plans if applicable.

14. Show the 100yr flood plain limits and elevations (if applicable).

15. Plans shall show all proposed roads and right-of-ways to include centerlines with all widths, tangent lengths, and radii labeled. Right-of-way lines at roadway intersections shall be chamfered to allow for access behind the turning radius for utilities.

16. Plans shall include proposed street names.

17. Plans shall show lot configurations including lot numbers, lot dimensions, lot sizes, and all building setback lines.

18. Show the total acreage and disturbed acreage for project

19. Plans shall show the location and sizes of existing utilities in the vicinity of the proposed development.
20. Note the minimum lot size requirement.

21. Show the proposed unit division or stage development, if any.

22. Identify all land to be reserved or dedicated for public use.

23. Show all required buffers (if applicable).

F. Approval

1. Approval of the preliminary plans will entail acceptance of the development concept. All
review comments shall be incorporated into the development plans when submitted.

2. Preliminary plan approval shall be good for a period of one year. Within that year
finalized development plans must be submitted for review. If the one year time limit is
exceeded, the project shall be void and subject to re-application.

6.2.5 DEVELOPMENT PLANS

A. Application

1. Development plans shall be prepared to the requirements and specifications in these
Regulations. Application for development plan review shall be made by the developer to
the Planning and Zoning Department using an application form supplied by the
Department. The application, along with Six (6) copies of the development plans, two (2)
copies of a hydrology study and the appropriate fee shall be submitted to the Department
at any time during the month.

2. All information requested on the application for development plan review must be
provided; incomplete applications will not be accepted. Likewise all plans must contain
the minimum information outlined in this Article. The absence of necessary design data
shall result in plans being resubmitted for additional plan reviews.

B. Process

1. The Planning and Zoning Department shall have 20 business days to review a set of
development plans. If a developer submits several projects for review at the same time or
within one week or so of each other, additional time as determined by the Department
shall be allowed for each additional plan submitted. Portions of the plans may be
distributed to other departments as necessary to facilitate the review.

2. Development plans shall be reviewed based upon the requirements and specifications of
these Development Regulations and zoning ordinances. Following the review, a report
identifying any requirements and corrections required to the plans will be issued to the
developer. It is the responsibility of the developer to satisfy all comments, requirements,
and corrections with each reviewing department.

3. It is the developer’s responsibility to submit development plans to the Coosa River Soil
and Water Conservation District for erosion and sediment control review and approval.
The developer shall provide the Planning and Zoning Department with proof of approval prior to overall project approval by the County.

4. The developer shall also be responsible for coordinating with all utility companies for the design and installation of proposed utility mains and services within any existing or proposed right-of-way.

5. When the plans have been revised and completed to the satisfaction to the Planning and Zoning Department and any other reviewing department(s) and/or agencies, the Department shall schedule a pre-construction conference with the developer and all contractors that will be working on the project. A Land Development permit will be issued to the developer during the pre-construction conference. The Developer shall provide at least eight (8) sets of the final development plans to the Planning and Zoning Department to be stamped approved. Only plans with an original approval stamp shall be used for construction of a proposed development.

C. Checklist

The following information is required on development plans in addition to the checklist requirements for preliminary plans:

2. General
   a. The maximum scale shall be 1” = 50’ unless otherwise approved by the Planning and Zoning Department.
   b. Show the engineer’s name, address and phone number.
   c. Include a copy of the approved preliminary plan.
   d. Show closed property boundary with bearings and distances of all property lines.
   e. Plans shall include a professional engineer/surveyors seal with original signature.
   f. Include a 24-hour emergency contact name and phone number in bold type on the cover sheet, sediment & erosion control plan, and grading plan.
   g. Existing and proposed contours shall be shown at vertical intervals of not more than one (1) foot for slopes less than 2%; two (2) feet for slopes between 2%-8%; and five (5) feet for slopes greater than 8%. Tie all elevations to MSL.
   h. Show easements for all utilities directed across private property.
   i. Show all required easements and buffers (if applicable).
   j. Show and label a noticeable benchmark tied to MSL.
   k. The following note shall appear on the plans; “All work shall comply with the most current edition of the Polk County Development Regulations.”
l. The following note shall appear on the plans; “Approval of the Development plans by Polk County shall not imply or transfer acceptance of responsibility for the application of the principals of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.”

m. The following note shall appear on the plans; “Erosion control measures shall be maintained at all times. If full implementation of the approved plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.”

n. The following note shall appear on the plans; “All field changes must be documented with engineering calculations & plans and submitted to the Planning and Zoning Department for approval prior to commencement of work.”

3. Roadway/Right-of-way

a. If adjoining a state or federal route, approval from such agencies must be furnished to the Planning and Zoning Department.

b. Label all radii at street intersections.

c. Label all roadway alignment and layout date including bearings, distances, stationing, PC and PT points, and curve data.

d. Include details for all elements of the design to include typical sections, structural elements, etc.

e. The following note shall appear on the plans; “The full width of all right-of-ways and easements must be completely cleared and grubbed. Drainage easements shall be graded to promote positive drainage.”

f. The following note shall appear on the plans; “Construction equipment shall not be parked in any existing right-of-way.”

g. The following note shall appear on the plans; “There shall be no improvements other than public utilities within the shoulders of the right-of-way. All plans for entrance signs, plantings, and/or irrigation systems shall be approved by the Planning and Zoning Department as part of the Development Plans Approval.”

h. The following note shall appear on the plans; “The contractor shall contact the Polk County Building Inspections Department to schedule inspections of the storm drain system including detention pond construction, roadway sub-grade & base, curb & gutter, and pavement. Inspections will require proof rolling of the sub-grade and base at the contractor’s expense.”

i. The following note shall appear on the plans; “The contractor shall achieve the maximum compaction specified in these Regulations when backfilling to include utility installations.”
j. The following note shall appear on the plans; “There shall be no utility excavation work within 12” from the edge of pavement or back of curb. Furthermore there shall be no excavated pits left open overnight or during rainy periods. All excavated areas are to be compacted in 6” maximum lifts.”

4. Roadway Profiles
   a. Show pipe and utility crossings on road profiles.
   b. Profiles shall have a horizontal scale of not more than 1:50 and a vertical scale of not more than 1:10.
   c. Profiles shall show existing ground and proposed grades.
   d. Profiles and plan views shall have corresponding stations.
   e. Show grades for all tangent stations
   f. Vertical curves shall include the Point of Vertical Curvature (PVC), Point of Vertical Tangency (PVT) and each Point of Vertical Intersection (PVI).
   g. Show vertical curve lengths. Label the “K” factor for each curve as well as the high and low points.
   h. Show and label all street intersections with names and stations.

5. Stormwater Management
   a. Label all roadway drainage structures with appropriate GDOT standard number.
   b. Show design/detail of all drainage ditches.
   c. Show and label all pipe lengths, sizes, types, and class.
   d. Show and label (with widths) easements for all piped and surface storm water directed across private property.
   e. Label the drainage area at each pipe inlet.
   f. Label the 100yr high water elevation at each cross drain.
   g. Provide a maintenance schedule for detention pond maintenance on the plans.
   h. Show 5’ security fencing with a 10’ access gate around all detention ponds.
   i. Provide a cross section detail of the detention pond dam and a detail of the outlet structure.
   j. Label the 100 yr HWL on the detention pond outlet structure and pond.
   k. Provide an emergency pond overflow designed for the 100-year storm.
l. Detention ponds, including the 100-year HWL, must be contained entirely on a separate lot with at least 20’ of physical property abutting a roadway right-of-way.

5. Site Hydrology Study
   a. Study must be prepared by a Professional Engineer, sealed and signed.
   b. Include a narrative explaining the rational and methodology used in the design.
   c. Give a summary of pre-developed and post-developed flows.
   d. Identify off-site drainage.
   e. Identify areas and flows bypassing the detention pond.
   f. Provide calculations to show that all ditches will carry the 25-year storm with at least 1’ of free board. The maximum allowed velocity in an open ditches 4 fps.
   g. Provide calculations to show that the detention pond will hold the required volume of sediment for the area being disturbed during construction.
   h. Include a basin map of existing and proposed conditions.
   i. Include a detention pond construction cost estimate.
   j. Include calculations for the 100-year emergency pond overflow.

D. Approval
   1. When all requirements have been met and revisions have been completed and accepted by each reviewing department and/or agency, the Planning and Zoning Department will approve the development plans pending a pre-construction conference. Plan approval will be issued during the pre-construction conference.
   2. A PDF copy of the approved development plans shall be submitted to the Planning and Zoning Department prior to construction of the development.
   3. Construction of the project must begin within one year of development plan approval. If this time limit is exceeded, the project shall be void and subject to re-application.
   4. Any project where no work is preformed for 6 months out of a 12-month period will be considered abandoned and the development permit will be revoked.

6.2.6 PRE-CONSTRUCTION CONFERENCE

A. Upon completion of the development plan review, the Planning and Zoning Department shall schedule a pre-construction conference to be held either on the site of the project or at the Planning and Zoning Office. The primary purpose of this conference is to discuss policy, procedures, and the development plans and to present the developer with a Land Development Permit. The developer shall provide proof that he possess a current Georgia
Soil and Water Conservation Commission – Level 1A Certification prior to being issued a Land Disturbance Permit.

B. Representatives of Polk County as well as the developer and all of his contractors that will be working on the project to include grading, paving, water, sewer and other contractors shall attend the pre-construction conference.

C. The developer and his contractors will be presented with a “Construction Checklist” during the conference. The checklist will be reviewed and each attendee shall sign a statement following the conference attesting to his understanding of the County’s construction requirements and his responsibility to abide by said requirements.

6.2.7 CONSTRUCTION

All field changes must be documented with engineering calculations & plans and submitted to the Planning and Zoning Department for review and approval prior to commencement of work.

A. General

1. Road Closures

   a. Existing county maintained roadways shall not be closed during the construction of a permitted development. Temporary lane closures may be permitted, with Planning and Zoning Department approval for the installation of utility connections and roadwork.

2. Clearing and Grubbing

   a. Clearing and grading shall not proceed until issuance of an approved development permit by the Planning and Zoning Department.

   b. All right-of-ways and easements shall be completely cleared of all vegetation including tree stumps and roots. Contractors shall not bury any vegetation within right-of-ways or on any proposed lot. Burn permits shall be required for onsite burning of cleared vegetation.

3. Phased Developments

   a. Developers shall be permitted to construct phased developments, however developers shall be responsible for damages and maintenance of previously accepted streets. Development Plans shall clearly state when projects will be phased. When construction of new phases/developments impact severely on existing county streets, as determined by the Planning and Zoning Department, and the developer fails to take necessary corrective action, the developer’s maintenance surety may be used for these off site repairs and maintenance. Stormwater management facilities and structures for the overall development shall be constructed during the initial phase of the development.

4. Temporary Construction Offices
a. An office mobile unit may be located on the site of the development for a period of twelve (12) months. An extension of up to twelve (12) additional months may be approved by the Building Inspections Department.

B. Site Grading

1. General

a. Grading shall be done in accordance with the lines and grades shown on the approved development plans.

b. In all areas to be graded or filled, the developer shall stockpile topsoil for later use to be spread in all disturbed areas.

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

d. Construction equipment shall not be parked in any existing right-of-way.

2. Slopes

a. The maximum slopes for cut or fill shall be 2:1 (two feet of horizontal run for each foot of rise or fall). The depth of cut referred to herein shall be the maximum cut or fill occurring in any one section of cut or fill. The slope of cut or fill shall be uniform throughout for each section of cut or fill except when the Planning and Zoning Department approves benching. When a cut is made in rock that requires blasting, the slope may be steeper if pre-splitting is employed and upon submission of a geotechnical report which substantiates the integrity of the rock in the steeper condition, subject to the review and approval of the Planning and Zoning Department.

b. While most soils in the area can be safely stabilized at a 2:1 slope, some soils exhibit a low shearing resistance and a low cohesiveness. These soils typically are micaceous silts and sandy soils with little or no clay. If the 2:1 slope shows evidence of shearing, non-cohesiveness, sliding, or inability to maintain compaction, the slope shall be stabilized at 3:1 or by using such mechanical methods as needed (such as retaining walls or “grow mats” stapled in place) to maintain slope, height and integrity.

3. Compaction

a. Embankments shall be placed in uniform layers not to exceed a compacted thickness of 6 inches per layer and shall be compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by AASHTO Method T-99 in all areas where structures, parking lots and drives, roadways, embankments, and utilities are to be placed.

4. Installation Of Stormwater Management Facilities
a. Unless otherwise specifically set forth herein or in the Polk County Standard Details, all of the materials, methods of construction, and workmanship for the work covered in reference to stormwater conveyance facility construction shall conform to the most recent Standard Specifications of the Georgia Department of Transportation.

b. Construction of the storm drain facilities shall be initiated as part of the initial grading of the site and in accordance with the approved storm water management plan. Stormwater detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be constructed prior to the construction of streets and other site improvements.

c. Drainage Easements for the conveyance of surface water shall be graded to promote positive drainage.

C. Roadway Construction And Utilities

1. Basic Requirements

a. All streets, roads, and alleys shall be graded to their full width by the developer so that pavement extensions or sidewalks, where required or if installed, can be constructed on the same level plane.

b. The minimum width for all shoulders in urban sections from the back edge of the curb shall be eight (8) feet. All shoulders shall slope one-fourth (.25) inch per foot toward the roadway.

c. On streets with no curb and gutter and swale ditch drainage, the shoulders shall slope three-quarters (.75) inch per foot away from the roadway for at least eight (8) feet to the top of the drainage channel.

d. There shall be no improvements other than public utilities within the shoulders of the right-of-way. All plans for entrance signs, plantings, and/or irrigation systems shall be approved by the Planning and Zoning Department as part of the Development Plans Approval.

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

f. Provisions shall be made to drain low points in the road construction when the final paving is delayed. A brake in the berm section is required when the curbing has not been constructed. Once curbing has been installed, a three-inch notch in the curb at the throat section of the low point inlet shall be cut to the depth of the binder course to provide drainage. No areas of ponding shall be created. After the final pavement surface coat has been applied, the notch shall then be filled in.

g. When the street is to be used for construction traffic before paving work is completed, a layer of No. 5 stone can be laid as a traffic surface if the developer so desires.
1) This material shall not be used as part of the base material.

2) If may be worked into the sub-grade; or it shall be removed before the base course is set up for paving.

2. Installation of Utilities
   
a. After grading is completed and approved, curb lines or edge of pavement lines, as applicable, shall be staked by the developer’s Registered Land Surveyor. Before any base is applied, all of the underground utilities-water mains, sewer mains, gas mains, or any other underground utilities, and all service connections related thereto shall be installed completely and provided throughout the length of the street and across the flat section. Service connections for water shall be extended to the right-of-way lines. No trenching or boring will be permitted across roadways after the sub-base has been inspected and approved.

   b. There shall not be any utility excavation work within 12” from the edge of pavement or back of curb. Furthermore there shall be not excavated pits left open overnight or during rainy periods. All excavated areas are to be compacted in 6” maximum lifts.

   c. No private improvements, such as private lawn sprinkler systems, yard lighting, and the like, shall be installed within a public right-of-way except by authorization of the Planning and Zoning Department. Such authorization, if issued, shall require the owner to assume all repair costs of the owner’s facilities should they become damaged.

