

CANDLER COUNTY SUBDIVISION ORDINANCE

ARTICLE ONE GENERAL

1.1 Title. This Ordinance shall be known as and may be cited as the “Candler County Subdivision Ordinance”

1.2 Authority and Jurisdiction. Whereas, consistent with Georgia Law, the Candler County Board of Commissioners has the authority to establish by ordinance or resolution such local rules and regulations, not in conflict with existing State or Federal Law, relating to the health, safety, and welfare of the public.

1.3 Purpose. The public health, safety, economy, good order, appearance, convenience, morals and general welfare require the harmonious, orderly and progressive development of land within Candler County, Georgia. In furtherance of the general intent of this Ordinance, the regulation of land development is authorized for the following purposes amongst others:

- (a) To encourage economically sound and stable land development;
- (b) To prevent the overcrowding of land and promote desirable living conditions;
- (c) To assure the timely provision of required streets, utilities and other facilities and services to land development;
- (d) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments; and
- (e) To assure, in general, the wise and timely development of new areas, in harmony with the comprehensive plan of Candler County.

Now therefore be it resolved that the following rules and regulations are hereby adopted. These regulations shall apply to all unincorporated land located within the boundaries of Candler County, Georgia.

ARTICLE TWO GENERAL PROVISIONS

2.1 Rules

In the construction of these regulations, the rules and definitions contained in this section shall be observed and applied, except when the content clearly indicates otherwise:

- (a) Words used in the present tense shall include the future, and the words used in the singular number shall include the plural number, and the plural, the singular.
- (b) the word “shall” is mandatory and not discretionary.
- (c) The word “may” is permissive.
- (d) The masculine gender includes the feminine and neuter.

2.2 Definitions.

- 2.2.1** Accessory building or use. A secondary building or structure subordinated to and not forming an integral part of the main or principal building on a lot or parcel but pertaining to the use of the main building.
- 2.2.2** Alley. A narrow thoroughfare dedicated or used for public passageway up to 20 feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, is not used for general traffic, and is not otherwise officially designated as a street. A way which affords only a secondary means of access to abutting property.
- 2.2.3** Access management. The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity, speed, and congestion prevention.
- 2.2.4** Applicant. The legal or beneficial owners of land included in a proposed development, including the holder of an option or contract to purchase, or person having an enforceable proprietary interest in such land. See also developer and sub-divider.
- 2.2.5** Approving authority. Refers to either the building and zoning official, the county Planning and Zoning Commission, or the Board of Commissioners when they have authority to approve plats and plans.

- 2.2.6** As-built plans: "As-built" plans are site plans depicting improvements made in any subdivision or planned development that were previously not accepted by the approving authority, or site plans that varied substantially from the preliminary or final plats previously submitted for review and approval. Their purpose is to provide a permanent record of the location, size and design of infrastructure improvements that will aid county departments in future maintenance efforts.
- 2.2.7** Buffer. A strip of land reserved for vegetation, landscaping, or other structures to separate developed areas from other properties or uses.
- 2.2.8** Buildable area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located, once the various front, side and rear yard setbacks required for the district have been subtracted from the total area.
- 2.2.9** Building. Any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or property of any kind.
- 2.2.10** Building line. A line extended along the foundation of a building from which is measured the distance that a building must be set back to meet the minimum distance from the building line to the front, rear or side property line or in some cases, to the center line of an adjacent roadway.
- 2.2.11** Building site. The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.
- 2.2.12** Building and zoning official. One or more persons, officers or officials or his authorized representative, whom the county manager has appointed to administer and enforce, individually or collectively, the building code, subdivision, and zoning ordinances.
- 2.2.13** Certified document. A survey, sketch, plat, map or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineers, registered surveyor, architect, or other legally recognized person.
- 2.2.14** Community Water System. A system that provides piped water to the public for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of twenty-five (25) individuals at least sixty (60) days out of the year. Such terms include: 1) any collection, treatment, storage, and distribution facilities under the control of the operator

of such system and used primarily in connection with such system; and 2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

