

## *Chapter Ten - Administrative Provisions*

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### **10-1 Purpose**

This chapter sets forth the procedures for receiving, reviewing, and rendering decisions on applications for development, including all residential and nonresidential development and planned developments, as well as applications for rezoning, and all types of permits. This chapter also sets forth the requirements for appealing decisions and enforcement. It is the County's intent that the procedures and requirements set forth in this LDC shall be followed in order to seek approval for any development.

### **10-2 Approvals Required**

- a. No person shall develop any property within Coffee County without first obtaining an approved subdivision plat, an approved development plan, approved improvements construction plans, and permits to perform such activities. All development activities or site work conducted after approval of a development plan or subdivision plat shall conform to the specifications of such approved plat or plan.
- b. The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to, exhibition of, or other use of a plat of a subdivision that has not been accepted by the Board of Commissioners and properly recorded in the office of the Clerk of the Superior Court of Coffee County is prohibited. Any transaction to convey land effectuated in this manner shall prohibit the owner of said lot or parcel from obtaining a building permit for said property until such time as the subdivision plan and associated development documents have been properly approved pursuant to the terms of LDC.
- c. A building permit or a sign permit in case of a sign, is required in advance of the initiation of construction, erection, moving, demolition, or alteration of any building or structure except for farm accessory buildings which are exempted. No building or sign permit shall be issued except in conformity with the provisions of this UDC; however, permits issued before the adoption of this UDC shall remain valid according to the requirements in place at the time of issuance.
- d. No person shall conduct any land-disturbing activity without first obtaining a permit from the Zoning Administrator to perform such activity. No land disturbing permit shall be issued except in conformity with the Soil Erosion and Sedimentation Control ordinance of Coffee County and any applicable provisions of this LDC.

### **10-3 Exceptions**

The following situations are exempt from the requirement to obtain an approved development plan prior to the issuance of required permits:

- (1) Repairs to a facility that is part of a previously approved and permitted development.
- (2) Accessory structures, provided applicable permits are obtained;

- (3) Farm-related development on a bona fide farm.
- (4) Development activity necessary to implement a valid site plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- (5) The construction or alteration of a one or two family dwelling on a lot of record approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- (6) The alteration of an existing building or structure so long as no change is made to its gross floor area or its use.

**10-4 Expiration of Approvals**

- (1) Preliminary Plats  
Preliminary approval grants the developer a maximum time of eighteen (18) months within which he shall submit his improvement plan and final plat for approval unless a time extension is granted before the expiration of the eighteen (18) month period. If such time extension is granted, it shall be for not more than twelve (12) additional months. Failure to submit improvement plans and final plat within this time period, including extension if any, shall invalidate preliminary plat approval and require resubmission of preliminary plat.
- (2) Improvement Plan Approvals  
Improvement plan approvals are valid for twenty four (24) months. If the subdivision is sold prior to completion and final platting, a mandatory review by the DRC shall be required.
- (3) Building Permit  
Any building permit shall become void if the work involved has not begun within six (6) months after the date of issuance of the permit or if the work or development authorized by such permit is suspended or abandoned for a period of six (6) months after the work of development is commenced; provided that extensions of time and periods not exceeding six (6) months each may be allowed in writing by the Administrator.
- (4) Land Disturbing Permit  
If construction described in a land-disturbing permit has not commenced within six (6) months from the date of issuance of the permit, the permit shall expire. If construction described in a land disturbing permit is suspended or abandoned after work has commenced, the permit shall expire six (6) months after the date that work ceased.
- (5) Extensions  
The time period for which a permit is valid may be extended for up to six (6) months where an application for such extension is filed and such extension has been granted in writing by the Zoning Administrator.

**10-5 Requirements Regarding Developments of Regional Impact (DRI)**

The Georgia Department of Community Affairs (DCA), pursuant to the Georgia Planning Act, has established criteria for the identification of certain large-scale developments, which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the Southern Georgia Regional Commission (SGRC) for review and recommendation prior to issuance of any local building or development permit, or rezoning, whichever occurs first. As such, these requirements establish an official delay in the local permitting and/or review process to allow for compliance with these requirements.

**10-6 Fees Required**

All applications shall be accompanied by payment of application fees, as set forth in the Fee Schedule adopted by the Board of Commissioners. An application shall not be complete until all required fees are paid.

**10-7 Withdrawal of Applications**

An application for development may be withdrawn at any time. There shall be no refund of any applicable fees unless such refund is approved by the County Administrator.

**10-8 Pre-Application Conference**

- a. A pre-application conference is a meeting between an applicant and the Zoning Administrator for the purposes of:
  - (1) Exchanging information on the potential development of a site;
  - (2) Providing information on permissible uses of the site proposed for development;
  - (3) Development suitability based on the following existing road condition designation criteria . The latest edition of the Road Condition Map as approved by the Board of Commissioners is adopted by reference.
    - i. Red=Restricted development subject to changes which would make development suitable based on meeting specific road construction improvement criteria as determined by the county and all other requirements of this LDC.
    - ii. Yellow=Limited development subject to meeting specific road construction improvement criteria as determined by the county and all other requirements of this LDC.
    - iii. Green= Development subject to meeting all other requirements of this LDC.
  - (4) Providing information to an applicant regarding the design standards set forth in this LDC that are applicable to a potential application;

- (5) Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;
  - (6) Determining the need and requirements for supporting plans, documents, and studies;
  - (7) Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and
  - (8) Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.
  - (9) Providing information regarding the purpose for rezoning.
- b. Prior to the submission of an application for rezoning, a subdivision plat, site development plan, or improvement plan, an applicant shall submit a request for a pre-application conference.
  - c. A pre-application conference shall be held not more than two (2) weeks following the date of submission of the request for such conference.
  - d. An application must be submitted within six (6) months following the pre- application conference.
  - e. The pre-application conference shall include the members of the DRC and other agencies at discretion of the Zoning Administrator.
  - f. The Zoning Administrator and other affected County agencies will review all data submitted and advise the applicant of significant items which should be considered prior to submittal of their proposal.
  - g. It is the intent of the Board of Commissioners that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form.
  - h. A prospective applicant may bring members of his project team, such as, but not limited to, the project engineer, land planner, architect, surveyor, or other person who will assist in the preparation of an application. A prospective applicant may provide an informal sketch plan to aid in the discussion. However, such an informal sketch plan shall not be reviewed in any way for compliance with the standards and requirements of this LDC, and shall be used only as an aid to the conduct of the pre- application conference.