3. Preparation of Sub-grade
   
a. Sections of sub-grade found to be composed of unsuitable or unstable material shall be removed to a depth specified by a required geotechnical engineering report, and replaced with suitable, thoroughly compacted material.

   b. Prior to placement of the roadway base material, the sub-grade shall be compacted to 95 percent density. Proof rolling using a tandem axel dump truck fully loaded with GAB, at the contractors expense, shall be completed prior to placement of base materials to detect soft spots. With the approval of the Polk County Planning and Zoning Department, a geo-textile or grid may be used to stabilize a sub-grade that does not pass proof rolling.

   c. All sections of roadways that fail proof rolling shall be reworked and re-tested.

4. Curb and Gutter
   
a. All gutters shall drain smoothly with no ponding areas.

   b. Shoulders behind curb and gutter sections shall be backfilled, compacted, and grassed.

   c. Allowable curb and gutter types and specifications are specified in Article 7 – Roadway Design of these Development Regulations.
5. Roadway Base
   a. The base course shall consist of at least six to eight (6”-8”) inches of graded aggregate base, and shall achieve a ninety-eight (98) percent compaction rate.
   b. Where curb and gutter is not required, the road base shall be extended 12” beyond the edge of the pavement.
   c. Where curb and gutter is required, the road base shall also extend 12” beyond the back of curb.
   d. Upon inspection and approval by the County inspector, the base shall be primed with 0.25 gallon of R.C. 70 per square yard and cured for three (3) days prior to paving.

6. Paving.
   a. Upon final approval of the base course, two (2”) inches of type “B” modified binder shall be applied.
   b. Prior to applying the top course, a tack coat shall be applied to the binder course at a rate of 0.05 gallons per square yard. The Department shall approve the type of tack prior to placement.
   c. The final one (1 1/2”) inches of type “E” or “F” top course shall be applied after 80% of the houses on a street have been built.
   d. All asphalt shall be compacted to 95% Standard Proctor.
   e. All asphalt job-mix formulas and application methods, including equipment operations, shall conform to the most recent version of the Georgia DOT Construction of Roads and Bridge Manual.

7. Signs
   a. Street name signs and stop signs shall be installed at all intersections within a development. All intersections shall contain a minimum of two street name signs and stop signs as appropriate for the intersection. Street name signs shall have a 6-inch green background with 4-inch white legends. Signs shall be mounted on 3-lb., 12” green U-channel post.
   b. A “Speed Limit” sign shall be posted at each development entrance. Speed limits shall be set by the Polk County Police Department or the Georgia DOT.
   c. A “Watch for Children” sign shall be posted at each subdivision entrance.
   d. All required permanent signs shall be installed by the Public Works Department. The developer shall pay for materials and installation prior to Final plat approval.
   e. If a decorative sign and post installation is desired by the developer and approved by the Planning and Zoning Department, the developer or homeowner’s association shall
be responsible for the installation and perpetual maintenance thereof. Failure to comply with maintenance requirements will result in the County taking over such maintenance with the installation of standard signs and posts at the homeowner’s association expense.

f. The developer shall be responsible for the installation of a temporary stop sign and street name sign at the entrance/exit of the development prior to final plat approval.

E. Traffic Signals

1. Where required, traffic signals will be installed at the developer’s expense.

2. Engineering and construction shall be in accordance with GDOT specifications and approvals.

F. Pavement Markings.

1. The developer shall be responsible for the installation of all striping and pavement markings. All required striping must be complete prior to approval of Final plat.

2. Thermoplastic shall be used for all permanent striping and pavement markings.

3. All striping shall be done in accordance with the most current edition of the Manual on Uniform Traffic Control Devices.

F. Sidewalks

1. Where provided, sidewalks shall be located on the opposite side of the street from water mains and not less than one foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other plantings or structures placed on the property line at a later date. In single-family residential areas sidewalks shall be no less than four (4) feet in width, constructed of concrete no less than four (4) inches in depth, and located no less than three (3) feet from the back of the curb.

2. Concrete shall be 2,000 PSI at 28 days strength.

3. The area around sidewalks shall be backfilled and grassed.

G. Inspections and Enforcement

1. The Chief Building Inspector or his designee shall complete all inspections associated with land development activities except for the installation of water mains and services, and other public utilities. The Chief Building Inspector shall have the power to conduct such investigations as he may reasonably deem necessary, to assure or compel compliance with the requirements and provisions of these Regulations, and to enter at reasonable times upon any property for the purpose of investigation and inspection.

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

3. Upon notice from the Chief Building Inspector, work on any project that is being done
contrary to the provisions of these Development Regulations, the approved development
plans, or in a dangerous or unsafe manner, may be immediately stopped. Such notice
shall be in writing and shall be given to the owner of the property, his authorized agent or
the person or persons in charge of the activity on the property, and shall state the
conditions under which work may be resumed. Where in the opinion of the Chief
Building Inspector an emergency exists, no written notice shall be required.

4. The following inspections are required by Polk County during the construction of
Residential Land Development Projects:

   a. Stormwater Management Structures (including detention pond construction)
   b. Roadway Sub-grade Construction
   c. Roadway Base Construction
   d. Curb and Gutter Construction
   e. Roadway Pavement Courses
   f. Trench Backfill
   g. Final Inspection (prior to final plat approval)

5. Approval of each inspection will authorize the contractor to proceed with the next step in
the construction process. Proof rolling with a tandem axel dump truck loaded with graded
aggregate base (GAB) is required for the sub-base and base at the contractor’s expense.
The contractor shall contact the Building Inspection Department to schedule each
inspection.

6. Inspections of the water system construction shall be coordinated with the Polk County
Water Authority.

7. If the contractor fails to request an inspection, core samples at intervals of no less than
every 50’ along the centerline of each roadway will be required by a geotechnical
engineer at the contractors expense to determine compaction and thickness of the
roadway materials. The contractor shall cease all construction activities until such testing
is completed and approved by the county.

6.2.8 PERFORMANCE SURETY

A. Prior to approval of the final plat, the developer/owner shall provide to the Building
Inspections Department an owner maintenance bond in the form of an irrevocable letter of
credit or certified bank check from an approved area financial institution in an amount equal
to $20 times the total linear footage of all the roadways in the development. The owner
maintenance bond shall expire when at least 80% of the houses within a proposed
development or current development phase are constructed. At least three (3) months prior to
this point, the developer shall request a final inspection of the development. If repairs are
required for the development, the developer will be notified. Should the developer fail to
complete any required repairs within a specified period of time, the bond will be used by the
county to complete the repairs. Otherwise the bond will be returned to the developer.
B. Developers shall be responsible for damages and maintenance of previously accepted streets. When construction traffic associated with new phases/developments severely impact existing county streets, the developer’s maintenance bond may be used for these off site repairs and maintenance, in the event the developer fails to take necessary corrective actions.

6.2.9 FINAL PLATS

A. Application

1. When all infrastructure construction activities are completed and approved by county inspectors, the developer may submit an application for final plat review. At that time the original and ten (10) copies of the final plat and all supporting data shall be submitted to the Planning and Zoning Department for review.

2. The final plat shall conform substantially to the preliminary plat and construction plans as approved and shall meet all of the requirements set forth in these Regulations.

B. Process

1. The Planning and Zoning Department shall have twenty (20) business days to review the final plat. The final plat may be distributed to other departments as necessary to facilitate the review.

2. Final plats shall be reviewed based upon the requirements and specifications of these Development Regulations and zoning ordinances. Following the review, a report identifying any revisions and/or corrections required to the plat will be issued to the developer. It is the responsibility of the developer to satisfy all comments, requirements, and corrections with each reviewing department.

3. When the final plat has been revised and completed to the satisfaction to the Planning and Zoning Department and any other reviewing department(s) and/or agencies, it will be presented to the Planning and Zoning Commission and the Polk County Board of Commissioners for consideration and approval.

C. Checklist

1. In addition to the checklist items found in Section 5.1.1.B, the final plat shall contain the following information.

   a. The final plat shall reflect as-built conditions of the development meaning that the developer shall direct his/her surveyor to record on the final plat all completed improvements including edge of pavements, curb and gutter lines, water lines, location of hydrants, valves, and meter boxes, drainage structures and detention ponds. A separate survey shall show the as-built invert elevations of all stormwater management facilities and structures.

   b. Show the proposed unit division or stage development, if any.

   c. Identify all land to be reserved or dedicated for public use.

   d. Show required buffer areas (if applicable).
e. Show 10 foot “No Access Easement” along the rear of all double frontage lots.

f. Provide sufficient data to readily determine and reproduce on the ground the location, bearing and length of every road line, boundary line, block line and building line, whether curved or straight. This shall include the radius, central angle, and tangent distance for the centerlines of curved streets. Curved property lines shall show arc or chord distance and radii.

g. Provide certification by the developer that all improvements have been installed in accordance with these Regulations.

h. Provide certification from the Polk County Water Authority that the water system has been constructed according to established standards and requirements.

i. Protective covenants or deed restrictions, if any, shall be placed directly on the final plat or attached thereto in form for recording.

j. Include the following certification:

<table>
<thead>
<tr>
<th>CERTIFICATE OF FINAL PLAT APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>All requirements of the Polk County Development Regulations having been represented as being fulfilled by this plat and the related as-built surveys approved on <em><strong>(date)</strong></em>, the Polk County Planning and Zoning Department hereby approves this plat for recordation by the Clerk of Superior Court and recognizes the owner’s offer of dedication of all areas and public improvements shown thereon and on said as-built surveys on behalf of the public, subject to maintenance and guarantee by the owner for one year from the date of this approval.</td>
</tr>
<tr>
<td>_______________________________ Date ____________________</td>
</tr>
<tr>
<td>(Signature of Planning Commission Chairman or Designee)</td>
</tr>
<tr>
<td>_______________________________ Date ____________________</td>
</tr>
<tr>
<td>(Signature of County Commission Chairman or Designee)</td>
</tr>
</tbody>
</table>

D. Approval

1. Upon approval by both the Planning and Zoning Commission and the Board of Commissioners, the developer shall provide the Planning and Zoning Department 8 copies of the final plat for signing, the final plat can then be recorded in the Clerk of the Superior Court’s office and lots may be sold. No lots may be sold until the final plat has been approved and recorded.

2. A PDF copy of the approved final plat shall be submitted to the Planning and Zoning Department.

6.2.10 OWNER MAINTENANCE PERIOD

A. As specified in section 6.2.8, the owner maintenance period shall remain in force until at least 80% of the homes within a development have been constructed, the County has completed a
final inspection of the development, and the developer has completed any required repairs.

6.2.11 ACCEPTANCE OF PUBLIC IMPROVEMENTS

A. After completion of all improvements required by these Regulations, final approval by the Polk County Planning and Zoning Department, and the expiration of the required maintenance bond period, the developer may request the County to accept maintenance of the platted streets and other public improvements and the Polk County Water Authority to accept the water lines.

6.3 COMMERCIAL DEVELOPMENTS

6.3.1 REQUIREMENTS

A. Engineering and Surveying
   1. See section 6.1.1 and 6.1.2 for engineering and survey requirements.

B. Health Department Certification
   1. The Health Department shall review all commercial development plans for approval of on site septic systems.

C. Land Suitability
   1. See section 6.1.6 – Common Project Design Standards for land suitability requirements.

D. Blocks
   1. Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provisions for off-street parking and service.

E. Green Space
   1. See section 6.1.6 – Common Project Design Standards for details regarding landscaping and tree Requirements for commercial developments.

F. Off-Street Parking
   At the time of the establishment of any use, or erection of any building, or at the time that any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, there shall be provided permanent off-street parking spaces improved with an asphalt or concrete surface in accordance with the following requirements:
   1. Dedicated To Parking Use
      a. Areas provided to meet the minimum requirements of this Section as to handicapped and other parking spaces, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary
parking of vehicles. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

2. Combination of Required Parking Spaces

   a. The required parking spaces for any number of separate uses may be combined in one lot by the required spaces assigned to each individual use and may not be assigned to another use, except as follows:

      1) One-half of the parking spaces required for a church, theater, or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

      2) Parking spaces may be shared by more than one use if the Chief Building Inspector finds the total number of spaces will be adequate at the peak hours of the uses they serve.

3. Proximity of Off-Street Parking Spaces to Use

   a. All required parking for all uses shall be either on the same lot or within a walking distance of 500 feet of the main entrance to the building or use it is to serve, provided, however, that no required parking spaces may be located across any State or U.S. highway or arterial street from the use they are intended to serve.

   b. Where provision of the required parking spaces is not on the lot on which the principal use is located, the developer shall submit with his application for a development permit or building permit an instrument that subjects the parking spaces to the principal use they serve. The developer shall pay all necessary recording fees and the Building Inspection Department shall have the instrument recorded in the office of the Clerk of Superior Court. Such parking spaces shall be within 300 feet of an entrance to the principal use.

4. Requirements for Design of Parking Lots

   a. Backing into streets.

      1) Except for parcels of land devoted to single-family, multi-family, or townhouse residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain access.

      2) In all cases, including parcels of land devoted to single-family, multi-family, or townhouse residential uses, all areas devoted to off-street parking shall be so designed and of such size that no vehicle is required to back into an arterial or collector street.

   b. Off-street parking lots.

      1) No parking spaces may be located within the sight triangle required under Article 7 of these Development Regulations.
2) No parking spaces shall be accessible from an access driveway within the first 20 feet of the driveway back from the street right-of-way line.

3) Every parking space shall provide a usable rectangular area at least nine (9) feet wide by 18 feet long. Access aisles shall not encroach into this minimum rectangular area. Every parking space shall be clearly demarcated.

4) Access aisles in parking lots must be at least 26 feet wide for two-way traffic, and 18 feet wide for one-way traffic. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.

c. Handicapped parking spaces.

1) Handicapped parking spaces shall have an adjacent aisle five (5) feet wide, and one in every eight (8) handicapped spaces shall be adjacent to an aisle eight (8) feet wide and the space shall be signed “van accessible.” Handicapped parking space aisles shall be clearly demarcated.

2) Handicapped spaces shall be provided in each parking lot in the following ratio to the total number of spaces required for the use:

<table>
<thead>
<tr>
<th>Spaces Required for Use</th>
<th>Minimum Number of Handicapped Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total</td>
</tr>
</tbody>
</table>
### Table 6-1
Handicapped Spaces Required

<table>
<thead>
<tr>
<th>Spaces Required for Use</th>
<th>Minimum Number of Handicapped Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,001 and over</td>
<td>20, plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

Source: Americans with Disabilities Act Accessibility Guidelines.

3) In addition to the requirements of this subsection, all handicapped parking shall comply with the requirements of the Federal Americans with Disabilities Act.

5. Off-Street Parking Requirements By Use

In all zoning districts, the minimum number of off-street parking spaces required for each type of land use shall be determined by the following, in addition to the number of spaces required for handicapped parking.

a. Residential uses
   1) Single-family and two-family dwellings (including patio homes, manufactured, and mobile home): Two (2) spaces per dwelling.
   2) Multi-family dwellings (townhouses and garden apartments): Two (2) spaces for each dwelling.
   3) Retirement Community: One (1) space per unit.
   4) Group residences, nursing homes, convalescent homes, personal care home: One (1) space for each four (4) beds.

b. Office uses
   1) General and professional offices, studios, insurance and real estate offices: Three (3) spaces for 1,000 square feet of gross floor area.
   2) Medical and dental clinics: Five (5) spaces for each 1,000 square feet of gross floor area.

c. Retail services and sales uses
   1) Amusement parlor, recreational attraction, roller skating or ice skating rink: Five (5) spaces for each 1,000 square feet of gross floor area.
2) Automobile service station, auto and truck repairs or maintenance: Three (3) spaces for each service bay, plus one (1) space for each 200 square feet of gross floor area devoted to retail sales or showroom.