- 2.2.15** Density. The number of units or buildings per acre, or the number of people per unit, building, acre or mile, or the quantity of people, structures or units within a specified area.
- 2.2.16** Developer. Any individual, sub-divider, firm, association, partnership, corporation or any other legal entity commencing proceedings under these regulations. See also applicant and sub-divider.
- 2.2.17** Easement. The right or privilege of using another's property, for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, pedestrian ways, ingress and egress.
- 2.2.18** Engineer. Any person being licensed by the state of Georgia as an engineer capable of determining the correct manner in which to construct roads, streets, highways, water and sewage systems, drainage system, structures or other technical related areas.
- 2.2.19** Flood prone areas. The land that is usually flooded whenever a rise in the water level of a creek, stream, river or other body of water is experienced. That land adjacent to a creek, stream, river channel, canal or other body of water that is designated as a floodplain or flood prone area by a governmental agency.
- 2.2.20** Governing authority. The Board of Commissioners of the county.
- 2.2.21** Lot. Parcel of land shown on a recorded plat or on the official county zoning maps (if applicable) or any piece of land described by a legally recorded deed.
- 2.2.22** Lot area. The total area of the lot including easements.
- 2.2.23** Lot, corner. A lot located at the intersection of two or more streets.
- 2.2.24** Lot, double frontage. A lot, other than a corner lot, which has frontage on more than one street.
- 2.2.25.** Lot, interior. Any lot which is not a corner lot that has frontage only on one street other than an alley.

2.2.26 Lot line, front. In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this article; provided it is so designated by the building plans which meet the approval of the building official.

2.2.27. Lot line, rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the building official

2.2.28 Lot lines, side. A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot, or lots, is an interior side lot line.

2.2.29 Lot, reverse frontage. A lot having frontage on two or more public streets, the access to which is restricted to one street.

2.2.30 Metes and bounds description. A method of property description whereby properties are described by means of their direction and distances from an easily identifiable location or point.

2.2.31 Manufactured home. A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, and amended, 42 USC 5401 et seq. (the HUD Code, which became effective on June 15, 1976). All manufactured homes must be installed in accordance with O.C.G.A. § 8-2-160 et seq., and “Candler County Manufactured Home Ordinance”. If located within a manufactured home park, a manufactured home must be installed in accordance with O.C.G.A. § 8-2-160 et seq., “Candler County Manufactured Home Ordinance” and “Candler County Mobile Home Park and Tiny Home Park Ordinance”.

- (1) One parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of more than one manufactured home for residential occupancy shall be considered

2.2.32 Planning and Zoning Commission. A commission of individuals appointed by

the Board of Commissioners to make land use recommendations on zoning applications.

- 2.2.33 Plat.** A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties prepared and stamped by a registered surveyor.
- 2.2.34 Principal building.** The building on a lot in which the principal use of the lot is conducted.
- 2.2.35 Public use.** Use of any land, water, buildings by a municipality, public body or board, commission or authority, county, state or federal government, or any agency thereof for a public service or purpose.
- 2.2.36 Right-of-way line.** The boundary of a strip of land designed, reserved, dedicated, or purchased for the purpose of pedestrian, vehicular, or utility access.
- 2.2.37. Setback.** The minimum horizontal distance between the right-of-way line, rear or side lines of the lot and the front, rear or side lines of the building. When two adjoining lots under the same ownership are used, the exterior property lines of the lots so grouped shall be used in determining setbacks.
- 2.2.38 Site.** An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed.
- 2.2.39 Street.** A right-of-way affording primary access to abutting property. For the purposes of these regulations, the term shall also mean avenue, boulevard, road, lane and other public or private ways.
- 2.2.40 Street, arterial.** Shall mean a street of exceptional continuity that is intended to carry the greater portion of through-traffic from one area of the county to another.
- 2.2.41. Street, collector.** “Street collector” shall mean those streets which are neither local streets nor arterial streets. Their location and design are such that they are of exceptional continuity, serve as routes passing through residential areas, and serve as means of moving traffic from local streets and feeding it into arterial streets.
- 2.2.42 Street, cul-de-sac.** A short local street having but one end open for vehicular traffic, the opposite end being terminated with a permanent turn-around.