**10-9 Submittal Requirements, Generally**

This section applies to all development in Coffee County. There may be Additional requirements herein

a. Submittal Requirements for all Applications

The following information shall be provided on an application form provided by Coffee County:

- (1) Proof of ownership in the form of the current deed recorded in the office of the Clerk of the Superior Court of Coffee County. A completed application shall be signed by all owners of the property subject of the application.
- (2) When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
- (3) A property survey conducted no more than seven (7) years prior to the filing of the application, containing boundaries and, land area. A legal description shall be provided. A determination on whether any portion of the property is within a High Susceptibility area as defined in Chapter 6. Where two (2) or more parcels are included within a proposed development, the survey shall show all parcels that are part of the proposed development, including all phases. The survey shall be prepared and sealed by a surveyor actively licensed in the State of Georgia.
- (4) A vicinity map indicating the location of the site proposed for development.
- (5) Payment of applicable fees.
- (6) Proof of payment of property taxes on the subject property.
- (7) A digital copy of all plats, site plans, and/or other drawings, except for infrastructure and utility plans, must be submitted in Adobe Acrobat (.pdf) format.
- (8) Other information to support the application as specified in this chapter and as may be required by the Zoning Administrator.
- (9) All drawings, including maps, concept plans, site development plans, and preliminary and final subdivision plats, shall conform to the following standards:
  - i. All drawings shall contain the dates of preparation and the dates of any revisions.
  - ii. The desired drawing size is 24 inches by 36 inches. In no case shall drawings be larger than 30 inches by 42 inches nor smaller than 11 inches by 17 inches.

- iii. All drawings shall contain a graphic and written scale and a north arrow with a notation referencing the bearings to magnetic north, astronomical north or grid north.
- iv. All drawings shall contain the name, address, and telephone number of the preparer(s).
- v. Drawings for development proposed in phases shall contain all required information for the total site, for each phase, and shall depict phase lines on the drawings.
- vi. All drawings shall contain the seal of the licensed professional preparing the drawings and computations.

(10) Required support data and plans

Specific plats and site plans submitted with applications shall be required to be accompanied by the required supporting data and plans as described below.

- i. Water bodies on the site or adjacent to the site, such as, but not limited to streams and lakes, should be indicated on all plans.

(11) Development proposed within a groundwater recharge area protection district or river corridor protection district shall contain the following information:

- i. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
- ii. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
- iii. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
- iv. The orientation and distance from the boundaries of the proposed site to the nearest bank of any protected river corridor within one mile.
- v. Elevations of the site and adjacent lands within fifty (50) feet of the site at contour intervals of no greater than two (2) feet and no greater than one (1) foot slopes less than or equal to two (2) percent.
- vi. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- vii. All proposed temporary disruptions or diversions of local hydrology.

- (12) All applications shall include the following information: current and proposed zoning, current and proposed use, adjacent uses, locations of public improvements and utilities, proposed structures or additions to existing structures and paved areas, and locations of existing or proposed streets.
- (13) Whenever a development contains a floodplain or floodway, a plan shall be provided demonstrating compliance with the requirements of Chapter 34, Floods, of the Coffee County Code of Ordinances.

**10-10 Submittal Requirements for Subdivision Plats**

a. Preliminary Plats

- (1) Title block and north arrow  
The plat will show the name of the proposed subdivision, its location, the name, address and registration number of the surveyor preparing the plat and the date of the plat. A north arrow shall be included with a notation referencing the bearings to magnetic north or astronomical north.
- (2) General layout  
The plat shall show information as to the proposed street layout and widths, layout of lots with a notation as to the minimum size and width of lots and proposed open space if any. Any lands to be dedicated will be clearly identified. The plat shall be drawn to scale. Scale, total acreage of the site and total number of lots created shall be indicated. Lot and block identification and building setback lines shall also be indicated.
- (3) Topography  
The plat shall show existing and proposed contour lines in a manner that accurately depicts existing and proposed conditions. Contours shall be generated at 1 foot intervals for slopes between 1%-3% and at 2 foot intervals for slopes exceed 3% if necessary for clarity. For areas sloped at less than 1% spot elevations and/or contours at 0.5 foot interval shall be shown as necessary. All existing contour lines shall be dashed line type and all proposed contour lines shall be solid line type. All contours and spot elevations shall be based on mean seal level (MSL). Prominent drainage features such as lakes, depressions, streams, and floodplain areas which could affect the design of the subdivision shall be shown. Normal pool and top of dam elevations of existing lakes shall also be shown.
- (4) Existing features  
The plat shall show the locations of existing and platted property lines with land owner names, streets and their rights-of-way, railroads and their rights-of-way, public and private rights-of-ways, sanitary sewer and size, water mains and size, bridges, culverts, storm drainage and size, easements, parks and other public open spaces, land lot and land district lines, city limits lines, and names of adjoining property owners or subdivisions. Groups of trees and wetland areas shall also be indicated.
- (5) Location map

The plat shall include a small scale map of sufficient clarity so that the location of the proposed subdivision can be readily determined.

(6) Water and sewer

A statement from the developer shall be submitted with the preliminary plat which will describe the method by which sanitary sewer and water facilities will be provided.

(7) Future tract plan

In cases where a subdivision is to be developed in stages with additional plats being filed with the governing authority at a later date, the filing of the initial plat will be accompanied by a future tract plan, a reasonably accurate plat in sketch form of the entire tract which will show the future street system and topography for the entire tract.

(8) Wetlands

Approximate location of wetlands boundaries shall be delineated on the preliminary plat. All preliminary plats delineating wetlands shall have on the face of said preliminary plat the note:

“No fill or work shall be permitted within jurisdictional wetlands without a prior permit from the U.S. Army Corps of Engineers.”

b. Final Plats

Filing the final plat with the Administrator shall include the following:

(1) An application containing:

- i. The name and address, phone number & e-mail address of the persons developing the subdivision and his agent(s),
- ii. Zoning of the property to be subdivided,
- iii. Whether or not the subdivision will be developed in phases,
- iv. Plans for serving the proposed subdivision with sewer and water facilities,
- v. A complete list of deviations, if any, from the approved preliminary plat,
- vi. A copy of the agreement for providing the necessary water and sewer facilities,

(2) Sheet design

The final plat shall conform to all of the items listed under the preliminary plat and the requirements thereof, as set forth in this UDC and shall be drawn in black ink.