3) Automobile, truck, manufactured home, recreational vehicle, and utility structure sales: One (1) space for each 600 square feet of gross floor area of indoor sales and showroom space, plus one (1) space for each 2,500 square feet of outdoor display area, plus three (3) spaces for each service bay devoted to vehicle repairs or maintenance.

4) Banks and other financial service establishments: Four and one-half (4.5) spaces for each 1,000 square feet of gross floor area.

5) Bar or nightclub: One (1) space for each three (3) seats.

6) Bowling center: Four (4) spaces for each bowling lane.

7) Daycare center: One (1) space for each 400 square feet of gross floor area.

8) Funeral home: Thirty-five (35) spaces for each viewing room.

9) Furniture and carpet sales: One and one-half (1.5) spaces for each 1,000 square feet of gross floor area.

10) Health club or fitness center: Four and one-half (4.5) spaces for each 1,000 square feet of gross floor area.

11) Hospital: One and three-quarters (1.75) spaces for each bed licensed for patients’ use, exclusive of basins.

12) Motels, hotels, and bed and breakfast inns, rooming houses and boarding houses: One (1) space for each room to be rented, plus spaces as required under this Section for meeting space or restaurants open to the public.

13) Motion picture and other theaters: One (1) space for each three (3) seats.

14) Restaurant with seating (indoor or outdoor): One (1) space for each three (3) seats.

15) Restaurant without seating (indoor or outdoor): One (1) space per 100 square feet of gross floor area, minimum ten (10) spaces.

16) Shopping center
   i. Gross floor area of 25,000 to 100,000 square feet: Four (4) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats in a movie theater, plus ten (10) spaces per 1,000 square feet of food service area.
   ii. Gross floor area of 100,000 to 200,000 square feet: Four (4) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats above the
initial 450 in a movie theater, plus six (6) spaces per 1,000 square feet of food service area.

iii. Gross floor area of 200,000 to 400,000 square feet: Four (4) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats above the initial 750 in a movie theater.

iv. Gross floor area of 400,000 to 600,000 square feet: Four and one-half (4.5) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats above the initial 750 in a movie theater.

v. Gross floor area of more than 600,000 square feet: Five (5) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats above the initial 750 in a movie theater.

17) Supermarket: Four (4) spaces for each 1,000 square feet of gross floor area.

18) Retail sales and services businesses not listed above: One (1) space for each 200 square feet of gross floor area and permanent outdoor sales area.

19) Mini-warehouses: 1 space for every 25 units, plus 1 for every 200 square feet of gross floor area devoted to office use.

d. Semi-public uses

1) Auditoriums, places of worship, stadiums, and similar places of public assembly: One (1) space for each three (3) seats, or for each 12 feet of benches, or for each 25 square feet of usable floor area in the public assembly room (which ever is greater).

2) Civic clubs, private clubs, lodges, libraries, museums, and fraternal lodges: One (1) space for each 100 square feet of gross floor area.

3) Schools
   i. Elementary and Middle School: Two (2) spaces for each classroom.
   ii. High School: Five (5) spaces for each classroom.
   iii. Two-year college, Business or Vocational School: Twenty (20) spaces for each classroom.
   iv. Four-year Colleges or Universities: Ten (10) spaces per classroom.
   v. Other schools: as determined by the Director of Building Inspection.

e. Industrial and manufacturing uses

1) Wholesale and office-warehouse uses: One (1) space for each 200 square feet of gross floor area devoted to sales or office use, plus one (1) space for each 2,000 square feet of gross floor devoted to storage.
2) Warehouse, transfer, and storage uses: One (1) space for each 2,000 square feet of gross floor area and outdoor storage area.

3) Manufacturing uses: Two and one-half (2.5) for each 1,000 square feet gross floor area.

G. Utilities

1. It is the developer’s responsibility to coordinate with utility owners for utility design and connection. The Building Inspection Department shall determine the requirements for fire protection for all development projects. Permits will be required for excavation work within any right of way for utility installation and tie-ins.

6.3.2 DEVELOPMENT PLANS

A. Application

1. Development plans shall be prepared to the requirements and specifications in these Regulations. Application for development plan review and approval shall be made by the developer to the Planning and Zoning Department using an application form supplied by the Department. The application, along with Six (6) copies of the development plans, two (2) copies of a hydrology study and the appropriate fee shall be submitted to the Department at any time during the month.

2. All information requested on the application for development plan review must be provided; incomplete applications will not be accepted. Likewise all plans must contain the minimum information outlined in this Article. The absence of necessary design data shall result in plans being resubmitted for additional plan reviews.

B. Process

1. The Planning and Zoning Department shall have 20 business days to review a set of commercial development plans. If a developer submits several projects for review at the same time or within one week or so of each other, additional time as determined by the Department shall be allowed for each additional plan submitted. Portions of the plans may be distributed to other departments as necessary to facilitate the review.

2. Commercial development plans shall be reviewed based upon the requirements and specifications of these Development Regulations and Polk County zoning ordinances. Following the review, a report identifying any requirements and corrections required to the plans will be issued to the developer. It is the responsibility of the developer to satisfy all comments, requirements, and corrections with each reviewing department.

3. It is the developer’s responsibility to submit erosion and sediment control plans to the Coosa River Soil and Water Conservation District and to provide the Planning and Zoning Department with proof of approval prior to overall project approval by the County.

4. When the plans have been revised and completed to the satisfaction to the Planning and Zoning Department and any other reviewing department(s) and/or agencies, the
Department shall schedule a pre-construction conference with the developer and all contractors that will be working on the project. A Land Development permit will be issued to the developer during the pre-construction conference. The Developer shall provide at least eight (8) sets of the final development plans to the Planning and Zoning Department to be stamped approved. Only plans with an original approval stamp shall be used for construction of the proposed development. The Chief Building Official shall be responsible for reviewing and approving all structural building plans.

C. Checklist

The following information is required on development plans:

1. General
   a. Show name of project and date of submittal.
   b. Show the name, address and phone number of the developer.
   c. Plans shall be drawn on no larger than a 24-inch by 36-inch sheet of paper.
   d. Plans shall include land lot lines and district.
   e. Plans shall include traffic counts for existing roadways that will provide access to the proposed development.
   f. Plans shall include a location/vicinity map with land lot lines; minimum scale 1” = 2000’.
   g. Show graphic scale, north arrow.
   h. State the zoning category of the property.
   i. Show the zoning of adjacent properties including property owners name, subdivision name, lot numbers, block letters, land uses, etc.
   j. Show any jurisdictional (city or county) boundary lines.
   k. Show all existing and proposed water features to include contours, structures, wetlands. Include mitigation plans if applicable.
   l. Show the 100yr flood plain limits and elevations (if applicable).
   m. Plans shall show all proposed roads and right-of-ways to include centerlines with all widths, tangent lengths, and radii labeled. Right-of-way lines at roadway intersections shall be chamfered to allow for access behind the turning radius for utilities.
   n. Plans shall include proposed street names.
   o. Plans shall show lot configurations including lot numbers, lot dimensions, lot sizes, and all building setback lines.
p. Show the total acreage and disturbed acreage for project

q. Plans shall show the location and sizes of existing utilities in the vicinity of the proposed development.

r. Note the minimum lot size requirement.

s. Show the proposed unit division or stage development, if any.

t. The maximum scale shall be 1” = 50’ unless otherwise approved by the Planning and Zoning Department.

u. Show the engineer’s name, address and phone number.

v. Show closed property boundary with bearings and distances of all property lines.

w. Plans shall include a professional engineers/surveyors seal with original signature.

x. Include a 24-hour emergency contact name and phone number in bold type on the cover sheet, sediment & erosion control plan, and grading plan.

y. Existing and proposed contours shall be shown at vertical intervals of not more than one (1) foot for slopes less than 2%; two (2) feet for slopes between 2%-8%; and five (5) feet for slopes greater than 8%. Elevations shall be tied to Mean Sea Level (MSL).

z. Show easements for all utilities directed across private property.

aa. Show all required easements and buffers (if applicable).

bb. Show and label a noticeable benchmark tied to MSL.

cc. The following note shall appear on the plans; “The developer and all contractors shall attend a pre-construction conference scheduled by the Planning and Zoning Department prior to commencing any land disturbing activities.”

dd. The following note shall appear on the plans; “All work shall comply with the most current edition of the Polk County Development Regulations.”

ee. The following note shall appear on the plans; “Approval of the Development plans by Polk County shall not imply or transfer acceptance of responsibility for the application of the principals of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.”

ff. The following note shall appear on the plans; “Erosion control measures shall be maintained at all times. If full implementation of the approved plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.”
gg. The following note shall appear on the plans; “All field changes must be documented with engineering calculations & plans and submitted to the Planning and Zoning Department for approval prior to commencement of work.”

hh. The following note shall appear on the plans; “Construction equipment shall not be parked in any existing right-of-way.”

ii. The following note shall appear on the plans; “The contractor shall achieve the maximum compaction specified in these Regulations when backfilling trenching activities to include utility installations.”

2. Right-of-way

a. The following note shall appear on the plans; “There shall be no improvements other than public utilities within the shoulders of the right-of-way. All plans for entrance signs, plantings, and/or irrigation systems shall be approved by the Planning and Zoning Department as part of the Development Plans Approval.”

3. Stormwater Management

a. Label all roadway drainage structures with appropriate GDOT standard number.

b. Show design/detail of all drainage ditches.

c. Show and label all pipe lengths, sizes, types, and class.

d. Show and label (with widths) easements for all piped and surface storm water directed across private property.

e. Label the drainage area and 100yr high water elevation at each pipe and structure inlet.

f. Provide a maintenance schedule for detention pond maintenance on the plans.

g. Show 5’ security fencing with a 10’ access gate around all detention ponds.

h. Provide a cross section detail of the detention pond dam and a detail of the outlet structure.

i. Label the 100 yr HWL on the detention pond outlet structure and pond.

j. Provide an emergency pond overflow designed for the 100-year storm.

k. Detention ponds, including the 100-year HWL, must be contained entirely on private property out of any public right-of-way.

l. The following note shall appear on the plans; “The contractor shall contact the Polk County Building Inspections Department to schedule inspections of the storm drain system including detention pond construction.

4. Site Hydrology Study
a. Study must be prepared by a Professional Engineer, sealed and signed.

b. Include a narrative explaining the rational and methodology used in the design.

c. Give a summary of pre-developed and post-developed flows.

d. Identify off-site drainage.

e. Identify areas and flows bypassing the detention pond.

f. Provide calculations to show that all ditches will carry the 25-year storm with at least 1’ of free board. The maximum allowed velocity in an open ditches 4 fps.

g. Provide calculations to show that the detention pond will hold the required volume of sediment for the area being disturbed during construction.

h. Include a basin map of existing and proposed conditions.

i. Include a detention pond construction cost estimate.

j. Include calculations for the 100-year emergency pond overflow.

D. Approval

1. When all requirements have been met and revisions have been completed and accepted by each reviewing department and/or agency, the Planning and Zoning Department will approve the development plans pending a pre-construction conference. Plan approval will be issued during a pre-construction conference.

2. A PDF copy of the approved plans shall be submitted to the Planning and Zoning Department after approval of the plans.

3. Construction of the project must begin within one year of development plan approval. If this time limit is exceeded, the project permit shall be void and subject to re-application.

4. Any project where no work is performed for 6 months out of a 12-month period will be considered abandoned and the development permit will be revoked.

6.3.3 PRE-CONSTRUCTION CONFERENCE

A. Upon completion of development plan review, the Planning and Zoning Department shall schedule a pre-construction conference to be held either on the site of the project or at the Planning and Zoning Office. The primary purpose of this conference is to discuss policy, procedures and the construction plans and to present the developer with the Land Development Permit. The developer shall provide proof that he possess a current Georgia Erosion and Sediment Control – Level 1A Certification prior to being issued a Land Disturbance Permit.
B. Representatives of Polk County as well as the developer and all of his/her contractors that will be working on the project to include grading, paving, water, sewer and other contractors shall attend the pre-construction conference.

C. The developer and his contractors will be presented with a “Construction Checklist” during conference. The checklist will be reviewed and each attendee shall sign a statement following the conference, attesting to his understanding the County’s construction requirements and his responsibility to abide by said requirements.

6.3.4 CONSTRUCTION

All field changes must be documented with engineering calculations & plans and submitted to the Planning and Zoning Department for approval prior to commencement of work.

A. General

1. Road Closures

   a. Existing county maintained roadways shall not be closed during the construction of a permitted development. Temporary lane closures may be permitted, with Planning and Zoning Department approval for the installation of utility connections and roadwork.

2. Clearing and Grubbing

   a. Clearing and grading shall not proceed until issuance of a development permit by the Planning and Zoning Department.

   b. All easements shall be completely cleared of all vegetation including tree stumps and roots. Contractors shall not bury any vegetation within right-of-ways or on any construction site. Burn permits shall be required for onsite burning of cleared vegetation.

3. Phased Developments

   a. Developers shall be permitted to construct phased developments. Development Plans shall clearly state when projects will be phased. Detention ponds shall be designed and constructed for all phases of the development during the initial development phase.

4. Temporary Construction Offices

   a. An office mobile unit may be located on the site of the development by the developer for a period of twelve (12) months. An extension of up to twelve (12) additional months may be approved by the Building Inspections Department.

B. Site Grading

1. General
a. Grading shall be done in accordance with the lines and grades shown on the approved Construction plans.

b. In all areas to be graded or filled, the developer shall stockpile topsoil for later use to be spread in all disturbed areas.

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

d. Construction equipment shall not be parked in any existing right-of-way.

2. Slopes

a. The maximum slopes for cut or fill shall be 2:1 (two feet of horizontal run for each foot of rise or fall). The depth of cut referred to herein shall be the maximum cut or fill occurring in any one section of cut or fill. The slope of cut or fill shall be uniform throughout for each section of cut or fill except when the Planning and Zoning Department approves benching. When a cut is made in rock that requires blasting, the slope may be steeper if pre-splitting is employed and upon submission of a geotechnical report which substantiates the integrity of the rock in the steeper condition, subject to the review and approval of the Planning and Zoning Department.

b. While most soils in the area can be safely stabilized at a 2:1 slope, some soils exhibit a low shearing resistance and a low cohesiveness. These soils typically are micaceous silts and sandy soils with little or no clay. If the 2:1 slope shows evidence of shearing, non-cohesiveness, sliding, or inability to maintain compaction, the slope shall be stabilized at 3:1 or by using such mechanical methods as needed (such as retaining walls or “grow mats” stapled in place) to maintain slope, height and integrity.

c. When construction is completed, all slopes shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

3. Compaction

a. Embankments shall be placed in uniform layers not to exceed a compacted thickness of 6 inches per layer and shall be compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by AASHTO Method T-99 in all areas where structures, parking lots and drives, embankments, and utilities are to be placed.

4. Installation Of Stormwater Management Facilities

a. Unless otherwise specifically set forth herein or in the Polk County Standard Details, all of the materials, methods of construction, and workmanship for the work covered in reference to storm water conveyance facility construction shall conform to the most recent Standard Specifications of the Georgia Department of Transportation.
b. Construction of the storm drain facilities shall be initiated as part of the grading of the site and in accordance with the approved storm water management plan. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be constructed prior to the construction of other site improvements.

c. Drainage Easements shall be graded to promote positive drainage.

d. Prior to the issuance of a Certificate of Occupancy by the Building Inspection Department, an as-build survey of the constructed detention pond shall be completed at the contractor’s expanse and submitted to the Building Inspection Department for review and approval.

