

*Developed in
Cooperation with:*



COFFEE COUNTY LAND DEVELOPMENT CODE

Adopted

July 20, 2015

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CHAPTER ONE - GENERAL PROVISIONS

1-1 Title

This Ordinance shall be known as and may be cited as the “Land Development Code, Coffee County, GA,” and may be referred to alternatively as the Code or the “LDC”

1-2 Findings

1-2.1. General Public Need

The Coffee County Commission finds that controlling the location, design and construction of development within the unincorporated area of Coffee County is necessary to maintain and improve the health, safety, welfare and quality of life of the citizens of Coffee County. The Coffee County Commission further finds:

- a. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability and citizen participation.
- b. All development proposals excluding single family homes or the re-use of an existing building where the re-use does not create a greater impact, must undergo a development review process to assure compliance with the requirements of this Code.
- c. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.
- d. A quick and efficient avenue of appeal should be available for all ministerial and administrative decisions.
- e. Enforcement of development permits and the provisions of this Code should be through procedures that are efficient, effective and consistent with the code enforcement procedure established by state law.

1-3 Purpose and Intent

a. General Intent

The general intent of this Code is the implementation of the current “Coffee County and the Cities of Ambrose, Broxton, Douglas, and Nicholls” Comprehensive Plan as adopted and its successors.

b. Purposes

The purposes of this Code include, but are not limited to the following:

1. Promote the public health, safety, welfare, morals, convenience, order and prosperity of the Citizens of Coffee County.
2. Conserve the value of land, buildings and resources, and protect landowners from adverse impacts of adjoining developments.

3. Protect the character and maintain the stability of residential, agricultural, business, industrial, recreation, and public areas.
4. Promote responsible growth, lessen the congestion in public streets, secure safety from fire and health dangers, and promote desirable living conditions.
5. Direct and regulate, through the establishment of appropriate standards, the type, distribution and intensity of development.
6. Balance the interest of the general public in Coffee County and that of the individual property owner.

1-4 Authority

This Land Development Code is enacted pursuant to the Georgia Planning Act of 1989, § 36 – 70 et seq.

1-5 Applicability

1-5.1. General Applicability

Except as provided below, the provisions of this Code shall apply to all development in the unincorporated County. No development shall be undertaken without prior authorization pursuant to the provisions in this Land Development Code.

1-5.2 Application of Zoning Regulations

a. Height and Density

No building or other structure shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, so as to:

1. Accommodate or house a greater number of persons or occupy a smaller lot area per person; or
2. Occupy a greater percentage of lot area; or
3. Have narrower or smaller rear yards, front yards, side yards, or other open spaces; unless in conformity with all of the regulations herein specified for the district in which it is located.

b. Allocation of Parking or Loading Spaces

Any off-street parking or loading space required by this Code for any development permit may only be counted by one development towards meeting the requirements of this Code. No parking space or loading space may be counted towards meeting the parking space/loading space requirements of this Code by more than one development.

c. Only One Principle Building

Every single family building or structure hereafter in a single family (R-1, R-2, R-3) or mixed-residential (RM, RP) zoning district shall be located on one lot or tract as defined herein; and in no case shall there

be more than one principal single family building or structures including manufactured homes on one lot as permitted or restricted in other places in this Code.

d. Reduction of Lot Area

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced so that the lot width or depth, front, side or rear yard, lot area per unit or other requirements of this Code are not maintained. This section shall not apply when a portion of a lot is subsequently acquired for public purposes.

e. Street Frontage

No building shall hereafter be erected on a lot which does not abut or have immediate frontage on a publicly dedicated, or publicly approved, or publicly maintained street or a privately owned road which conforms and is maintained to county standards.

1-5.3. Exceptions

a. Previously Approved Development Permits and Development Plans

The provisions of this Code and any amendments hereto shall not affect the validity of any lawfully issued development permit or plan provided, however:

- (1) Any such development permit or plan must either have begun the development activity or must begin the development activity within two years of the adoption of this Code.
- (2) Any approved development permit or plan which has not begun its development activity within this two year grace period shall by operation of law lose its validity and shall have no legal effect. Any effort thereafter to develop such previously approved development permit or plan shall not be permitted, and the developer shall be required to reapply for approval of its development permits or plans in conformance with the requirements of this Code.