(3) The final plat shall be drawn to scale. If necessary, more than one (1) sheet may be used as long as a key map is provided to relate each sheet to the entire platted area.

(4) Surveyor certificate

The following certificate shall be entered on the face of the plat. Placement of this certificate may vary as necessary:

I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision; the field data upon which this plat is based has a closure precision of one (1) foot in



\_\_\_\_\_ feet and an angular error of per \_\_\_\_\_ angle point, and was adjusted using \_\_\_\_\_ rule; the plat has been calculated for closure and is found to be accurate within one (1) foot in \_\_\_\_\_ feet; monument and pin locations are correctly shown by the symbols \_\_\_\_\_ and the pins are \_\_\_\_\_ (type of metallic material and length).

Signed \_\_\_\_\_ (Seal) (Date) \_\_\_\_\_  
Surveyor, Georgia Registration No: \_\_\_\_\_

- (5) The surveyor must certify whether or not the property is located in a special flood hazard zone and indicate the informational source and flood hazard zone of the property. If the property is located within a flood hazard zone, then the limits of the flood hazard zone must be shown.
- (6) Proposed lots located in any flood zone shall be delineated on the plat and shall require a certificate of elevation to insure future construction meets applicable ordinances regarding the floodplain.
- (7) Any identified wetlands must be indicated on the final plat, and proof of compliance with any U.S. Army Corp of Engineers requirements for wetlands must be submitted prior to recording of the final plat.
- (8) Owner certificate.

The following certificate shall be entered on the face of the plat. Placement of this certificate may vary as necessary:

We, the undersigned owner(s) of the subdivision, hereby offer to dedicate and/or reserve for public use the rights-of-way, easements and other public areas as designated on this plat.

Owner	Date	Mortgagee	Date
_____	_____	_____	_____
_____	_____	_____	_____

- (9) Approvals. Final plats are approved by the Coffee County Board of Commissioners. The following spaces shall be provided in the form listed below for approval. Chairman of the Board of Commissioners shall sign & date in the specified location on the plat upon approval by the Commission. Placement on plat may vary:

Approved by Coffee County Commission, Coffee County, Georgia

Date \_\_\_\_\_ Signed \_\_\_\_\_  
Chairman

- (10) Surveying data

The final plat shall contain the location, bearing and length of every street line, lot line and boundary line whether curved or straight. A note will be made on the plat as to whether curved or straight. A note will be made on the plat as to whether curved dimensions are arc or chord distances. Easement lines (and width), land lot and land district lines will be shown.

- (11) The final plat shall also identify each tract within the proposed subdivision by block and lot number.
  - (12) All dimensions shall be shown in feet and decimals to the nearest 1/100 of a foot, and all angles shall be shown to the nearest second. The error of closure shall not exceed one in 10,000, or as defined by the technical standards required by O.C.G.A. § 15-6-67, of the Law Governing the Practice of Professional Engineering and Surveying, as amended. The final plat shall have a note listing the following:
    - Total Acres \_\_\_\_\_
    - Total Lots \_\_\_\_\_
  - (13) Monuments  
The final plat shall show the accurate location, material and description of all monuments. A permanent master bench mark shall be established within or adjacent to the site by transfer of levels, not less than third order accuracy, from the nearest approved bench mark of known mean sea level (M.S.L.) elevation showing its location on the final plat and recording its elevation on the final plat to the nearest 1/100 of a foot.
  - (14) Easements  
In addition to the requirements for the preliminary plat the final plat shall show the location and width of all public utility easements and drainage easements where required.
- c. See Section 10-12 for submittal requirements for Infrastructure and utility plans.
  - d. See Section 10-15 for procedures for approval of subdivision plats

**10-11 Submittal Requirements for Site Development Plans**

- a. An optional development plan may be submitted to save the applicant time and eliminate any unnecessary financial expenditures which result from changes in site development identified after the submission of fully engineered architectural plans to the Code Enforcement. Development plans, in the form of at least a 1 page Site plan, may be submitted for all non-residential development. An application for site development plan approval shall contain all of the applicable information set forth in **Section 10-1** and may be required to contain the following additional information:
  - (1) A site development plan that demonstrates compliance with all design standards required for development in the zoning district in which the use is proposed. Such standards are set forth in Chapter 4.

- b. Where a Planned Development is proposed, a site development plan shall be provided that demonstrates compliance with the standards set forth in Chapter 4 Section 4-8.
- c. When a proposed development contains one (1) or more uses that are subject to supplemental standards, a site development plan shall be provided that demonstrates compliance with all design standards for the specified use or uses, as set forth in Chapter 4.
- d. All site development plans shall contain details for proposed Accessory uses and shall demonstrate compliance with the standards for such uses.
- e. The following specific information shall be provided:
  - (1) Proposed density (both gross and net).
  - (2) Location of all buildings and structures, showing setback lines, building orientation, and building height.
  - (3) For mixed use projects, drawing notes shall include a table summarizing the total amount of development in each use, the percentage of the total site, net density of proposed residential development.
  - (4) The location of all utility lines, utility easements, access easements and other easements.

**10-12 Submittal Requirements for Infrastructure and Utility Plans**

**a. Infrastructure and Utility plans**

The plans for the required public improvements shall be prepared for approval by the Zoning Administrator prior to the construction and only after approval of the preliminary plat. Such improvement plans shall show the proposed locations, sizes, types, grades and general design features of each improvement and shall be based on reliable field data

- (1) The improvement construction drawing shall be submitted on white background prints. The sheet size shall be a minimum (11) inches by seventeen (17) inches unless another size is approved by the Zoning Administrator. The drawing shall be include the following information:
  - i. **Construction plans**  
The developer shall provide the plan and profile of each proposed street indicating the existing ground surface elevation and proposed street centerline grade. Design shall be in accordance with good engineering practices.
  - ii. **Street-typical sections**  
A typical section of each proposed street shall be submitted, showing the width of the street and the width of rights-of-way.
  - iii. **Water supply, sanitation systems, Utility systems and storm water drainage.**

The plan and profile of proposed sanitation, storm drainage or other drainage systems, with grade and sizes indicated are required. Floodplain areas shall be indicated on the plan. Stormwater drainage shall be consistent with applicable ordinances of the governing authority and other applicable governmental agencies. Water and sewer systems shall be approved by the County Engineer and all relevant state agencies.

iv. Utility service agreement

A developer's agreement for utilities service shall be required before final improvement plan approval is granted.

v. As-built drawings

The designing surveyor or engineer shall submit to the Administrator two (2) sets of white background prints of certified as-built drawings prior to recording of the final plat.