C. Right-of-Ways

8. Basic Requirements

a. There shall be no improvements other than public utilities within the shoulders of the right-of-way. All plans for entrance signs, plantings, and/or irrigation systems shall be approved by the Planning and Zoning Department as part of the Development Plans Approval.

b. No private improvements, such as private lawn sprinkler systems, yard lighting, and the like, shall be installed within a public right-of-way except by authorization of the Planning and Zoning Department. Such authorization, if issued, shall require the owner to assume all repair costs of the owner’s facilities should they become damaged.

D. Parking Lot

1. Preparation of Sub-grade

   c. Sections of sub-grade found to be composed of unsuitable or unstable material shall be removed to the depth specified by a geotechnical engineering report, and replaced with suitable, thoroughly compacted material.

   d. Prior to placement of base material, the sub-grade shall be compacted to 95 percent density. Proof rolling shall be completed prior to placement of base materials to detect soft spots.

9. Parking Lot Base

   a. The base course shall consist of at least six to eight (6″-8″) inches of graded aggregate base, and shall achieve a ninety-eight (98) percent compaction rate.

10. Paving

   a. Asphalt
1) At least one course of 12.5 mm or smaller asphalt, three (3) inches thick shall be applied to a parking lot.

2) Prior to applying additional courses, a tack coat shall be applied at a rate of 0.05 gallons per square yard.

3) All asphalt shall be compacted to 95% Standard Proctor.

b. Concrete

1) Concrete areas shall be at least 4” thick with control joints at least every 30 feet, or if no control joints are utilized, wire reinforcement must be used throughout.

2) Concrete shall be Class “A” (as defined by Georgia DOT) and have a minimum strength of 3000 psi at twenty-eight (28) days.

E. Traffic Signals

3. Where require, traffic signals will be installed at the developer’s expense.

4. Engineering and construction shall be in accordance with GDOT specifications and approvals.

F. Pavement Markings

1. The developer shall be responsible for the installation of all striping and pavement markings. Pavement markings shall be consistent with approved development plans.

G. Inspections and Enforcement

1. The Chief Building Inspector or his designee shall complete all inspections associated with land development activities except for the installation of water mains and services, and other public utilities. The Chief Building Inspector shall have the power to conduct such investigations as he may reasonably deem necessary, to assure or compel compliance with the requirements and provisions of these Regulations, and to enter at reasonable times upon any property for the purpose of investigation and inspection.

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

3. Upon notice from the Chief Building Inspector, work on any project that is being done contrary to the provisions of these Development Regulations, the approved development plans, or in a dangerous or unsafe manner, may be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where in the opinion of the Chief Building Inspector an emergency exists, no written notice shall be required.
4. The following inspections are required by Polk County during the construction of Commercial Land Development Projects:
   a. Stormwater Management Structures (including detention pond construction).
   b. All building structures.

5. Inspection approval will authorize the contractor to proceed with the next step in the construction process. The contractor shall contact the Building Inspection Department to schedule each inspection.

6. If the contractor fails to request an inspection, the contractor shall cease all construction activities until such inspection is completed and approved by the county.
ARTICLE 7
ROADWAY DESIGN AND CONSTRUCTION

7.1 ACCESS

7.1.1 FUTURE ACCESS

A. When land is subdivided, parcels shall be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

7.1.2 VEHICULAR ACCESS FROM PUBLIC STREET REQUIRED

A. Any lot requiring minimum frontage shall provide vehicular access directly from a public street along the frontage or along any other property line that abuts a public street.

7.1.3 PROJECT ACCESS IMPROVEMENTS – SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, AND DUPLEX RESIDENTIAL SUBDIVISIONS

A. When property that abuts upon an existing or proposed County road is to be developed or redeveloped as a single family detached or duplex subdivision and the County street will provide access to the property, Project access improvements to the County road (acceleration/deceleration lanes, turn lanes, etc.) shall be provided by the developer as required herein.

B. Acceleration/deceleration lanes shall be required at all entrances to subdivisions and multi-family, industrial, office and commercial developments that front on arterial streets and may be required on collector streets. Acceleration/deceleration lanes shall be 12 feet in width plus curb and gutter for a minimum distance of 200 feet plus tapers measured from the intersection of the right-of-way lines or the edge of the driveway. The design of acceleration/deceleration lanes shall adhere to the latest edition of the AASHTO Green Book (A Policy on Geometric Design of Highways and Streets).

C. Additional right-of-way to accommodate an acceleration/deceleration lane and an 8-foot shoulder with ditches (as required) shall be dedicated by the developer to Polk County at no cost. Associated drainage improvements as deemed necessary by the construction of the acceleration/deceleration lane shall also be required.

D. Other Project access improvements may be required by the County in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public.

E. The Developer shall be responsible for the relocation of public or private utilities and drainage structures, as may be occasioned by the required Project access improvements.

7.1.4 PROJECT ACCESS IMPROVEMENTS – MULTI-FAMILY AND NONRESIDENTIAL DEVELOPMENTS

A. When property that abuts upon an existing or proposed County road is to be developed or redeveloped for multi-family or nonresidential uses and the County road will provide access
to the property, access improvements to the County road (deceleration lanes, turn lanes, etc.) shall be provided by the developer.

B. A deceleration lane shall be required to be provided at each project driveway or subdivision street entrance as applicable. In the event a street has an existing or proposed median, and the developer desires to construct a median break to serve the project, a left turn lane leading to the median break shall be required to be provided by the developer and shall meet the standards contained herein.

C. Deceleration lanes shall be 12 feet in width plus curb and gutter for a minimum distance of 200 feet plus tapers measured from the intersection of the right-of-way lines or the edge of the driveway. The design of deceleration lanes shall adhere to the latest edition of the AASHTO Green Book (A Policy on Geometric Design of Highways and Streets). Additional right-of-way to accommodate the deceleration lane and an 8-foot shoulder shall be dedicated by the developer to Polk County at no cost. Associated drainage improvements as deemed necessary by the construction of the deceleration lane shall also be required.

D. Other Project access improvements may be required by the County in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public.

E. The Developer shall be responsible for the relocation of public or private utilities and drainage structures as may be occasioned by the required Project access improvements.

7.2 ROADWAYS

7.2.1 APPLICABLE SPECIFICATIONS AND STANDARDS

A. The latest editions of the following specifications, standards and publications setting the minimum requirements for quality, safety and performance of work and materials form a part of these Regulations as though fully repeated herein:


7.2.2 STREET NAMES

A. Street names shall be approved by the Planning and Zoning Department. Street names shall not duplicate nor closely approximate the name of an existing street in a city or the county, irrespective of the use of the suffix street, avenue, boulevard, road, pike, drive, way, place, court, or other derivatives.

B. Proposed streets that are obviously in alignment with others already existing and named shall bear the names of existing streets.

C. Structure address numbers shall be provided by the Building Inspection Department.

7.2.3 ROAD CLASSIFICATION

A. Roadways within Polk County shall be classified as follows:
Table 7-1

<table>
<thead>
<tr>
<th>Class</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Arterial (Major/Minor)</td>
</tr>
<tr>
<td>II</td>
<td>Collector (Major/Minor)</td>
</tr>
<tr>
<td>III</td>
<td>Local – Rural</td>
</tr>
<tr>
<td>IV</td>
<td>Local – Urban</td>
</tr>
<tr>
<td>V*</td>
<td>Minor Local</td>
</tr>
</tbody>
</table>

*Not allowed for new development.

B Class I county maintained roadways are longer and more heavily traveled routes, other than GDOT routes, that carry the highest traffic flows between the larger cities, towns, and other populated areas within Polk County. They also provide access across county and state boundaries.

C Class II county maintained roads are those which act as feeders to the arterial system. Class II roads facilitate significantly shorter travel distances than arterial roads and they can cross county boundaries. Class II roads are divided into the following sub-classifications.

1. **Major Collectors** serve traffic generating areas not served by arterial roadways such as schools, parks, and commercial areas.

2. **Minor Collectors** serve to collect traffic from residentially developed areas consisting of local road networks, routing traffic to Major Collectors.

D Class III and IV county maintained local roads are those paved roads that provide access to abutting property within residential and commercial developments but serve no significant traffic volumes. These roads have the minimum specified right of way and pavement widths.

E Class V roads include all other paved, gravel, and dirt roadways maintained by the county that were existing prior to the adoption date of these regulations and not classified above. Some of these roadways may have sub-standard surface widths and no right of way other than ditch to ditch.

7.2.4 GENERAL LAYOUT REQUIREMENTS

A. Conformance

1. The arrangement, character, extent, width, grade and location of all streets shall conform at a minimum to the requirements of these Regulations.

B. Local Streets and Minor Collectors

1. Local streets shall be laid out so that their use by through traffic will be discouraged. Minor collectors shall be provided to channel through traffic movements within a development. Minor collectors also may be provided as central routes within large residential subdivisions, where appropriate to the design, based on project traffic demands exceeding 2000 trips per day (ADT).
C. Private Streets

1. Private streets as may be approved under the provision of these Regulations or other ordinances or regulations of Polk County shall be designed and constructed according to the requirements of these Development Regulations.

D. Cul-de-sac Streets

1. Dead end streets designed to have one end permanently closed shall provide a cul-de-sac turnaround and may be no more than 1500’ in length. Additional length necessitated by topography or property configuration may be approved by the Department.

2. A cul-de-sac (within the right-of-way) shall be added to any dead end street extending more than one lot deep.

3. The length of a cul-de-sac street shall be measured from the center of the cul-de-sac back to the center of the originating intersection.

4. Cul-de-sacs shall have a 40’ radius with a 50’ radius for the right-of-way.

E. Other Dead End Streets

1. A dead end street shall be provided to the boundary of a subdivision where necessary to provide access for planned future circulation, for improved access for public safety vehicles, or for the extension of public water or other utilities to neighboring lands. Such dead end streets shall be designed so as to allow their reasonable extension, and shall be located so as to be reasonably incorporated into a street design for the neighboring property. The stub street requirement may be waived by the Planning and Zoning Department under extenuating circumstances.

2. Dead end streets on abutting property shall be extended into a proposed subdivision and incorporated into the street design of the development. This requirement may be modified by the Department in cases of serious topographical hardship or dissimilar zoning which would create unacceptable land use conflicts between the two developments. This modification may be conditioned on the provision of easements necessary for the extension of public utilities, the provision of cul-de-sac or other permanent turnaround on the dead end street, or the removal of the dead end street back to its nearest intersection.

F. Service Roads

1. Where a development borders on or contains a railroad right-of-way, or a limited access highway right-of-way or a major thoroughfare, a public street may be required to be constructed and dedicated within the development approximately parallel to and on each side of such right-of-way.

G. Half–Streets
1. Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

H. Reserves Strips

1. Land in private ownership adjacent to public rights-of-way, which could control or are intended to control access to streets, alleys, or public lands shall not be permitted unless their control is given to the County under ownership, dedication, or easement conditions approved by the County Attorney or acceptable to the Department. No development shall be designed so as to deny access to abutting properties.

I. Alleys

1. Alleys shall not be provided in new developments from the date these Regulations are enacted forward. Existing alleys developed or recognized prior this date shall remain in use until abandoned or closed by the county.

J. Street Jogs

1. Street jogs shall either directly align or have off-sets of a minimum of 125 feet within residential developments.

7.2.5 DEDICATION OF STREET RIGHT-OF-WAY

A. Right-of-way for all public streets, existing and proposed, shall be dedicated in accordance with roadway requirements specified in these regulations, based upon street classifications.

7.2.6 MINIMUM RIGHT-OF-WAY AND STREET IMPROVEMENTS

A. Street Improvements

1. Streets, whether existing or new, shall be constructed or improve under those circumstances and to the standards as established in these Regulations. Roadway improvements shall be in accordance with the street classifications outlined in these Regulations, or as otherwise required by the Board of Commissioners.

2. All major and minor arterial and collector streets shall meet all design requirements of the Georgia Department of Transportation.

B. Substandard Streets

1. In the event that a development has access to a substandard street (i.e., a dirt, surface treatment, or gravel road), the following project access improvements shall be required:

   a. If an abutting substandard street providing access to a development is dirt, surface treatment or gravel, the developer shall upgrade the street to a minimum class III or class IV paved roadway from the project entrance to the nearest standard paved road along the route of access.
2. The Developer shall facilitate the design of the road and provide the labor, equipment, and materials required for roadway improvements and necessary drainage improvement.

3. All right-of-way required for off-site improvements shall be acquired by the developer at no expense to the County.

4. The County reserves the right to negotiate for additional Improvements beyond the typical class III or class IV roadway improvements.

C. Improvements Along State Highway

1. For any development, which abuts a state highway or other right-of-way controlled by the State of Georgia, improvements to the roadway and the location and design of any street or driveway providing access from the state highway shall comply with the standards and requirements of the Georgia Department of Transportation. A permit for the proposed access or improvement shall be approved by the Georgia DOT and incorporated into the construction drawings for the project prior to issuance of a development permit by the Polk County Planning and Zoning Department.

D. Minimum Right-of-Way

1. Minimum width of right-of-way measured from lot line to lot line shall be as follows:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Width of Right-of-way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>100 feet</td>
</tr>
<tr>
<td>Class II</td>
<td>80 feet</td>
</tr>
<tr>
<td>Class III</td>
<td>60 feet</td>
</tr>
<tr>
<td>Class IV</td>
<td>50 feet</td>
</tr>
<tr>
<td>Class V</td>
<td>60 feet*</td>
</tr>
<tr>
<td>Cul-de-sac on Collector and Local</td>
<td>50' radius</td>
</tr>
</tbody>
</table>

*To be accepted for paving.

2. The minimum width of street right-of-way shall be dedicated based upon the street categories shown above.

3. Additional street right-of-way shall be dedicated at intersections or other abutting locations, which the property abuts upon where deceleration lanes, turning lanes, storage lanes, medians, or realignments are inadequate to accommodate the improvements.
4. If a new street or thoroughfare is proposed by the Comprehensive Plan or the State of Georgia to adjoin or traverse the property, permits shall not be issued until the Department has submitted the project to the Board of Commissioners for review in order to seek a determination if Polk County should acquire the right-of-way or if a study of alternate routes should be undertaken. The review period by Polk County shall be 90 days from the date of permit application.

7.2.7 VERTICAL AND HORIZONTAL ALIGNMENT OF STREETS

A. Design Speed

1. Horizontal curves and super elevation shall be designed in accordance with the following minimum design speeds:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Minimum Design Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial street</td>
<td>55 mph</td>
</tr>
<tr>
<td>Major Collector Street</td>
<td>50 mph</td>
</tr>
<tr>
<td>Minor Collector street</td>
<td>45 mph</td>
</tr>
<tr>
<td>Local street</td>
<td>25 mph*</td>
</tr>
</tbody>
</table>

*Super elevation not required

B. Vertical Alignment of Streets

1. The maximum grade and vertical curve allowed for a street are shown on the following Table, except that the grade across a cul-de-sac in all directions shall not exceed one and one-half (1.5) percent. All streets shall have a minimum grade of one (1) percent.

2. Grades between 14% and 16% shall not exceed a length of one hundred and fifty feet (150’), unless otherwise specified by the Department of Transportation, and shall require an “as graded” survey prior to the installation of the curb or utilities. The distance shall be measured as the tangent length between points of curvature.
3. All changes in street profile grades having algebraic difference greater than 1% shall be connected by a parabolic curve having a minimum length (L) equal to the product of the algebraic difference between the grades in percent (A) and the design constant (K) assigned to the street according to its category (i.e., L=KA).

4. Vertical curve shall be designed to allow for minimum sight distance, said sight distance being measured from the driver’s eye, which is assumed to be three and one-half (3.5) feet in height above the pavement surface, to an object six (6) inches high on the pavement.