1-5.4. Zoning in Progress

a. Purpose

The “zoning in progress” rule allows the County to make a text or map amendment to this Code, and apply that change to development applications submitted after the declaration has been made of a zoning in progress.

b. No Permits Issued and Period of Time

During the period of time that the County Commission is considering either a text or map amendment to this Code, no permit(s), license(s), or other development order(s) of any kind shall be issued if issuance would result in the non-conforming or unlawful use of the subject property should the text or map amendment change be enacted by the County Commission (rest period). The maximum freeze period

allowed for a zoning in progress shall be three months, except that the County Commission may extend the period of up to an additional period of time acceptable to the Commission for good cause, but not to exceed six months, and if it makes a finding that it is in the public interest to do so.

c. Notice of Declaration

The declaration of “zoning in progress”, and rest period on development orders, permit and licenses shall begin on the earlier of:

1. Publication of a notice of a public hearing before the County Commission to consider a resolution declaring a zoning in progress; or
2. Public notice given as required by law for the initial public hearing on a text or map amendment to this Code.

d. Applicability

1. Upon adoption of a text or map amendment, all pending applications, permits, licenses, and other development orders shall conform to the new provisions.
2. Notwithstanding anything contained in this section to the contrary, no application for a text or map amendment to this Code, or permit or development order, shall be held up by this procedure for more than nine (9) months, including all time periods described herein.
3. If it is determined by the County that an application for a text or map amendment, or permit, license, or other development order would not violate the provisions of a pending zoning measure, such application, and any subsequent permits, licenses and other development orders shall be exempt from this section.

1-6 Incorporation by Reference

1-6.1. Maps

The boundaries of the zoning districts of Coffee County are shown on the map entitled “Zoning Map, Coffee County, Georgia”, date and certified by the Zoning Administrator. Said map is hereby incorporated into and made part of this Code by reference.

Regardless of the existence of purported copies of the “Zoning Map, Coffee County, Georgia”, which may from time to time be published, the zoning map of Coffee County, Georgia, in the office of the Zoning Administrator, shall be the only recognized authoritative zoning map for zoning districts in the County.

1-6.2. Other Materials

Other materials which should be considered and may impact decisions under this LDC include, but are not limited to, the Future Development Map, and the Comprehensive Plan, the Georgia Stormwater Management Manual, the Building and Construction Codes, Wetlands, the Flood Damage Protection Ordinance, the River Corridor Protection Ordinance and Plan, the Erosion & Sediment Control Ordinance, the Water Resource Protection and Groundwater Codes.

1-7 Rules of Interpretation

1-7.1. Generally

In interpreting and applying the provisions of this Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community.

In the interpretation and application of this Code, all provisions shall be liberally construed in favor of the objectives and purposes of Coffee County and deemed neither to limit nor repeal any other powers granted under state law.

1-7.2. Abrogation

It is not intended by this Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

1-7.3. Stricter Provisions Apply

Where this Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings; or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Code shall control.

1-7.4. Interpretation

1-7.4.1 Responsibility

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Zoning Administrator shall be responsible for interpretation and shall look to the “Coffee County and the Cities of Ambrose, Broxton, Douglas, and Nicholls” Comprehensive Plan and other materials for guidance. Responsibility for interpretation by the Zoning Administrator shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical code adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

1-7.4.2 Interpretation of Zoning District Boundaries (District Boundaries)

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the “Zoning Map, Coffee County, Georgia”, the following rules shall apply:

- a.** Where district boundaries are indicated as approximately following the centerlines of streets or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b.** Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- c.** Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of highway right-of-way, such district boundaries shall be construed to being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given such distance shall be determined by the use of the scale on said zoning map.

d. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

1-8 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other county official or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional level subordinates or professional consultants to perform the required act or duty unless the terms of the provision or section specify otherwise.

1-9 Relationship of Specific to General Provisions

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1-10 Conflict with other Regulations

Whenever this Code requires or imposes more restrictive standards than are required in or under any other statutes, the requirements of this Code shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Code, the provisions of such statute shall govern.

1-11 Severability

Should any section, subsection, sentence, clause, phrase or provision of this Code be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Code as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

1-12 Effective Date

This Code shall be in full force and effective upon adoption by the County Commission and shall apply to any development for which the first submittal of development plans is received after the effective date of this Code.