- b. Plans for infrastructure, utilities, and other improvements shall be submitted, after an approved preliminary plat has been obtained, demonstrating compliance with the requirements of Chapter 7 and other engineering and construction standards of Coffee County.
- c. Following approval of the Preliminary Plat, the developer shall request approval of the improvement plans by the County Engineer. Said developer can begin installation of the minimum improvements, including grading, paving, installation of utilities, etc., upon approval of the improvement plans. In all cases, sedimentation control devices, retention, detention or sedimentation ponds shall be first in order of construction.
- d. Improvements required and/or regulated by these regulations shall be constructed in accordance with approved engineering plans and specifications, the standards, requirements and regulations set forth in these regulations, and other applicable ordinances of the county.
- e. Construction of improvements required or regulated by these regulations shall not commence until the County Engineer has approved in writing engineering plans and specifications for said improvements.
- f. If, in the course of construction, the developer wishes to modify the size, type, quality, quantity and/or location of any or all of the improvements required or regulated by these regulations, the developer's engineer/surveyor shall submit a written change request to the County Engineer for review and written approval prior to proceeding with installation of the modified improvement.
- g. Tests required by these regulations shall be performed solely by independent testing laboratories, the developer's engineer/surveyor or qualified personnel employed by the developer's engineer/ surveyor, and shall be performed at the developer's expense. The developer's engineer/surveyor shall direct that the results of required tests be mailed or delivered to the County Engineer immediately on completion. All test results must be clearly indicated as to the project and the exact location of the sample and that no test results be withheld from the County Engineer.

- h. Acceptance. Upon written notification of completion of Minimum Improvements, the County Engineer shall within 30 days after such notice accept or reject, in writing, the completed improvements stating the deficiencies, if any.
  - (1) The required minimum improvements shall not be accepted unless they conform to these regulations and officially adopted county specifications.
  - (2) Upon completion of construction of improvements required and/or regulated by this Chapter, the developer's engineer/surveyor shall deliver all required test data not previously forwarded to the County Engineer to the County Engineer.
  - (3) The County Engineer is authorized to reject any construction which fails to conform to the approved plans and specifications and this chapter.
  - (4) The county shall bill the developer the county's cost for any subsequent inspections necessitated by the developer's failure to construct improvements in accordance with approved plans and specifications and this chapter. Said costs shall be based on a schedule of fees established as two and one-half times the inspector's hourly rate.

#### **10-13 Determination of Completeness**

- a. All applications shall be complete before acceptance for review and decision-making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria. The DRC shall meet within ten (10) days of receipt of an application to evaluate the same.
- b. The Zoning Administrator shall thereafter determine, within fifteen (15) days of receipt of an application, whether the application is complete.
- c. If the Zoning Administrator determines that the application is not complete, he shall notify the applicant identifying the deficiencies. The applicant shall have thirty (30) days from the date of notice to correct the deficiencies. Until the applicant corrects the deficiencies, no further action shall be taken for processing the application. If the applicant fails to correct the deficiencies within the thirty (30) day period, the application shall be deemed withdrawn.
- d. If the Administrator determines that the application is complete, the application shall be processed for review and action in accordance with the procedural requirements set forth in this chapter.

#### **10-14 Submittal Requirements for Planning Commission, Board of Commissioners and Board of Appeals Action**

For applications to be submitted to the Planning Commission, Board of Appeals, or Board of Commissioners, the Zoning Administrator shall review the application and all supporting materials and

provide a report regarding compliance of the application with applicable standards and criteria. The Zoning Administrator shall provide an analysis and recommendation regarding the following:

- a. Consistency of the application with the Comprehensive plan;
- b. Compliance of the application with the application requirements and development standards set forth in the LDC;
- c. For rezoning applications, an analysis and recommendation regarding the following:

In ruling on any application for a zoning map amendment, the Planning Commission and the County Commission shall act in the best interest of the health, safety, morals, and general welfare of the County. In doing so, the Planning Commission in its consideration of and recommendations concerning a petition requesting a zoning map amendment , and the County Commission in its consideration and final decision concerning a petition requesting a zoning map amendment , will consider the following factors as they may be relevant to the application:

- (1) The existing land uses and zoning classifications of nearby property;
- (2) The suitability of the subject property for the purposes authorized under the current zoning;
- (3) The extent to which the proposed land use change on the subject property represents a fair balance between the rights of private property and the health, safety, and general welfare of the public;
- (4) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (5) Whether the subject property has a reasonable economic use as currently zoned;
- (6) Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
- (7) Whether the proposed zoning will adversely affect the existing use or usability of adjacent and nearby property;
- (8) The possible creation of an isolated district unrelated to adjacent and nearby districts;
- (9) The possible increase or overloading of public facilities including, but not limited to, schools, utilities, and streets;
- (10) The possible impact on the environment, including but not limited to, loss of natural vegetation, drainage, soil erosion and sedimentation, flooding, air quality and water quality;
- (11) Whether the proposed change will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;
- (12) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

- (13) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
  - (14) The possible effects of the proposed change on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;
  - (15) The relation that the proposed change bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of this ordinance;
  - (16) Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.
- d. For applications to the Board of Appeals, an analysis regarding the following:
    - (1) The history of the adoption of the regulation involved with the proposed variance or proposed appeal; and
    - (2) The enforcement of the regulation involved with the proposed variance or proposed appeal.
  - e. For preliminary and final subdivision plats, see Section 10-10 for a complete description of procedures.
  - f. The Zoning Administrator shall transmit a report to the applicant. The applicant shall have thirty (30) days to correct any deficiencies noted in the report and submit revised or additional documents. Upon receipt of the materials provided by the applicant to correct any deficiencies, the Zoning Administrator shall prepare a revised compliance report.
  - g. For matters subject to final approval by the Zoning Administrator, the compliance report shall be filed with the application as support for approval, approval with conditions, or denial of the application by the Zoning Administrator.
  - h. For matters subject to final approval by the Board of Appeals or Board of Commissioners, a report will be forwarded together with supporting materials for review, recommendation, and final action by the designated entity.