5. The minimum sight distance shall be as follows:

<table>
<thead>
<tr>
<th>Design Speed</th>
<th>Distance in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>210</td>
</tr>
<tr>
<td>30</td>
<td>320</td>
</tr>
<tr>
<td>40</td>
<td>420</td>
</tr>
<tr>
<td>50</td>
<td>530</td>
</tr>
</tbody>
</table>

6. Vertical Clearances:

a. Vertical clearance shall be at least 16 feet over the entire roadway width.

C. Horizontal Alignment of Streets

1. Where a deflection angle of more than 10 degrees in the alignment of a street occurs, the radius of curvature of the center line of said street shall not be less than as follows:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Maximum Degree of Curve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Street</td>
<td>10°</td>
</tr>
<tr>
<td>Major Collector Street</td>
<td>15°</td>
</tr>
<tr>
<td>Minor Collector Street</td>
<td>20°</td>
</tr>
<tr>
<td>Local Street</td>
<td>25°</td>
</tr>
</tbody>
</table>

2. No superelevation will be required on Minor Collector and local streets internal to residential subdivisions.

3. Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of cross streets. A tangent of at least 200 feet in length shall be introduced between reverse curves on collector streets, and 100 feet on local streets.
4. Adjoining street intersections shall be spaced at least 200 feet apart measured from edge of right-of-way to edge of opposing right-of-way. Street jogs with centerline offsets of less than 150 feet shall not be allowed.

5. Horizontal Clearances:
   a. A shoulder of no less than eight (8) feet wide shall be provided, graded at a slope of 1/4” per foot toward the back of curb on urban sections and a slope of 3/4” per foot away from the edge of pavement on rural sections, along all streets. Beyond the shoulder but within the right-of-way, slope shall not exceed one (1’) foot of rise for each two (2’) feet of horizontal distance on a cut slope, and one (1’) foot of fall or each two (2) feet of horizontal distance on a fill slope.
   b. Along all public streets, a clear zone shall be provided for a minimum distance of six (6’) feet from back of curb or edge of pavement wherein nothing may be located above ground level except traffic/street signs public utility structures and mail boxes.
   c. At selected locations, such as the outside of a sharp curve a wider clear zone with greater horizontal clearances provided to any roadside obstruction may be required.
   d. The Department, in accordance with O.C.G.A 32-6-51, is authorized to remove or direct the removal of any sign, signal, device, or other structure erected, placed, or maintained on the right-of-way of a public road, which because of its nature, construction, or operation, constitutes a danger to or interferes with the vision of drivers of motor vehicles.

D. Intersections

1. The centerline of no more than two streets shall intersect at any one point. All streets shall intersect at no less than sixty (60) degrees, and as neat a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines. Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with these Development Regulations.

2. Islands at intersections shall be subject to individual approval by the appropriate engineer of the county. In no case shall anything extend more than three (3) feet above the back of the curb within the right-of-way of the intersecting street.

3. Curb lines at street intersections shall have a radius of curvature of not less than 25 feet.

4. Intersecting street right-of-way lines shall be chamfered to allow access beyond the edge of pavement or back of curb and gutter for utilities and maintenance work.

5. The vertical alignments of intersecting roadways shall maintain a brake over rate of 4% or less.

6. For design purposes, streets shall be provided with a landing approach, not exceeding a maximum grade of 2% at street intersections for the following minimum distances:
   a. Arterial Roadways, 100 ft
b. Collector Roadways, 75 ft

c. Local Streets, 50 ft

Distance of the approach is measured from edge of pavement of the intersecting street to the point of curvature in the approaching street.

7.2.8 SUB-GRADE PREPARATION

A. Sub-grade preparation shall be in accordance with Georgia DOT specifications and these Regulations.

B. If any sections of the sub grade are composed of topsoil, organic or other unsuitable or unstable material as identified by a Professional Geotechnical Engineer, such materials shall be removed and replaced with, thoroughly compacted, suitable material as specified for fill or stabilized with stone or a geo-textile, geo-grid or other suitable materials approved by the County.

C. Fill shall be placed in uniform; horizontal layers not more than six (6") inches thick (compacted measurement). Moisture content shall be adjusted as necessary to compact material to 95% of maximum dry density except for the top (12") inches, which shall be compacted to 100 of maximum dry density.

D. After the earthwork has been completed, all stormwater piping, water, and sanitary sewer utilities have been installed within the right-of-way as appropriate, and the backfill in all such ditches thoroughly compacted, the sub-grade shall be brought to the lines, grades and typical roadway shown on the plans.

E. Utility trenches cut in the sub-grade shall be backfilled as specified herein.

F. Proof rolling with a tandem axel dump truck fully loaded with graded aggregate base (GAB) is required for the sub-base at the contractor’s expense. The contractor shall contact the Building Inspection Department to schedule each inspection.

G. With the approval of the Polk County Building Inspection Department, a geo-textile or grid may be used to stabilize a sub-grade that does not pass proof rolling.

H. When a street is to be used for construction traffic before the paving work is completed, a layer of stone (except crusher run) shall be laid as a traffic surface. This material shall not be used as a part of the base material. It may be worked into the sub-grade, or it shall be removed before the base course is set up for paving.

I. Provisions shall be made to drain low points in the road construction when the final paving is delayed. A brake in the berm section is required when the curbing has not been constructed. Once curbing has been installed, a three-inch notch in the curb at the throat section of the low point inlet shall be cut to the depth of the binder course to provide drainage. No areas of ponding shall be created. After the final pavement surface coat has been applied, the notch shall then be filled in.

7.2.9 PAVEMENT DESIGN
A. Due to the varying composition of soils within Polk County, it is not practical to specify one typical pavement design for all areas of the County. For this reason, pavement designs shall be engineered by the project engineer at the developers expense based upon the recommendation of a Professional Geotechnical Engineer for all development projects involving the construction of future publicly maintained roadways.

B. Geotechnical soils investigations shall be completed to determine the integrity of roadway sub-base materials, the amount of undercutting required if any, and to specify the thickness and composition of base and pavement courses.

C. At a minimum, the following pavement design specifications shall be used unless otherwise enhanced by a Professional Engineer.

1. Street Base

   Street base material at a minimum shall conform to the following specifications:

<table>
<thead>
<tr>
<th>Street Base Type</th>
<th>Industrial-commercial streets</th>
<th>Residential streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graded Aggregate Base</td>
<td>8 inches</td>
<td>6 inches</td>
</tr>
</tbody>
</table>

   a. The base course shall consist of at least six to eight (6”-8”) inches of graded aggregate base, which shall be thoroughly compacted and brought to 95% density.

   b. Base shall extend at least 12 inches beyond the edge of pavement in rural sections and at least 12 inches beyond the back of curb in urban sections.

   c. Proof rolling with a tandem axel dump truck fully loaded with graded aggregate base (GAB) is required for the base at the contractor’s expense. The contractor shall contact the Building Inspection Department to schedule each inspection.

   d. Upon inspection and approval by the County inspector, the base shall be primed with 0.25 gallon of R.C. 70 per square yard and cured for three (3) days prior to paving.

2. Asphaltic Concrete Pavement

   a. The minimum pavement width, measured from edge of gutter to edge of gutter (or edge of pavement to edge of pavement for swale ditch section) required for County roadways shall be as follows:
Table 7-8

Minimum Pavement Width

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Width of Roadway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector street</td>
<td>28 feet</td>
</tr>
<tr>
<td>Local street</td>
<td>24 feet</td>
</tr>
<tr>
<td>Minor Local</td>
<td>18 feet*</td>
</tr>
</tbody>
</table>

*To be accepted for paving.

b. Streets shall be paved with asphaltic concrete meeting the following standards:

Table 7-9

Pavement Topping

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Primer (gal per sq yd)</th>
<th>Binder</th>
<th>Tack Coat (gal per sq yd)</th>
<th>Topping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial or Commercial street</td>
<td>0.25</td>
<td>3½&quot; B</td>
<td>0.05</td>
<td>2&quot; E or F</td>
</tr>
<tr>
<td>Collector street</td>
<td>0.25</td>
<td>2&quot; B</td>
<td>0.05</td>
<td>1½&quot; E or F</td>
</tr>
<tr>
<td>Local street</td>
<td>0.25</td>
<td>2&quot; B</td>
<td>0.05</td>
<td>1½&quot; E or F</td>
</tr>
<tr>
<td>Minor Local</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Triple Surface Treatment*</td>
</tr>
</tbody>
</table>

*Minimum requirement for improving an existing dirt or gravel roadway. Existing paved roads shall be improved based upon existing pavement materials.

c. Upon final approval of base course, type “B” modified binder shall be applied.
d. Prior to application of top course, base course shall be inspected and repaired.
e. Type “E” or “F” top course shall be applied after 80% of the houses on a street have been built.
f. Core samples will be required, at the contractors expense, on any road built without proper inspection to verify thickness and compaction of base and asphalt courses. If any core is deficient in thickness, by more than one-half (1/2”) inch, additional cores shall be taken to determine the area of deficient thickness and the developer will be required to correct the defect as per specifications.
g. All asphalt job-mix formulas and application methods, including equipment operations, shall conform to the most recent version of the Georgia DOT Construction of Roads and Bridge manual.
3. Nonresidential Developments
   
a. These standards shall apply to new local and minor collector streets in non-residential subdivision and other non-residential projects.

b. Asphalt Streets – The following materials will be used:

c. Crushed Stone Base – The base course shall consist of at least 8” – 10” of graded aggregate base, which shall be thoroughly compacted and brought to proper section.

d. Ninety-eight (98) percent base compaction required on all graded aggregate base.

e. Upon inspection and approval by the DOT inspector, the base shall be primed with 0.25 gallon of R.C.70 per square yard and cured for three (3) days prior to paving.

f. Upon final approval of base course two 2-5 inches of “B” binder shall be applied.

g. The final one and one-half (1 ½”) inch of type “E” or “F” top course shall be applied after 80% of the building on the street have been built.

h. Prior to application of top course, base course shall be inspected for damage and all repairs made.

i. Prior to applying the top course, a tack coat shall be applied to the binder course at a rate of 0.05 gallons per square yard. The Department shall approve type of tack prior to placement.

j. All asphalt shall be compacted to 95% Standard Proctor.

k. Core samples will be required, at the contractors expense, on any road built without proper inspection to verify thickness and compaction of base and asphalt courses. If any core is deficient in thickness, by more than one-half (1/2) inch, additional cores shall be taken to determine the area of deficient thickness and the developer will be required to correct the defect as per specifications.

l. All asphalt job-mix formulas and application methods, including equipment operations, shall conform to the most recent version of the Georgia DOT Construction of Roads and Bridge manual.
D. Typical Roadway Sections

1. Rural

![Figure 7-1]

2. Urban

![Figure 7-2]
7.2.10 CURB AND GUTTER

A. All new streets and project access improvements shall be provided with curb and gutter except in subdivisions with all lots three acres or larger, where swale ditches may be provided in lieu of curb and gutter. All gutters shall drain smoothly with no ponding areas.

B. The following curb and gutter types have been approved by the county and must be used:

C. Residential Curbing

Residential curbing shall meet the following requirements:

1. Concrete shall be Class “A” (as defined by Georgia DOT) and have a minimum strength of 3000 psi at twenty-eight (28) days.

D. Industrial or Commercial Curbing

Industrial or commercial curbing shall meet the following requirements:

1. Concrete shall be Class “A” (as defined by Georgia DOT) and have a minimum strength of 3000 psi at twenty eight (28) days.

2. Vertical curbing only (L-back).

E. Principal Arterial and Major Arterial Curbing.

Principal Arterial and Major Arterial curbing shall meet the following requirements:
1. Concrete shall be Class “A” (as defined by Georgia DOT) and have a minimum strength of 3000 psi at twenty eight (28) days.

2. Vertical curbing only (L-back).

F. Construction Methods

1. Curb and gutter shall be set true to line and grade, and finished to the section shown on the plans. Line and grade shall be set by developer’s engineer or surveyor.

2. One-half (1/2) inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.

3. Inferior workmanship or unprofessional construction methods resulting in unsightly curb and gutter, poor drainage, or areas of ponding will be cause for rejection of finished work.

4. Disturbed areas along all curbing shall be backfilled, stabilized and grassed.

5. Along the project access improvements of a road which the County has identified for resurfacing within one (1) year of the new construction, the grade of the new gutter shall be placed one (1”) inch above the Project Access Improvement pavement grade in areas where drainage will not be adversely affected.

6. All special curbing designs (center, islands, etc.) shall be individually approved by the County.

7.2.11 SIDEWALKS

A. Where Required

1. Sidewalks shall be required in all subdivisions within a one (1) mile driving distance of all existing and proposed public school sites and all existing and proposed public park sites. The required location of sidewalks for such subdivisions shall also include its frontage along a County, City or State road. Sidewalks shall not be required in subdivisions that fall within this one-mile distance of a park or school, if said subdivisions are separated from the park or school by a State highway.

2. In addition to (A 1.) above, sidewalks shall also be required in all subdivisions that have frontage along a County or State road that has sidewalks.

3. Sidewalks provided voluntarily by a builder or developer shall meet the design and location standards required herein. The builder or developer shall secure authorization from the County prior to installation.

B. Location Standards

1. Sidewalks shall be required adjacent to one (1) side of internal subdivision streets, which shall be the side opposite the water line unless otherwise required, which is typically on the north or the ease side of the street.
C. Design Standards

1. Sidewalks shall be constructed in accordance with the design standards contained in these Regulations unless a modification is granted by the County.

2. Sidewalks shall be located two (2') feet from the back of curb, separated from the curb by a beauty strip. Where no curbing exists or proposed road improvements are anticipated, sidewalks shall be placed in a location acceptable to the County.

3. All new sidewalks shall match and provide a smooth transition to any existing sidewalks with no steps.

4. Sidewalks shall be constructed of concrete and shall be a minimum of four (4’) feet in width and four (4”) inches thick. Concrete shall be Class “A” (as defined by Georgia DOT) and have a strength of 3000 psi at twenty eight (28) days. Sidewalks adjacent to schools, parks or any other pedestrian facilities, as well as adjacent to acceleration/deceleration lanes shall be six (6) feet in width.

5. Curb ramps shall be provided at all curb termini and shall be a minimum of four (4’) feet in width exclusive of flared sides.

6. Expansion joints shall be provided at all property lines (extended) and driveway crossings. Expansion joints shall be provided every ten (10’) feet.

7. All sidewalks shall meet ADA requirements.

8. Disturbed areas resulting from sidewalk construction shall be backfilled, stabilized and grassed.

7.2.12 UTILITIES

A. All utility systems, including water, sanitary sewer, gas, electric, phone and cable TV, along with component parts, structures, appendages and materials shall be designed to Polk County standards.

B. All utilities and storm drain systems within a roadway section shall be installed with trenches backfilled and thoroughly compacted before any pavement or base is installed.

C. All utility manholes and valve boxes shall be brought flush to the finished grade within the roadway section.

D. All utility locations within any proposed right-of-way shall adhere to Figure 7-4 below.
Polk County Development Regulations

E. Utilities can be placed under proposed roadways after base and pavement have been constructed if conduit is placed under the roadway prior to the construction of base and pavement as indicated in Figure 7-5 below.
7.2.13 ROADWAY DRAINAGE

A. Georgia DOT Specifications Apply

1. Unless otherwise specifically set forth herein or in Polk County Standard Details, all structures, materials, methods of construction, and workmanship for work covered in reference to stormwater drainage systems shall conform to the most recent Standards and Specifications of the Georgia Department of Transportation.