#### **10-15 Procedures for Approval of Subdivision Plats**

- a. The preliminary plat shall be reviewed by the Zoning Administrator and DRC. If the plat is disapproved, the Zoning Administrator must provide a written statement of reasons for disapproval within ten (10) days of the time of submittal. Where a proposed subdivision includes or abuts on any part of a state highway system, a plat of the proposed subdivision shall be submitted to the Georgia Department of Transportation as required by O.C.G.A. 32-6-151.
- b. The preliminary plat shall then be reviewed by the Planning Commission. The Planning Commission shall forward a recommendation to the county commission.
- c. The county commission shall review the preliminary plat. Upon approval, the Zoning Administrator shall notify the applicant to proceed with preparation of the improvement plans and final plat.

- d. Approved preliminary plats are valid for one (1) year only from date of approval. If final plat or construction drawings have not been submitted within this period, preliminary plat approval becomes invalid and must be resubmitted and must comply with the development standards in effect at the time of the resubmission.
- e. The developer shall submit infrastructure and utility plans as required by Section 10-12 and final plat as required by Section 10-10(c) to the Zoning Administrator. The Zoning Administrator shall have authority to reject the proposed final plat if he finds that it does not conform to the approved preliminary plat or this LDC. If the plat is rejected, the Zoning Administrator shall provide the applicant with a written statement specifying all the respects in which it does not conform. After review, the Zoning Administrator shall submit the plans to the Planning Commission.
- f. The Planning Commission shall review the infrastructure and utility plans and final plat and forward a recommendation to the county commission.
- g. The final plat shall be deemed filed with the County when it has been determined to be complete and has been approved by the Board of Commissioners.
- h. The approval of a final plat shall not constitute an acceptance by the County of any street, easement or other designation for which the county would have ownership or maintenance responsibility shown upon the plat.
- i. Upon satisfactory compliance with these regulations and after approval by the county commission, the final plat will be forwarded to the Zoning Administrator to retain until such time that all required minimum improvements have been completed. At such time the Zoning Administrator shall forward the as-built plans with proposed dedicated roads to the county commission for approval and acceptance of any street, easement or other designation for which the county would have ownership or maintenance responsibility shown upon the plat. Upon approval the as-built plans will be released for recording.
- j. Acceptance of Infrastructure. Acceptance for maintenance of infrastructure by Coffee County occurs upon approval of said plat and infrastructure by the Coffee County Board of Commissioners by majority vote and recording of said vote in the official minutes. The developer retains responsibility for the maintenance and safety of the development until such acceptance.

**10-16 Submittal Requirements for Rezoning Applications**

- a. In addition to the application materials specified in Section 10-15, applications for amendment to the Coffee County Zoning Map shall include the following:
  - (1) The area of the land proposed to be reclassified, stated in square feet if less than one (1) acre, and in acres if one (1) acre or more.



- (2) The application file number, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
- (3) A statement of intent, describing the specific nature of the request, a detailed justification for the request, and a statement demonstrating compliance of the request with the Greater Coffee Comprehensive plan.
- (4) The community or area in which the land proposed to be reclassified is located, the street address, the Tax Map-Parcel number(s), and the location with respect to the nearby public roads in common use.

b. Campaign contributions

If applicant has made, within two (2) years immediately preceding the filing of the applicant's application, campaign contributions aggregating \$250 or more to any member of the governing authority, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:

- (1) The name of the local government official to whom the campaign contribution or gift was made;
- (2) The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application; and
- (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the zoning amendment.
- (4) In the event that no such gift or contribution were made, the application shall affirmatively so state.

c. A conceptual development plan may be submitted with an application for rezoning. A conceptual development plan shall demonstrate the ability of the proposed use(s) to be located on the site in compliance with the standards of this LDC. The conceptual development plan shall be of sufficient detail to bind the applicant to the features depicted on the conceptual development plan, and shall contain the following information:

- (1) Project name.
- (2) Vicinity map showing zoning districts and existing land use within 500 feet of the boundaries of the site.
- (3) Total area in acres and square feet.
- (4) Current and proposed zoning classification, together with a summary of the applicable development standards for the proposed zoning district. A

Planned Development (PD) shall include drawing notes detailing the proposed standards for site design and development for the PD zoning district.

- (5) Natural features, including topography at ten (10) foot intervals, surface drainage, surface waters, flood plains, watershed areas, groundwater recharge areas, general location of wetlands, and the general location of wooded areas.
  - (6) General location of existing and proposed roads and utility rights-of-way or easements.
  - (7) Location of existing property lines within the development site, if applicable.
  - (8) General location of existing and proposed development by type of use.
  - (9) Proposed residential density and dwelling unit types, if applicable.
  - (10) General plan for the provision of utilities and infrastructure.
  - (11) A report or letter from the Board of Health indicating the ability of the site to be developed with septic systems, if no public sewer is available.
- d. An application for rezoning to a Warehouse-Light Industrial, W-LI or Heavy Industrial, H-I, zoning district shall provide the following additional information:

A written description of the proposed designed to inform the County, in detail, about all aspects of the proposed operation and its anticipated impact on the community. The description must also include information regarding minerals, processes (including steps to minimize adverse community impact), products, by-products, wastes and any additional information necessary for the county to fully understand the proposal. The description shall also include a listing of all federal, state and local approvals and permits, if any, that will be required by the proposed use and the status of all requests for such approvals or permits. Further, this report must address the immediate and anticipated future impacts, if any, of the proposed use on each of the following specific concerns:

- (1) Noise;
- (2) Odor;
- (3) Water quality (surface and sewer);
- (4) Smoke and particulate matter, noxious and/or hazardous fumes;
- (5) Vibrations;
- (6) Hazardous materials (ignitable, corrosive, explosive, toxic)
- (7) Radiation;

- (8) Lighting and glare;
  - (9) Fire hazards;
  - (10) Impact on local traffic and/or streets;
  - (11) Adequate provision to reduce any adverse environmental impacts of the proposed use to an acceptable level;
  - (12) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered; and
- (13) Any other concerns identified by the County or applicant as pertinent to the proposed use.

**10-17 Submittal Requirements for Amendments to the Land Development Code**

- a. Applications for amendment of this LDC shall be made in the form of proposals for amendments of the text, standards, and other criteria. Proposals to amend the Coffee County Zoning Map shall meet the requirements set forth in Section 10-16
- b. In addition to the application requirements set forth in Section 10-16, the following information shall be provided:
  - (1) Identification of the specific provision proposed for amendment;
  - (2) The proposed modifications in a strikethrough and underline format;
  - (3) A detailed explanation of the rationale and justification for the requested amendment; and
  - (4) A detailed explanation of the potential impacts of the modification on the development of Coffee County.