B. Sizing & locating Drainage Structures and Pipes

1. Sizing and location of all drainage structures shall be the responsibility of a professional engineer or land surveyor registered by the Georgia Secretary of State, subject to approval by the Planning and Zoning Department.

2. Pipe sizes for culverts under roadways (cross drains) and piped systems shall be determined by design runoff and hydraulic capacity analysis according to Article 8 of these Development Regulations. The minimum allowable street cross drain diameter shall be 18 inches, with a minimum slope of one (1) percent.

3. All cross drains and piped systems shall be constructed of Class III reinforced concrete.

4. Cross drains shall be designed to pass the peak flow associated with a 25-year, 24-hour storm with at least one foot of freeboard between the 100-year ponding elevation and the top of the roadway shoulder, without raising the 100-year flood elevation on upstream properties.

5. All pipes are to be designed for inlet and outlet control conditions.

6. Piped systems shall be designed to maintain a minimum velocity of at least three (3) feet per second but not more than the velocity that would cause erosion damage to the conduit.

7. Cross drain design shall be in accordance with the methods contained in the State Highway Standard 1030D, latest edition.

8. Cross drains carrying live streams shall extend to where the crown of the pipe intersects the street embankment slope and shall have flared end sections with a one (1) foot wide collar of six (6) inch thick concrete.

9. Full shoulder width shall be maintained across all cross drains as the minimum length.

10. Street water shall be limited to a maximum distance as follows: 300 feet on grades up to ten (10) percent; 250 feet on grades over ten (10) percent.

11. The design of piped collection systems required herein shall be based upon conveyance of the peak flows associated with a 25-year 24-hour storm with the hydraulic grade line being at or below the structure throat throughout the system.
12. Maximum continuous length of pipe shall be 300 feet.

13. Junction boxes having access to a pipe shall be constructed to meet the requirements of the Georgia DOT Standards and Details.

14. Inlets and catch basins shall be designed in accordance with the Georgia Department of Transportation’s Drainage Manual for Highways, latest edition, and in accordance with Georgia DOT Standards and Details.

15. Inverts are required in all structures, leaving no standing water. All inverts are to be constructed of grout or concrete.

16. Minimum clearances are: One (1) foot between the bottom of the roadway base and the exterior crown of a culvert, and a minimum of six (6) inches between underground utilities and the exterior crown of culverts.

17. Any storm drainage pipe that extends outside of a street right-of-way shall be located within a minimum 20-foot wide easement.

18. Pipe bedding shall be provided as specified in Design and Construction of Sanitary and Storm Sewers, prepared by the American Society of Civil Engineers (Manuals and Reports on Engineering Practice No. 37), latest edition.

19. Under no circumstances shall structures be constructed over an existing or proposed storm drain, whether public or private.

20. Complete flow, velocity, and hydraulic grade line computations, shall be provided on all portions of a piped collection system. Hydraulic grade lines shall be shown on the storm drainage profiles contained with the Development Plans for the design storm.

21. A certification of pipe specifications for each pipe shall be required before installation.

22. Pipes that do not carry live streams shall extend at least 50 feet beyond the front building setback lines, and may be required to extend farther where necessary to provide an adequately protected building site on the property. In nonresidential subdivisions, these pipes may temporarily end at the right-of-way line, but shall be extended as part of a subsequent development permit approved for the individual site.

C. Pipe Installation

1. Bedding – All pipe structures shall be placed on stable earth or No.57 rock, the characteristics of which would be expected to provide long-term stability. In all live stream pipe installations, in areas of low bearing soils or non-uniform foundations, in areas where rock is encountered at the foundation level, or in other locations where conditions warrant, a minimum of 6” of No.57 bedding is required.

2. Geotextiles or geogrids may also be required by the Department at the developers expense in problem areas.

3. Backfill on all pipe installations shall be constructed using foundation backfill material Type I or Type II, as specified in Section 812.01 and 812.02 respectively, in Ga. DOT
Standard Specification. These materials shall be placed in layers of not more than six inches loose. Compaction of these materials shall be accomplished by hand tamping or machine tamping. Required compaction levels are as follows:

a Backfill within all street right-of-way shall be compacted to 95% maximum density, tested using the AAS-T0 Method T-99.

b Backfill in all other areas shall be compacted to 95% maximum density, tested using the AASHTO Method T-99.

4. Construction Loads and Minimum Covers - If drainage pipe is installed prior to the completion of grading, a minimum of 4 feet of fill should be provided where needed to adequately protect the drainage structure during the land development phase, unless the structure itself is designed to withstand the anticipated live load during construction.

D. Headwalls

1. Headwalls or flared end sections with concrete collars are required at the inlet and outlet on all cross drains and storm drain pipes.

2. Headwalls are to be reinforced pre-cast concrete or reinforced poured-in-place concrete with reinforced concrete footings.

3. Flared end sections shall be constructed of the same material as the drainage pipe to which they are being connected.

4. High water elevation contour is to be based on a 25-year storm at the entrance of each head wall.

5. Energy dissipation devices, such as splash pads, rip-rap, stilling basins, etc., shall be provided at the outlet of every street cross drain and storm drainpipe.

E. Open Channels

1. All storm water channels shall be designed to carry at least the 25-year frequency storm with one (1) foot of freeboard.

2. Velocity at design flow shall be not less than six (6) inches per second but not greater than four (4) feet per second. A higher velocity may be allowed if actions are taken that would avoid erosion or scouring of the channel.

3. All storm water channels must be designed to convey flows that prevent dwelling flooding, property damage, or public access and/or utility interruption.

4. The County may determine that the expected long-term maintenance of a surface drainage system could prove impractical, and storm water pipe collection system may be required.

5. Any storm drainage channel that extends outside of the street right-of-way shall be located within an easement wide enough to allow for construction equipment on either side of the channel for maintenance, minimum width shall be 20 feet.
6. In cases in which a subdivision or development is traversed by a stream, there shall be provided an easement extending ten (10) feet from each side of the stream bank.

7. All drainage easements, natural ditches, and drainage areas shall be grassed and/or rip-rapped as necessary to control erosion.

8. In all cases where open channels extend beyond of the right-of-way of any publicly maintained roadway it shall be the responsibility of adjacent property owners to maintain the open channel, keeping it mowed, free from debris, and flowing with positive drainage.

F. Energy Dissipation – Piped Systems and Culvert

1. Energy dissipation devices, such as splashpads, rip-rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped collection system. (Please refer to the Manual for Erosion and Sediment Control in Georgia.)

2. Energy dissipation devices shall be located entirely within the project site, and shall not encroach upon any required buffer.

3. When uniform, graded stone rip-rap is used for energy dissipation, ultraviolet resistant filter fabric (200-pound test) shall be used between the stone layers.

G. Traffic and Erosion

1. Before any traffic over a storm drain is allowed the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer’s expense. The developer’s obligation to clean and repair pipes ceases after acceptance of the system by the proper authority.

H. Roadway Drainage Design

1. All roadway drainage shall be designed in accordance with the minimum standards set forth in Article 8 of these Regulations.

I. Bridges

1. Should a bridge be required, it must meet all Georgia DOT Standards.

2. Bridges shall be designed to span a 100-year storm frequency.

J. Materials

1. All structures are to be pre-cast concrete or brick construction in accordance with Georgia DOT standard detail.
7.2.14 TRAFFIC CONTROL

A. General

1. All traffic control devices including signs, signals and markings shall be installed in accordance with the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD).

A. Work Zone Safety

1. The storage of materials, excavation, backfilling, pavement removal and replacement, clean-up and grassing shall be in strict accordance with applicable State or County regulations. It shall be the contractor’s responsibility to determine the exact requirements of the authority having jurisdiction over the right-of-way. No highway, road or street shall be closed to traffic without authorization from the proper authority. The contractor shall provide suitable lights, signs, barricades and flagmen to insure the safety of pedestrian and vehicle traffic and workmen to protect the work.

2. The contractor shall coordinate the closing of any street at least 10 days in advance with the Polk County Department of Transportation.

3. The contractor shall provide, erect, and maintain all necessary barricades, suitable and sufficient lighting and other traffic control devices and shall provide qualified flagmen where necessary to direct traffic; and shall take all necessary precautions for the protection of the work and safety of the public.

4. Placement and removal of construction traffic control devices shall be coordinated with the MUTCD and County Codes.

5. Placement of construction traffic control devices shall be scheduled ahead of associated construction activities. Construction time in street right-of-way shall be conducted to minimize the length of time traffic is disrupted. Any work performed within a roadway shall require the appropriate permit from the Building Inspection Department.

6. Construction traffic control devices shall be removed immediately following their useful purpose. Traffic control devices used intermittently, such as “Flagmen Ahead,” shall be removed and replaced when needed.

7. When working within Polk County rights-of-way, a contractor shall provide trained and certified flag people who have completed a training program approved by the Georgia DOT.

8. Existing permanent traffic control devices within a construction work zone shall be protected from damage due to construction operations. All damaged traffic control devices requiring temporary relocation due to construction shall be located as near as possible to their original position. Their original position shall be measured from permanent reference points and recorded in a permanent log prior to relocation. Temporary locations shall provide the same visibility to affected traffic as the original position. Relocated permanent traffic control devices shall be reinstalled in their original positions as soon as practical following construction in the affected location. Construction traffic control devices shall be maintained in good repair, clean and visible.
to affected traffic for daytime and nighttime operation. Traffic control devices affected by the construction work zone shall be inspected daily.

9. Construction warning signs shall be black legend on an orange background. Regulatory signs shall be black legend on a white background. Construction sign panels shall meet the minimum reflective requirements of the Department. Sign panels shall be of durable materials capable of maintaining their color, reflective character and legibility during the period of construction.

7.3 STANDARD DETAILS

7.3.1 PAVEMENT CUT

A. All pavement cuts shall be replaced according to the requirements of Figure 7-6 below.
ARTICLE 8
STORMWATER MANAGEMENT

8.1 APPLICABILITY AND EXEMPTIONS

A. All persons proposing development or construction in the jurisdiction shall prepare a Stormwater Management Plan. No final plat shall be approved and no development or building permit shall be issued until and unless a Stormwater Management Plan has been reviewed and approved by the Planning and Zoning Department, except as exempt below.

B. The following development activities are exempt from the provisions of this Section and the requirement of providing a stormwater management plan:

1. Agricultural land management.
2. Additions or modifications to existing single-family detached dwellings.
3. Developments with a total land area 0.4 (four-tenths) acre or less.
4. Residential developments consisting of single-family houses, each on a lot of three (3) acres or greater.
5. Residential development consisting of single-family houses, each on a lot of 1 to 3 acres, no public improvements are proposed, and where it is demonstrated that each lot will have no more than 10% impervious surface.

8.2 VARIANCES

A. Requests for variances from the requirements of this section shall be made in accordance with Article 3 of these Development Regulations.

8.3 STORMWATER MANAGEMENT PLAN

A. The Stormwater Management Plan shall be prepared under the supervision of, and certified by, a professional engineer registered in the state and consistent with all provisions of the most currently adopted local stormwater management ordinance.

B. The Stormwater Management Plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan.

C. The minimum information submitted for support of a Stormwater Management Plan shall be as follows:
1. Site plan.
   a. Provide a site plan drawn to a scale of not less than one inch equals 50 feet with the following characteristics and information:
      1) Graphic scale, north arrow, and date. The north arrow shall be identified as magnetic, true, or grid north.
      2) Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers, and streams.
      3) Topography showing existing and proposed elevations in accordance with the following:
         i) For sites smaller than one (1) acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.
         ii) For sites one (1) acre and larger with slopes less than two (2) percent, show contours at intervals of not more than two feet and spot elevations at all breaks in grade along drainage channels or swales at selected points not more than 100 feet apart.
         iii) For sites one (1) acre and larger with slopes more than two (2) percent, show contours with an interval not more than five (5) feet.
         iv) Elevations shall be based on the datum plane established by the United States Coastal and Geodetic Survey.
      4) Delineation of property lines and deed record names of adjacent property owners.
      5) Locations and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or rights-of-way and show the location of towers and poles.
      6) Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
      7) Location of existing buildings and other improvements.
      8) Proposed conditions:
         i) Layout of proposed streets, roads, alleys, drives, paved areas and public crosswalks, with widths and road names or designations.
         ii) Preliminary plans of storm sewer system with grade, pipe size and location of outlet.
         iii) Location of proposed buildings and other improvements.
iv Certification by a registered land surveyor or professional engineer attesting that the site plan has been prepared in conformity with the minimum standards of this Section.

2. An adequate drainage system for the property or development, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall be provided for the proper drainage of all surface water. The location and size of all proposed drainage improvements shall be designed in accordance with and meet all standards these Development Regulations. The Stormwater Management plan shall include:

a. Location and profiles of all storm drainage pipes and slopes of receiving channels. Hydraulic grade lines to be shown on all pipes that cross streets and on all detention basin outfalls.

b. Stormwater detention facility design and construction details.

c. Location and typical construction details of all inlets and catch basins, headwalls and other drainage structures.

d. The 100-year ponding limits above each street cross drain.

e. The hydrologic and hydraulic analysis required for the system design under Article 8.4.

f. When required by the Planning and Zoning Director, provide a soils investigation for all sites proposed as ponds or impoundments or for stormwater detention. Locate all soil borings on the site plan required in this Article.

g. Provide a reconstruction schedule for both temporary and permanent facilities. Reference the schedule to other development activities such as clearing, rough grading, construction, final grading, and vegetation establishment.

h. Provide a plan for maintenance of the stormwater facilities. Describe specific actions and a recommended schedule of maintenance required to maintain the facilities at a satisfactory level of service.

i. Provide a cost estimate for construction of the stormwater management facilities. Provide a separate estimate of the annual cost for maintenance of the proposed facilities.

8.4 HYDROLOGIC AND HYDRAULIC ANALYSIS

A. Analyses shall be performed in accordance with the publication entitled *Manual for Erosion and Sediment Control in Georgia* published by the Soil and Water Conservation Commission.

B. In order to obtain a Development Permit, a hydrology report shall be prepared that includes appropriate calculations for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year design frequency storms. The report shall show detailed calculations indicating the formula used, along with co-efficient of run-off, time of concentration, rainfall intensities, discharge velocities, and the source of all data used.
C. The hydrology report shall include a written narrative, a map outlining the areas and showing the acreage of all on-site and off-site drainage basins contributing flow through the project for both the pre- and post- development conditions, and an analysis of downstream conditions for each and every point or area along the project site’s boundaries at which runoff will exit the property.

D. Stormwater calculations shall be based upon basin specific data, not site specific data.

E. Runoff peak rate of discharge for drainage areas up to 50 acres in size may be calculated using the Rational Method. Flows from drainage areas 50 to 2,000 acres in size may be calculated using the SCS Method or other approved methods. Flows for drainage areas larger than 2,000 acres in size must be calculated using published FEMA data or USGS Regional Regression Analysis.

F. Rainfall intensities used in hydrologic analyses shall not be less than those shown by applicable rainfall tables published in the Georgia Stormwater Management Manual. Those tables are on file and available for inspection in the Planning and Zoning Department.

G. Runoff coefficients used for pre- and post- development activity conditions for the Rational Method shall be consistent with local conditions. For the SCS method, the runoff curve numbers found in the Manual for Erosion and Sediment Control in Georgia shall be used.

H. Hydraulic capacity for open channel flow, pipes, and ditches shall be determined using the Manning Equation.

I. The controlled release of stormwater runoff shall be required for all developments or construction in order to prevent any increase in runoff of the pre-development rate of runoff of less frequent storms up to and including the 100-year storm event.