**10-18 Notice Requirements for Zoning Decisions**

- a. Zoning Decisions
  - (1) At least fifteen (15) but not more than forty-five (45) days prior to the date of hearing, notice shall be published within a newspaper of general circulation in the County stating the date, time, place, and purpose of the hearing.
  - (2) If the zoning decision is for the rezoning of property and the rezoning is initiated by a party other than the County, then:
    - i. The published notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

- ii. A sign shall be placed in a conspicuous location on the property at least fifteen (15) days and not more than forty-five (45) days prior to the hearing containing the nature of the request and the date, time, and place of the hearing.
- iii. Property owners that are adjacent to the subject property, to include those across all right-of-way, shall be notified by first class mail. The mail shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property and the date, time, and place of the hearing.

**10-19 Procedures for Conducting Public Hearings**

The following rules of procedure shall govern public hearings pertaining to rezoning and amendments to this LDC.

- a. Public hearing procedure  
All public hearings shall be placed on the appropriate body's agenda under a section entitled "Public Hearings". The Chair or their designee shall officially declare the public hearing open and shall announce that the written public hearing procedures and a copy of Georgia's Conflict of Interest Law are available to the attending public as a handout or are posted for public review. The Zoning Administrator shall be responsible for providing a copy of the public hearing procedures and a copy of Georgia's Conflict of Interest Law as handouts and/or postings.
- b. Announcement of matter for consideration
  - (1) The Zoning Administrator shall announce the matter for consideration.
  - (2) The Chair shall then call for acknowledgement of a potential conflict of interest by any members of the body.
- c. Report of Administrator  
The Zoning Administrator will then report the recommendation of the Planning Commission.
- d. Public hearings records standards
  - (1) The clerk shall mechanically record the proceedings of all public hearings.
  - (2) If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the appropriate body for its records.
  - (3) The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular project file.
- e. Public comments shall be heard in an orderly fashion. Comments and testimony shall be provided in the following order:
  - (1) The applicant or applicant's agent;
  - (2) Citizens speaking in favor of the proposal or request;
  - (3) Citizens speaking in opposition to the proposal or request; and

- (4) Rebuttal.
- f. Any party may appear at the public hearing in person or by agent or by attorney.
- g. Each person who appears shall identify himself by name and address; if the person is the applicant, he shall state whether he is the owner of the property or agent for owner.
- h. Each applicant or other interested party who submits documents at the hearing shall identify each document. Each document submitted shall be made a part of the official record of the hearing.
- i. Time periods for testimony  
Where there are a large number of citizens wishing to testify at a given hearing, the Chair may invoke reasonable time limitations on both the proponents and opponents of a request. In such cases, these time limits shall apply to both sides of an issue equally, such minimum time period to be no less than ten (10) minutes per side. The Chair of the body hearing the request or proposal may otherwise limit discussion. The Chair of the body hearing the request or proposal may allow additional time in the Chair's discretion.
- j. Citizens shall address their comments to the body as a whole. Individual attacks or cross examination of members, County employees or other citizens will be ruled out of order.
- k. The body hearing the request or proposal retains the privilege to ask any questions of the Administrator, other staff, or persons who have spoken on the matter.
- l. After all citizen comments have been received, all further discussion of the specific application is reserved for the body hearing the request or proposal. The Chair or his/her designee shall then declare the public hearing closed and no further public comment will be entertained.
- m. The body hearing the request or proposal may table the public hearing where additional information is necessary in order to render a decision. The continuation shall be to a specific time and date. Where an application is remanded to the Planning Commission for consideration of additional conditions, it shall be heard by the Planning Commission on their next available meeting date.
- n. In the case of tabling of a matter, no further public comments will be entertained upon further consideration of the matter.
- o. At the conclusion of the hearing by the body hearing the request or proposal, the Chair shall announce the decision. The Administrator or his/her designee shall notify an applicant in writing of the decision. The written notification shall be made a part of the record.

**10-20 Procedures for Action by the Board of Commissioners**

- a. Action by the Board of Commissioners regarding rezoning applications or amendments to LDC text shall be taken at an advertised public hearing, and shall be based on the following information:
  - (1) The supporting documentation;
  - (2) The Zoning Administrator report and recommendation;
  - (3) The recommendation of the Planning Commission;

- (4) The protection of the public health, safety, morality, and general welfare of Coffee County against the unrestricted use of property, and any other factors relevant to balancing the above stated public interest;
  - (5) Testimony during the public hearing; and
- b. In order to promote the public health, safety, and general welfare to Coffee County and the residents thereof against the unrestricted use of property, the following standards, and any other factors relevant to balancing the above stated public interest, shall be considered by the governing authority in making any zoning decision: The following standards for exercising zoning powers:
- (1) The existing land uses and zoning classifications of nearby property;
  - (2) The suitability of the subject property for the purposes authorized under the current zoning;
  - (3) The extent to which the proposed land use change on the subject property represents a fair balance between the rights of private property and the health, safety, and general welfare of the public;
  - (4) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
  - (5) Whether the subject property has a reasonable economic use as currently zoned;
  - (6) Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
  - (7) Whether the proposed zoning will adversely affect the existing use or usability of adjacent and nearby property;
  - (8) The possible creation of an isolated district unrelated to adjacent and nearby districts;
  - (9) The possible increase or overloading of public facilities including, but not limited to, schools, utilities, and streets;
  - (10) The possible impact on the environment, including but not limited to, loss of natural vegetation, drainage, soil erosion and sedimentation, flooding, air quality and water quality;
  - (11) Whether the proposed change will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;
  - (12) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
  - (13) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
  - (14) The possible effects of the proposed change on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

- (15) The relation that the proposed change bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of this ordinance;
  - (16) Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.
- c. In certain cases where it is deemed that a proposed zoning district would allow uses that are too intensive to mix compatibly with the surrounding area, the Board of Commissioners may, upon recommendation by the Zoning Administrator and the Planning Commission, or on its own initiative, apply certain conditions to a rezoning request in order to allow the proposed use while protecting the neighbors from the potential negative effects of the proposed zoning and preserving the purpose and intent of this LDC. Subsequent development and use of the property shall be subject to the conditions approved by the Board of Commissioners.
- d. Such conditions may be adopted as deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change, including, but not limited to the following:
- (1) Setback requirements from any lot line;
  - (2) Specified or prohibited locations for buildings, parking, loading, or storage areas;
  - (3) Restrictions on land use activities otherwise permissible;
  - (4) Maximum building dimensions and height;
  - (5) Landscaping or planted area which shall include the location, type, and maintenance of plant materials within a designated buffer area;
  - (6) Fences, walls, earth berms, or other landscape buffer provisions or protective measures;
  - (7) Preservation of existing trees and vegetation;
  - (8) Special conditions to eliminate or reduce undesirable views, light, glare, dust, or odor;
  - (9) Hours of operation; and
  - (10) Architectural details to be compatible with existing buildings in the area.
- e. A rezoning approved with conditions shall list in writing those conditions adopted by the Board of Commissioners and shall include a requirement for adherence to a conceptual development plan, if any, submitted to accompany the application. The applicant or any successor in title shall construct only those uses and only in such a manner as identified in writing or upon the concept plan.

- f. A letter of credit may be required to ensure compliance with the conditions of approval. The amount of the letter of credit shall be as determined by the County.
- g. Prior to a final vote being taken upon any application for an amendment to the Coffee County Zoning Map for which such conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If the applicant finds such conditions to be unacceptable, it may, at the time, withdraw the application. Such withdrawal shall not enable the applicant to refile the same zoning map amendment for the same property until one (1) year has elapsed from the date of withdrawal.
- h. Any amendment, which is adopted with conditions, shall be indicated on the Coffee County Zoning Map. The property shall be indicated on the Coffee County Zoning Map with the suffix (c) to indicate that the property has been rezoned with conditions. Such conditions shall remain imposed upon the property until removed or modified by the Board of Commissioners.
- i. Action by the Board of Commissioners regarding proposed amendments to the LDC text shall be taken at an advertised public hearing, and shall be based on the following information:
  - (1) The Zoning Administrator compliance report and recommendation;
  - (2) The recommendation of the Planning Commission;
  - (3) The application and supporting documentation.

**10-21 Resubmittal of Denied Rezoning Applications**

No application for a zoning change affecting the same parcel of property (under same Tax I.D. and/or under same ownership) or part thereof shall be accepted by the Zoning Administrator until the expiration of at least six (6) months immediately following the denial of the rezoning request by the governing authority.

**10-22 Submittal Requirements for Post Approval Amendments to P-D Development Plans, Conceptual Development Plans, Development Plans, and Zoning Conditions**

- a. Modifications to conceptual development plans, approved development plans, and zoning conditions, not under the authority of the Zoning Administrator, may include any increases to allowable uses, maximum density, maximum intensity, or decreases in any compatibility requirements attached to the zoning approval as conditions of approval. In addition, the application shall contain a statement outlining the details of the amendment requested, the situation giving rise to the need for an amendment, and accompanied by plans fully describing the nature and extent of the amendment.

**10-23 Administrative Variance**

The Zoning Administrator is hereby granted the power and authority to vary the Land Development Code for the County, only as provided in this Section. Generally, this procedure is to provide for an efficient and effective review and approval process for certain minor aspects of



development in the County. Pursuant to the following, the Zoning Administrator may review and approve, approve with conditions, or deny:

a. Yard Setbacks

Any yard setback variance request which does not exceed 110 percent of the code requirement (for example: where a rear yard setback is 15 feet and the variance request does not exceed 1.5 feet of relief for a reduction to a 13.5 foot setback).

b. Fences, Walls and Hedges

Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.

c. Other Minor Code Variances And Minor Site Plan Amendments

Any other minor technical or land use code variance or any minor site plan revision or amendment for items including, but not limited to, signage, landscape, lighting, parking, driveways; and a change of use from one permitted use to another permitted use.

A minor code variance or site plan revision is one in which the requested change:

- (1) Does not increase or enlarge the density, intensity of use, foot print, or any dimension of the overall plan by more than five percent; and
- (2) Does not increase or enlarge the exterior foot print of commercial, industrial or multi-family residential buildings (five or more units) by more than 1,000 square feet of building; or more than 1,000 square feet of additional impervious area is requested; or
- (3) Does not increase or enlarge the foot print of single family or small multi-family (four or fewer dwelling units) buildings by more than 360 square foot of building, or nor more than 360 square foot of additional impervious area is requested; and
- (4) Where the scope and intent of any variance approved by the Board of Appeals, or scope and intent of any site plan previously approved by the County Commission is not violated.

d. County Commission Intent

By adopting this Section, the County Commission intends that the Zoning Administrator shall use the provisions of this Chapter of this Code as a guide. Because the nature of the variances permitted are minor, the strict adherence to the hardship requirements shall not pertain to a variance granted by the Zoning Administrator. The Zoning Administrator shall be free to use reasonableness, as well as an awareness of community needs and aesthetics as a basis for all decisions.

**10-24 Appeals of Administrative Actions**

a. Applicability

- (1) Appeals to the Board of Appeals may be filed by any person aggrieved by any written interpretation of the Zoning Administrator or designated administrative official, based on or made in the enforcement of the LDC. A person shall be considered aggrieved if:
  - i. Said person or said person's property was the subject of the action appealed from; or
  - ii. Said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.
- (2) Such appeals shall be filed no later than fifteen (15) days after the date of written notification of the action appealed from. Notice shall be established by evidence of personal service of the adverse decision on applicant or by certified mail, return receipt. If certified mail properly addressed to applicant is returned unclaimed, the applicant shall be deemed to have received notice on the first postal service attempt to deliver the same. The time for an appeal shall begin to run on the day of notice as described above.

An appeal shall be filed with the County and shall include the following:

- i. A completed application form, provided by the County and accompanied by fees as established by the County Commission;
- ii. Written documentation specifying the alleged errors in the approval, denial, interpretation, or decision of the Zoning Administrator;
- iii. Citation of the section(s) of the LDC pertaining to the action; and
- iv. A statement of the specific relief requested by the party appealing.

b. Notice of Hearings

- (1) The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time not to exceed 45 days of the day the appeal is transferred to the board.