8.5 STORMWATER DETENTION FACILITIES

A. Reservoir routing methods shall be used and reports provided for all detention facility design.

B. If a computer program is used for detention design, including generating and routing hydrographs, the output from the program shall be summarized in the hydrology report, and the name and version of the program shall be indicated.

C. The drainage system being developed shall have adequate capacity to bypass through the development the flow from all upstream areas for a storm of 25-year design frequency for the land off site and upstream under existing development. The 25-year flow rate of record shall be computed using a runoff coefficient of not less than 0.50.

D. The Planning and Zoning Department may permit several developers to construct joint facilities. The Department shall approve or disapprove a waiver of on-site drainage or detention facilities on the basis of an engineering feasibility study for a combined facility. No use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the retention and drainage structures, except upon specific approval.
E. The Planning and Zoning Department shall be authorized to approve the use of alternative methods of stormwater detention based on appropriate engineering studies that demonstrate equal or better performance in accordance with the jurisdiction’s stormwater management practices. Approved alternatives may include well maintained and landscaped lakes that may be provided to act jointly as detention reservoirs and recreation facilities or aesthetic focal points within forest preserve areas, public or private parks, housing developments, shopping centers, and industrial parks. Other control methods to regulate the rate of stormwater discharge which may be acceptable include, but not limited to, detention on flat roofs, parking lots, streets, lawns, underground storage, and oversized storm drains with restricted outlets.

F. Detention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof these shall have planted trees and vegetation such as shrubs and permanent ground cover on their borders. All on-site facilities shall be properly maintained by the owner in such a way that they do not become nuisances. Nuisance conditions shall include: improper storage resulting in uncontrolled runoff and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris, and safety hazards created by the facility’s operation.

G. The entire area within a detention basin shall be cleared of all trees and thick vegetation.

H. Principal outlets such as weirs shall be constructed of reinforced concrete with watertight joints. Outlet pipes shall be at least six (6) inches in diameter. Riser pipes, if used, shall be at least eight (8) inches in diameter.

I. No portion of any detention facility shall be located in any required buffer, street right-of-way, or within a flood hazard.

J. The 100-year ponding limits of a detention facility shall not encroach upon a public street, and must remain within the lot it is constructed upon.

K. Stormwater detention facilities within residential and industrial developments shall be constructed on a separate lot from all other buildings in the development and designated on the recorded final plat. Ownership, liability, and perpetual maintenance of such ponds, as well as all other common areas outside of any county maintained right of way, shall be the sole responsibility of the owner/developer or homeowners association (if established). Failure by an owner/developer or homeowners association to maintain a detention pond will result in a $500 penalty for each occurrence. Failure to pay said penalty shall result in an ordinance violation. (Amd. 10-5-2009)

L. The lot shall have a minimum of 30’ road frontage, for pond access and maintenance, uniformly back to the detention pond. Pond access shall be free of any obstructions. Facilities shall have sufficient area around the perimeter of the pond to provide access for maintenance purposes.

M. Detention Facilities shall be designed with an emergency overflow capable of handling the 100 year storm event.

N. Facilities that do not exclusively serve single-family residential subdivisions shall be the perpetual responsibility of the land owner.
O. Detention facilities shall be enclosed with a minimum 5-foot high permanent fence around all facilities having a maximum water or undercut depth of more than three (3) feet or a bank slope greater than 3 to 1 and shall be equipped with a gate of sufficient width to permit entrance of equipment necessary to allow periodic maintenance activities. Fencing may be waived by the Planning and Zoning Director in areas where the pond is more than 500 feet from a residential district or single or multi-family residence.

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

Q. Detention pond slopes that are disturbed are to be grassed and the ground cover within the basin shall be well established with all exposed areas covered prior to the end of the maintenance period. All slopes shall be 3:1 maximum.

K. Energy Dissipation – Piped Systems and Culvert

1. Energy dissipation devices, such as splashpads, rip-rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped collection system. (Please refer to the Manual for Erosion and Sediment Control in Georgia.)

2. Energy dissipation devices shall be located entirely within the project site, and shall not encroach upon any required buffer.

3. When uniform, graded stone rip-rap is used for energy dissipation, ultraviolet resistant filter fabric (200-pound test) shall be used between the stone layers.

8.6 MAINTENANCE RESPONSIBILITY

A. It shall be the responsibility of the developer to maintain all commercial facilities required by the stormwater management plan during construction. The developer shall be responsible for removing temporary structures or facilities upon completion of the construction. The developer and all subsequent owners shall also be responsible for maintaining the permanent commercial facilities identified by the stormwater management plan remaining after construction is complete.

B. Should an owner fail to maintain the stormwater management facilities in a state of service intended by the stormwater management plan, then the Planning and Zoning Director shall notify the owner in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

C. If the owner fails to perform the required maintenance work within a reasonable period of time (30 days maximum) the owner shall be in violation of the provisions of these Regulations as specified in section 8.7 below.

D. As-build drawings of constructed detention ponds, certified by a registered engineer or surveyor, shall be provided to the Planning and Zoning Department as part of the Final Plat
Review Submittal for residential developments and prior the issuance of a Certificate of Occupancy for commercial developments.

8.7 ACCEPTANCE OF FACILITIES

A. Ownership, liability, and perpetual maintenance of detention ponds, as well as all other common areas outside of any county maintained right of way, shall be the sole responsibility of the owner/developer, homeowners association (if established), and all subsequent owners. Failure by an owner/developer, homeowners association (if established), and all subsequent owners to maintain a detention pond will result in a $500 penalty for each occurrence. Failure to pay said penalty shall result in an ordinance violation.

8.8 INSPECTION AND ENFORCEMENT

A. The Chief Building Official shall have the power and authority to perform any inspection necessary to insure conformance with this section and to employ Stop Work and/or Cease and Desist Orders until compliance with this section has been satisfied. Such inspection and enforcement shall be conducted in accordance with Article 6 of these Regulations.

8.9 VIOLATIONS AND PENALTIES

A. Any person or developer who fails to comply with the requirements of this section is subject to the penalties described in Article 6.1.9 of these Regulations, including but not limited to revocation of permits and forfeiture of performance surety.
ARTICLE 9
EROSION AND SEDIMENT CONTROL

9.1 EXEMPTIONS

A. This Article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. Section 12-4-72, “Mineral Resources and Caves Act”;  
2. Granite quarrying and land clearing for such quarrying;  
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;  
4. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section 9.3 of this ordinance and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless, of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Section 9.3 of this Article and the buffer zones provided by the issuing authority;  
5. Agricultural operations as defined in O.C.G.A. 1-3-3 “definitions”, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;  
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs A(15) and A(16) of Section
9.3.3 of this article, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;

8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, “State Water” excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located;

9. Construction or maintenance projects, or both, undertaken or financed in the whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Toll way Authority; or any construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Toll way Authority which disturb one or more contiguous acres of land shall be subject to provisions of Code Section 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Toll way Authority is secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the general permit shall be submitted to EPD, EPD shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which the EPD shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.
9.2 MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL USING BEST MANAGEMENT PRACTICES.

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

B. Polk County is not a Local Issuing Authority, therefore, Erosion and Sedimentation Plans and a Notice of Intent, prepared and certified by a registered engineer, shall be submitted to EPD along with all applicable fees. Plans for projects larger than 50 acres shall also be submitted to the Mountain District Office of EPD.

9.3 INSPECTION AND ENFORCEMENT

1) The EPD shall be responsible for inspecting sites of land-disturbing activities for which NOI’s have been issued to determine if the activities are being conducted in accordance with the plans and if the measures required in the plans are effective in controlling erosion and sedimentation. Also, the EPD shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.
ARTICLE 10
STREAM BUFFER PROTECTION ORDINANCE

10.1 TITLE

This ordinance shall be known as the Article 10 of the Polk County Development Regulations entitled “Stream Buffer Protection Ordinance.”

10.2 FINDINGS AND PURPOSES

10.2.1 FINDINGS

A. Whereas, the Board of Commissioners of Polk County finds that buffers adjacent to streams provide numerous benefits including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources

2. Removing pollutants delivered in urban stormwater

3. Reducing erosion and controlling sedimentation

4. Protecting and stabilizing stream banks

5. Providing for infiltration of stormwater runoff

6. Maintaining base flow of streams

7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.

8. Providing tree canopy to shade streams and promote desirable aquatic habitat

9. Providing riparian wildlife habitat

10. Furnishing scenic value and recreational opportunity

11. Providing opportunities for the protection and restoration of greenspace

10.2.2 PURPOSE

A. It is the purpose of this Ordinance to protect the public health, safety, environment, and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of Polk County for the protection of water resources; and,

2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.
10.3 DEFINITIONS

“Board of Commissioners” means the Polk County Board of Commissioners.

“Buffer” means, with respect to a stream, a natural or enhanced vegetated area lying adjacent to the stream.

“Impervious Cover” means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

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

“Land Development Activity” means those actions or activities, which comprise, facilitate or result in land development.

“Land Disturbance” means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

“Land Disturbance Activity” means those actions or activities, which comprise, facilitate or result in land disturbance.

“Floodplain” means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan: i.e., the regulatory flood.

“Parcel’ means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

“Permit” means the permit issued by Polk County required for undertaking any land development activity.

“Person” mean 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.

“Protection Area or Stream Protection Area” means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

“Riparian” means belonging or related to the bank of a river, stream, lake, pond or impoundment.

“Setback” means, with respect to a stream, an established area extending beyond any buffer applicable to the stream.

“Stream” means any stream, beginning at:
1) The location of a spring, seep, or groundwater outflow that sustains streamflow; or
2) A point in the stream channel with a drainage area of 25 acres or more; or
3) Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, Polk County may require field studies to verify the existence of a stream.

“Stream Bank” means the sloping land that contains the stream channel and the normal flows of the stream.

“Stream Channel” means the portion of a watercourse that contains the base flow of the stream.

“Watershed” means the land area that drains into a particular stream.

10.4 APPLICABILITY

A. This ordinance shall apply to all land development activity on property containing a stream protection area as defined in Section 10.3 of this ordinance. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

10.4.1 GRANDFATHER PROVISIONS

A. This ordinance shall not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.

2. Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.

4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

10.4.2 EXEMPTIONS

A. The following specific activities are exempt from this ordinance. Exemptions of these activities do not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building on of the following:
   a. A stream crossing by a driveway, transportation route or utility line;
b Public water supply intake or public wastewater outfall structures;

c Intrusions necessary to provide access to a property;

d Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

e Unpaved foot trails and paths;

f Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

2. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited herein.

3. Land development activities within a right-of-way existing at the time this ordinance takes effect or approve under the terms of this ordinance.

4. Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the review and permitting authority on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the review and permitting authority to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

### 10.4.3 EFFECTIVE DATE

A. After the effective date of this ordinance, July 8, 2009, it shall apply to new subdividing and platting activities.

B. Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 10.5 below.
10.5 LAND DEVELOPMENT REQUIREMENTS

10.5.1 BUFFER AND SETBACK REQUIREMENTS

A. All land development activity subject to this ordinance shall meet the following requirements:

1. An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, from both banks (as applicable) of streams other than trout streams as measured from the top of the stream bank. The vegetative buffer shall be 100 feet for trout streams.

2. An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling, and earthmoving shall be minimized within the setback.

3. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

10.5.2 VARIANCE PROCEDURES

A. Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

1. Where a parcel was platted prior to the effective date of this ordinance and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Polk County Water Authority and the Polk County Planning and Zoning Development finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the request for a variance may be forwarded to the Polk County Planning and Zoning Commission for a hearing.

2. The Polk County Planning and Zoning Commission shall hold a hearing on the variance request within 30 days of the date of the variance request or at its next regularly scheduled meeting in accordance with the procedures set forth in the Administration Article of these Development Regulations. In the event the Polk County Planning and Zoning Commission determines that the criteria contained herein are met, the Polk County Planning and Zoning Commission may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel. In the event the party requesting the variance is aggrieved by the decision of the Polk County Planning and Zoning Commission, the variance request may be appealed to the Polk County Board of Commissioners for consideration. All such appeals of variance request must be made in writing with a copy provided to the Polk County Board of Commissioners and Polk County Planning and Zoning Department and must be submitted with 30 days of the decision by the Polk County Planning and Zoning Commission. Thereafter, the Polk County Board of Commissioners shall consider the appeal at a public meeting within 30 days or at its next regularly scheduled meeting. The Polk County Board of Commissioners may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.
3. Except as provided above, the Polk County Planning and Zoning Commission and/or the Board of Commissioners shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Polk County Board of Commissioners. Polk County shall give public notice of each such public hearing in a newspaper of general circulation within Polk County. Polk County shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible form the primary adjacent road right-of-way.

B. Variances will be considered only in the following cases:
   1. When a property’s shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.

   2. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

C. Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

   1. At a minimum, a variance request shall include the following information:

      a) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;

      b) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

      c) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;

      d) Documentation of unusual hardship should the buffer be maintained;

      e) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;

      f) A calculation of the total area and length of the proposed intrusion;

      g) A stormwater management site plan, if applicable; and,

      h) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

   2. The following factors will be considered in determining whether to issue a variance:

      a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
b The locations of all streams on the property, including along property boundaries;
c The location and extent of the proposed buffer or setback intrusion; and,
d Whether alternative designs are possible which require less intrusion or no intrusion;
e The long-term and construction water-quality impacts of the proposed variance;
f Whether issuance of the variance is at least as protective of natural resources and the environment.

10.6 COMPATIBILITY WITH OTHER BUFFER REGULATIONS AND REQUIREMENTS

A. This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Provided however, in the event that stream bank buffer requirements exist in other county ordinances, including the Polk County Zoning Ordinance and other Articles of the Polk County Development Regulations, that are less restrictive than the measurements and standards contained herein, the terms of this Article shall control.

B. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

10.7 ADDITIONAL INFORMATION REQUIREMENTS FOR DEVELOPMENT ON BUFFER ZONE PROPERTIES

A. Any permit applications for property requiring buffers and setbacks hereunder must include the following;

1. A site plan showing:
   a The location of all streams on the property;
   b Limits of required stream buffers and setbacks on the property;
   c Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
   d Delineation of forested and open areas in the buffer zone; and,
   e Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;

2. A description of all proposed land development within the buffer and setback; and

3. Any other documentation that the (review an permitting authority) may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is
addressed in the approval process. All buffer and setback areas must be recorded on the final plat of the property following plan approval.

10.8 RESPONSIBILITY

A. Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Polk County, its officers or employees, for injury or damage to persons or property.

10.9 INSPECTION

A. Polk County may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Polk County representatives in making such inspections. Polk County shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

B. No person shall refuse entry or access to any authorized representative or agent who request entry for purposes on inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

10.10 VIOLATIONS, ENFORCEMENT AND PENALTIES

A. Any action or inaction, which violates the provisions of this ordinance or the requirements of an approved site 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.

10.10.1 NOTICE OF VIOLATION

A. If Polk County, by and through its Community Development Department, determines that an applicant or other responsible person has failed to comply with terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriated permit therefore, the notice of violation shall be served on the owner of the responsible person in charge of the activity being conducted on the site.

1. The notice of violation shall contain:

   a. The name and address of the owner or the applicant or the responsible;

   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 approved site plan or this ordinance and the date for the completion of such remedial action;

e A statement of the penalty or penalties that maybe assessed against the person to whom the notice of violation is directed; and,

f A statement that the determination of violation may be appealed to the Polk County Board of Commissioners by filing a written notice of appeal within (30) days after the notice of violation (except that in the event the violation constitutes a immediate danger to public health or public safety, 24 hours notice shall be sufficient).