The Board of Appeals shall be a quasi-judicial board of the county and shall accordingly perform the duties and responsibilities as set out at Chapter 9 Section 9-6 (c). At the hearing any party may appear in person or by agent or by attorney.

c. Stay of Proceedings

- (1) An appeal to the Board of Appeals stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by an order of the Superior Court of Coffee County or any other Court with appropriate jurisdiction.
- d. Action on appeals
- (1) The appellant, and any public agency or private individual shall be entitled to present evidence on matters before the Board of Appeals.
  - (2) The Board of Appeals may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, order, requirement, decision, or determination of the Zoning Administrator. The Board of Appeals may direct the issuance of a permit. It shall be the duty of the Zoning Administrator to carry out the decisions of the Board of Appeals.
- e. Appeals from the Board of Appeals
- (1) General

Any person who appeared before the Board of Appeals who is aggrieved by any decision of the Board, may present to the Court of Competent Jurisdiction a petition of issuance of a writ of certiorari, duly verified, setting forth that such a decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition may also be filed by the County Commission upon a finding that the decision of the Board is illegal. A petition for a writ of certiorari shall be filed in the manner and within the time provided by the Georgia Appellate Rules.

#### **10-25 Procedures for Issuance of Permits**

- a. Land -Disturbing Permit
  - (1) See ES&P Control Ordinance Chapter of Code of Ordinances
- b. Building permit
  - (1) A building permit or a sign permit in case of a sign, is required in advance of the initiation of construction, erection, moving, demolition, or alteration of any building or structure or sign. except for farm accessory buildings which are exempted.
  - (2) Applicant for a building permit must provide the following:
    - i. Owner of property
    - ii. 911 issued address
    - iii Proof of paid property taxes

- iv. Proof of current Solid Waste Account
- v. Names, addresses and state license numbers of general contractor and electrical, air conditioning and plumbing contractors

c. Driveway Permit

Any person seeking to construct or reconstruct any curb cut or driveway on any County maintained public road in the County shall submit a permit application to the Code Enforcement Department accompanied by a non-refundable application fee as established by the County Commission.

(1). Application

Any person seeking a driveway permit shall submit the original and one copy of an application to the Code Enforcement Department. The application shall include the following information:

- i. Name and address of the owner of the property on which the driveway is proposed to be located.
- ii. Except for one-and two family residences, a set of detailed plans for the proposed driveway or curb cut.
- iii. Except for one and two-family residences, estimated cost of construction/alteration.
- iv. Approval from Georgia Department of Transportation, if applicable.
- v. All other information deemed necessary by the Code Enforcement Department for the reasonable review of the proposed driveway connection.

(2) Procedure for Review

- i. Within 5 working days after the application has been submitted, the Zoning Administrator and Road Department shall review the application and determine if it is complete.
- ii. If the Zoning Administrator determines that the application is not complete, he shall notify the applicant in writing specifying the deficiencies. The applicant may resubmit the application correcting the deficiencies within 30 days of the notification without paying an additional application fee.
- iii. Within 15 working days after the Zoning Administrator has determined that an application is complete, the Zoning Administrator shall approve, approve with conditions or deny the application based on the standards in Chapter 7 of this Code. Notification of the decision shall be made to the applicant and filed in the office of the Zoning Administrator.

- (3) Approval
  - i. Following approval of an application, the Zoning Administrator shall issue a driveway permit which shall take effect on the date issued.
- (4) Curb cuts, driveways and culverts constructed without driveway permit
  - i. The Road Department shall notify the Zoning Administrator of the existence of any curb cut, driveway or culvert on any County maintained public road, which was constructed after **DATE OF ADOPTION**, without the approval of the Road Department and which the Road Department has specifically found to be detrimental or injurious to surrounding property, substantially increases traffic and/ or endangers the public safety.
  - ii. Upon receipt of such notification, the Zoning Administrator shall notify the owner of the curb cut, driveway or culvert by certified mail of the finding of fact and that the curb cut, driveway or culvert must be brought into compliance with the requirements of this Code within 30 days of receipt of the notice. The notice shall specifically identify the nature of the violation. A permit issued pursuant to this Section shall be required. If the violation is not corrected within 30 days, the Zoning Administrator may initiate code enforcement action.

**10-25 Enforcement and Penalties**

- a. Enforcement
  - (1) General Remedies

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of these regulations, the Zoning Administrator or any adjacent or neighboring property owner or occupant who would be damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.
- b. Enforcement Authority
  - (1) Upon determination by the Zoning Administrator that reasonable grounds exist to believe that there exists any violation of any provision of this LDC or the building permit, the Zoning Administrator shall be entitled to take any, all or any combination of the following actions, or to cause such actions to be taken, as the Zoning Administrator in his sole discretion shall determine to be appropriate:
  - (2) Give written notice to the applicant, owner, developer, contractor and/or other appropriate persons of the existence of such violations, the nature and extent

of the violations, the actions necessary to correct the violations, and the time limit within which remedial actions must be taken;

- (3) Suspend or revoke any or all building permits and land -Disturbing permits issued ;
- (4) Issue stop work orders in connection with any or all construction, work or other activity then being conducted upon the lot pursuant to any building or construction license, permit, or any land -Disturbing permit which has been issued;
- (5) Institute proceedings to effectuate remedy of the circumstances giving rise to the violations; and
- (6) Take such other actions as are appropriate under the circumstances in order to obtain compliance with the provisions of this LDC consistent with applicable law and available resources of the governing authority.

c. Stay of enforcement

Filing of an appeal of determination of Zoning Administrator to the Board of Appeals or filing of an application for rezoning with the governing authority will automatically stay enforcement until the appeal or rezoning question is resolved.

d. Penalties

After the issuance of a valid citation, any person who is convicted of knowingly violating a stop work order or any other directive issued by the Zoning Administrator or fails to comply therewith, shall, be penalized by the imposition of a fine not exceeding \$1000.00 per day. Each day shall be a separate violation.

**10-26 Responsibilities for Final Action**

Table 10-13.1 on the next page identifies the types of applications and the entity that is responsible for the final decision regarding the application.

Table 10-13.1 Responsibilities for Final Action

	Staff	DRC	Board of Appeals	Planning Commission	Board of Commissioners
Site Development Plans	X	X			
Amendment to Development Plans	X				
Administrative					

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Waivers	X				
Extension of legal non-conforming residential uses	X				
Preliminary Subdivision plans	X	X		X	
Final Subdivision plans including infrastructure and utility plans	X			X	X
Variances			X		
As-Built-Plans with proposed dedicated roads	X				X
Appeal of Administrative decisions			X		
Rezoning/Text Amendment	X			X	X
Building permits, MH Permits, etc.	X				