10.10.2 PENALTIES

A. 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, Polk County, by and through its Building Inspection Department, 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 days (except 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. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, Polk County may take any one or more of the following actions or impose any one or more of the following penalties.

1. Stop Work Order – Polk County may issue a stop work order, which 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 necessary remedial measures to cure such violation or violations.

2. Withhold Certificate of occupancy – Polk County may refuse to issue a certificate of occupancy for the building 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.

3. Suspension, Revocation or Modification of Permit – Polk County may suspend, revoke or modify the permit authorizing the land development project. A suspended, revokes 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 Polk County may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. Civil Penalties – In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the Polk County Building Inspection Department shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Polk County Building Inspection Department has taken one or more of the actions, described above, Polk County may impose a penalty not to exceed $1000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. Criminal Penalties – For intentional and flagrant violations of this ordinance, Polk County may issue a citation to the applicant or other responsible person, requiring such person to appear Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or some combination there of. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. This section in no way limits the penalties that may be imposed by the State of GA or Federal Agencies.

10.11 ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW

10.11.1 ADMINISTRATIVE APPEAL

A. Any person aggrieved by a decision or order of the Polk County Building Inspection Department or other Polk County professional staff, may appeal in writing within 30 days after the issuance of such decision or order to the Polk County Planning and Zoning Commission in accordance with the Administration Article of these Development Regulations. The party appealing such decision shall be entitled to a hearing before the Polk County Planning and Zoning Commission, as set forth in the Administration Article of these Development Regulations, within 30 days of receipt of the written appeal or at the next regularly scheduled meeting of the Planning and Zoning Commission.

B. Any party aggrieved by a decision of the Polk County Planning and Zoning Commission shall be entitled to a hearing before the Polk County Board of Commissioners within 30 days of receipt of the written appeal or at the next regularly scheduled Polk County Board of Commissioners meeting.

10.11.2 JUDICIAL REVIEW

A. Any person aggrieved by a decision or order of the Polk County Board of Commissioners after exhausting all administrative remedies, shall have the right to appeal de novo to a court of competent jurisdiction.

10.12 SEVERABILITY

A. If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.
ARTICLE 11
ADMINISTRATION

11.1 FEES

11.1.1 SCHEDULE OF FEES (BUILDING INSPECTION / PLANNING & ZONING)

A. Building Permit Fees are as applicable by the Building Inspection Department and as approved by the Polk County Board of Commissioners. Building permits may be obtained through the Polk County Building Inspection Department located in the County Administration Building.

B. A full listing of Building Inspection and Planning & Zoning Fees can be found in each department, the County Clerk’s Office, or the Polk County Website.

11.1.2 LAND DEVELOPMENT PERMITS

A. Land Development Permit Fees are as applicable by the Planning & Zoning Department and as approved by the Polk County Board of Commissioners. Land Development permits may be obtained through the Polk County Planning & Zoning Department located in the County Administration Building.

B. A full listing of Building Inspection and Planning & Zoning Fees can be found in each department, the County Clerk’s Office, or the Polk County Website.

11.1.3 ROADWAY PERMITS

A. Roadway Permit Fees are as applicable by the Planning & Zoning Department and as approved by the Polk County Board of Commissioners. Roadway permits may be obtained through the Polk County Planning & Zoning Department located in the County Administration Building.

B. A full listing of Building Inspection and Planning & Zoning Fees can be found in each department, the County Clerk’s Office, or the Polk County Website.

C.

1. Road Use Permit

a. Heavy laden vehicles associated with roadway or other long term development projects where heavy vehicles such as earth moving equipment will be frequently traveling or crossing a county maintained roadway, shall be required to provide the Planning and Zoning Department a performance bond in the form of an irrevocable letter of credit or certified bank check from an approved area bank or financial institution in an amount equal to $5000.00 plus $2000.00 for every 100 linear foot of roadway traveled. Contractors who fail to obtain this required permit shall be subject to a minimum penalty fee of $1000.00 for every day the violation continues plus all applicable permit fees. Failure to pay any penalty and/or permit fee shall be considered a County Ordinance violation.

2. Utility Roadway Crossing Permit
Polk County Development Regulations

a. Contractors who have, within the last three years, failed to properly complete roadway crossings or have failed to properly correct unsatisfactory workmanship per county standards will be required to provide a $1000.00 performance bond in the form of an irrevocable letter of credit or certified bank check prior to being issued a Utility Roadway Crossing Permit.

3 Trenching/Excavation Notification

a. Contractors who have, within the last three years, failed to properly complete trenching and/or excavation activities or have failed to properly correct unsatisfactory workmanship will be required to provide a $500.00 performance bond in the form of an irrevocable letter of credit or certified bank check prior to being issued a Trenching/Excavation Permit.

4 Driveway Permit

a. Driveway permits may be obtained through the Polk County Planning and Zoning Department located in the County Administration Building.

11.1.4 PUBLIC SAFETY PERMITS

A. Public safety permit fees are as follows:

1. Blasting Permit (Registration Only):

Public safety permits may be obtained through the Polk County Planning and Zoning Department located in the County Administration Building. A full listing of Building Inspection and Planning & Zoning Fees can be found in each department, the County Clerk’s Office, or the Polk County Website.

11.1.5 PLAN/PLAT REVIEW AND INSPECTION FEES

A. Plan and plat review fees and inspection fees are as follows;

1 Preliminary Development Plan Review
2 Nonresidential Development Plan Review
3 Preliminary Development Plan or Development Plan Re-submit
4 Final Plat Review
5 Subdivision Inspection – Grading, Stormwater System, and Public Infrastructure:
6 Stormwater System Inspection
7 Building Inspection / Re-inspection

B. All plan/plat review fees and inspection fees may be paid in the Building Inspection Department.

C. There are other fees collected by the various departments and offices of Polk County not limited to the Environmental Health Department and Clerk of the Superior Court.

D. A full listing of Building Inspection and Planning & Zoning Fees can be found in each department, the County Clerk’s Office, or the Polk County Website.
11.2 MAINTENANCE SURETY

11.2.1 MAINTENANCE SECURITIES

A. A maintenance bond in the form of an irrevocable letter of credit or certified bank check from an approved area financial institution, in favor of Polk County, shall be posted with the Planning and Zoning Department by all sub-dividers or persons where roadway, storm drains, detention ponds, or other improvements are made and offered to the County for acceptance and maintenance.

B. The amount of this bond will be calculated by the following formula: $20.00 per linear foot of all streets, with a minimum of $20,000.00.

C. The bond shall be filed with the Planning and Zoning Department prior to approval of the final plat.

D. Separate bonds are required for each subdivision unit, phase or like entity.

E. The bond period shall be 36 months or 80% build-out, whichever comes first. At the end of the 36-month period or point where the project is at 80% build-out, the County shall either:

   1. Release the bond and accept the bonded improvements.
   2. Require an additional bond period of up to 18 months, if the project is not developed to the satisfaction of the County.
   3. Call the bond and hold the bond proceeds until the project meets the County’s satisfaction or the County makes the necessary improvements using the bond proceeds.

F. The bond must contain the following information and be substantially in this form:

   Maintenance & Warranty Bond

   Gentlemen:

   This is to advise that (Name of Developer) at the request of the Polk County Planning and Zoning Department, has set aside the following irrevocable letter of credit or certified bank check in the amount of $ (Project Name) for the Polk County Board of Commissioners as a maintenance and warranty bond for the infrastructure improvements that shall be dedicated to Polk County in connection with this project. This amount of $ (Project Name) is to be held by Polk County in connection with the development of (Project Name).

   This bond shall remain in effect for a period of 36 months or until 80% of the development has been build-out, whichever comes first. If the development of said project is not completed to the satisfaction of Polk County by the end of the original 36 months or 80% build-out from the date of this letter, the undersigned, prior to the expiration of this bond, shall be required to provide an additional bond for an additional 18 month period with a federal secured lending institution or this bond will be forfeited and the proceeds shall be paid in full to the Polk County Board of Commissioners. Notification of forfeiture or the need for
an additional bond period shall be made by certified mail at least 30 days prior to the expiration of this instrument.

If the development of this project is completed to the satisfaction of Polk County, the Planning and Zoning Department will notify the undersigned by letter that this bond may be released.

LENDING INSTITUTION (OR INSURANCE SURETY) DATE

ACKNOWLEDGED BY: DATE

11.3 INSPECTIONS AND ENFORCEMENT

A. The Building Inspection Department will periodically inspect a project for which permits have been issued to determine if the activities are being conducted in accordance with the approved development plans. If, through inspection, it is deemed that a person engaged in the permitted activities as defined herein has failed to comply with the approved development plan, with permit conditions, or with the provisions of these Regulations, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land development activity fails to comply within the time specified, he shall be deemed in violation of these Regulations.

B. The Building Inspection Department shall have the power to conduct such investigations as they may reasonably deem necessary to carry out duties as prescribed in these Regulations, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites.

C. No person shall refuse entry or access to any authorized representative or agent of Polk County who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

11.4 PENALTIES

11.4.1 FAILURE TO OBTAIN A PERMIT

A. If any person commences any activity requiring a permit as prescribed in these Regulations without first obtaining said permit, the person shall be subject to revocation of his occupational license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of Polk County.

B. Additionally, contractors who fail to obtain a required permit shall be subject to a penalty fee of up to $1000.00 for each day the violation continues plus all applicable permit fees. Failure to pay any penalty and/or permit fee shall be considered a County Ordinance violation.
11.4.2 STOP-WORK ORDERS

A. Upon notice from the Chief Building Inspector or his designee, work on any project that is being done contrary to the provisions of these Regulations or in a dangerous or unsafe manner shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent, or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

11.4.3 BOND FORFEITURE

A. If through inspection, it is determined that a person engaged in permitted activities has failed to comply with the approved development plans, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of these Regulations and, in addition to other penalties, shall be deemed to have forfeited his maintenance bond. The Director of the Planning and Zoning Department may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to complete the work and bring it into compliance.

11.4.4 MONETARY PENALTIES

A. Any person violating any provisions of these Regulations, permitting conditions, or stop-work order shall be subject to citation by the Polk County Ordinance Officer or any other duly authorized officer and deemed liable for a penalty of up to $1,000 per day for each day the violation continues, by a sentence of imprisonment not exceeding 60 days in jail, or both fine and jail, or work alternative. Each day during which the violation of failure or refusal to comply continues shall constitute a separate violation.
ARTICLE 12
ROADWAY ACCEPTANCE AND MAINTENANCE POLICY

12.1 PURPOSE

A. Within the unincorporated areas of Polk County, there exists many un-improved public roadways and in some instances non-public roadways and easement driveways that serve numerous residents of the County. These roadways, the majority having none or at best ditch to ditch right of way, have dirt or gravel surfaces that are often scared with washed out ruts and deep pot holes. The purpose of this policy is to set forth guidelines for improving such roadways whether through the use of public funds and resources when such improvements would serve the common good of the county or by private funds when warranted.

12.2 EXISTING MAINTAINED ROADS

12.2.1 QUALIFICATION

A. Only dirt and gravel roadways that existed prior to the adoption date of this Policy as county maintained public roadways and provide thru access from a paved county maintained public roadway to a paved county maintained public roadway are eligible for paving, provided that all other requirements of this policy are met.

12.2.2 REQUIREMENTS

A. The roadway must be open and used daily by vehicular traffic.

B. The road must serve a minimum of two (2) permanent homes and five lots/parcels (existing prior to the adoption date of this policy), mobile homes are not considered permanent homes.

C. No single owner owns more than 50% of the lots or 75% of the road frontage.

D. 100% of the residents/landowners along the roadway must agree to provide a minimum sixty-feet (60’) of right of way to Polk County (either by deed or recorded plat) to allow adequate space for the roadbed width, shoulders, drainage ditches and structures, and future public utilities.

E. The grade of the existing roadway must be conducive to the paving/construction of an improved minimum 18’ wide, two-way, roadway with no major grading required. Article 7 of these Development Regulations specifies the minimum and maximum requirements for roadway development. The public works director shall inspect the existing roadway for compliance and prepare a report of his findings that must include a detailed measurement of the length of roadway being considered for improvements.(Amd. 3-6-2012)

12.2.3 PROCESS

A. 100% of the residents/landowners served by the roadway must sign a petition (provided by the county) agreeing to provide the required right of way. The petition must be completed and
returned to the county within 12 months from the date it is issued or the process will have to be restarted based upon current policy in place at that time. (Amd. 3-6-2012)

B. The county manager shall review the petition for completeness and then present the petition along with the public works director’s report/recommendation to the Board of Commissioners for consideration.

C. If accepted by the Board of Commissioners, the roadway will be placed on a paving list to be improved and/or paved by the county as funds and county resources become available.

D. Properties along a newly improved and/or paved dirt or gravel roadway will be reassessed by the Tax Assessors Department as property improvements.

12.3 EXISTING DEAD END ROADS, DRIVES, AND EASEMENTS (MAINTAINED AND NON-MAINTAINED)

12.3.1 QUALIFICATION

A. Dead end (maintained and non-maintained) roads, drives, and easements consisting of dirt and/or gravel surfaces that existed prior to the adoption date of this policy shall be considered on a case-by-case basis by the Board of Commissioners for improvements and/or paving. All other requirements of this policy must also be met.

12.3.2 REQUIREMENTS

A. The roadway must be open and used daily by vehicular traffic.

B. The road must serve a minimum of two (2) permanent homes and five lots/parcels (existing prior to the adoption date of this policy), mobile homes are not considered permanent homes.

C. No single owner owns more than 50% of the lots or 75% of the road frontage.

D. 100% of the residents/landowners along the road, drive, or easement must agree to provide a minimum sixty-feet (60’) of right of way to Polk County (either by deed or recorded plat) to allow adequate space for the roadbed width, shoulders, drainage ditches and structures, and future public utilities.

E. The grade of the existing road, drive, or easement must be conducive to the paving/construction of an improved minimum 18’ wide, two-way, roadway with no major grading required. Article 7 of these Development Regulations specifies the minimum and maximum requirements for roadway development. The public works director shall inspect the existing roadway for compliance and prepare a report of his findings that must include a detailed measurement of the length of roadway being considered for improvements. (Amd. 3-6-2012)

F. 100% of the residents/landowners must agree to share the expense of improving the drive or easement to include all roadway construction and paving material costs.
12.3.3 PROCESS

A. Upon request from residents to improve a dead end road, drive, or easement, the Public Works Director shall develop a construction estimate for completing the work.

B. 100% of the residents/landowners served by the dead end road, drive, or easement must sign a petition (provided by the county) agreeing to donate the required right of way and share the cost of improving/paving the dead end road, drive, or easement based upon the amount of road frontage owned by each resident. The petition must be completed and returned to the county within 12 months from the date it is issued or the process will have to be restarted based upon current policy in place at that time. (Amd 3-6-2012)

C. The county manager shall present the petition along with the public works director’s cost estimate and report to the Board of Commissioners for consideration.

D. If accepted by the Board of Commissioners, the dead end road, drive, or easement will be placed on a paving list to be paved by the county as funds and county resources become available.

E. The dead end road, drive, or easement will then be named and added to the county’s list of maintained county roads.

F. A special tax district shall be created pursuant to enabling legislation contained in the Georgia State Constitution, for each dead end road, drive, or easement accepted for improvements/paving and permanent county maintenance through this policy. The cost of all improvements will be added to each resident’s tax bill, divided equally over a two-year period.

G. Residents will have the option to pay their share of the improvements in one lump-sum payment.

H. Properties along a newly paved roadway will be reassessed by the Tax Assessors Department as property improvements.