- 2.2.43** Street, dead-end. A street not intersecting other streets at both ends and distinguished from a cul-de-sac by not being terminated by a vehicular turnaround.
- 2.2.44** Street, local. “Street, local” shall mean streets which provide only access to adjacent properties and by nature of their layout serve only vehicles with either origin or destination within the area.
- 2.2.45.** Street, marginal access. “Street, marginal access” shall mean a minor service street which parallels, and which is immediately adjacent to an arterial street (frontage road).
- 2.2.46** Surveyor. A person who is licensed by the state of Georgia as a registered land surveyor.
- 2.2.47** Structure. Anything constructed or erected that requires a fixed location on the ground or which is attached to something having a fixed location on the ground.
- 2.2.48** Subdivision. The division of a lot of record into two or more lots, building sites, or other divisions for the purposes of sale, devise, or development, whether immediately or in the future, except that a subdivision does not include any of the following:
- (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are at least equal to the standards of the zoning ordinance;
 - (b) The division of land where no new street or streets is involved and where no new public or community water system or sanitary sewer system requiring permits by the Georgia Environmental Protection Division is involved; provided, however, that the division of land that was previously approved as a subdivision with a new street or streets or with a new public or community water system or sanitary sewer system shall not come within this exception.
 - (c) A division of property previously held in joint ownership among the joint owners thereof shall not be considered a subdivision for purposes of this Ordinance.

- (d) The transfer of property or any portion thereof from one contiguous owner to another contiguous owner shall not be considered a subdivision for purposes of this Ordinance.
- (e) The division of land parcels of five (5) acres or more where only an existing city, county, or state maintained street is involved and no new streets.
- (g) A transfer of a security interest in property by a landowner for purposes of obtaining financing from a financial institution where ownership remains the same provided the lot fronts on a city, county or state maintained street and complies with the lot size requirements set forth in this ordinance and the Candler County Zoning Ordinance.
- (h) All divisions of property described as exceptions to this ordinance shall conform with the Candler County Zoning Ordinance.

Plats of such exceptions shall be required to be submitted as information to the Building & Zoning Official which shall indicate such fact on the plats.

2.2.49 Use. Any purpose for which a building or tract of land may be designed, arranged, maintained, or occupied; or any activity, occupation, business, or operation carried on in a building or structure or on a tract of land.

2.2.50. Waterfront. Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water including creek, canal, river or any other body of water, natural or artificial, including marshland, not including a swimming pool, whether said lot line is front, rear or side.

2.2.51 Yard. A required open space on a lot that is left unoccupied with structures and facilities, except as permitted in this ordinance. A yard may also be known as a setback.

2.2.52 Yard, front. The open space on a lot located between the right-of-way boundary of the abutting street and the front building line as extended to the lot lines to either side. Any yard lying between an abutting street and the building line is considered a front yard. For example, in the case of a corner lot which is abutted on two sides by streets, both yards abutting the streets would be front yards; setbacks and other development standards for front yards

would apply to both of these yards.

2.2.53. Yard, rear. The open space located between the rear property line and the rear building line as extended to the side lot lines.

2.2.54 Yard, side. The open space located between the side property line and the side building line extended to the front and rear lot lines.

2.2.55 Zoning ordinance. An officially adopted ordinance (if applicable) that regulates the manner, type, size and use to which a piece of property may be put.

ARTICLE THREE PROCEDURE FOR PLAT APPROVAL

3.1 Approval. No person may sell, offer for sale, lease, rent or begin construction or otherwise begin the physical development of a lot in a subdivision until written approval for plans of water supply and sewage disposal in the subdivision have been issued from the County Board of Health. This approval constitutes general acceptance of all lots for development with on-site management sewage systems.

3.2 Pre-Development Review. It is recommended that developers considering subdivision development where public or community sewage treatment systems will not be available seek a pre-development review by the County Board of Health. A pre-development report which indicates disapproval or tentative approval may be obtained by submitting a boundary plat including a vicinity map, a topographic map, and a soil map and soil descriptions based on high intensity soil study conducted in compliance with the Department's Manual for *On-Site Sewage Management Systems*.

3.3 Proposal and Plans Required. The following information is required for subdivision proposals:

- (a) Boundary plat drawn to a reasonable care which includes:
 - (1) Vicinity map at a scale not less than one inch equals one mile showing the relationship of the proposed development to surrounding development;
 - (2) Proposed lots and streets including lot identification, dimensions, buildings lines and square footage of lots;
 - (3) A topographic map depicted in two foot (2') contour intervals. Additional contour intervals may be required by the County Board of

Health.

- (4) A soil map and soil descriptions based on high intensity soil study, Level III, conducted in compliance with the Manual for On-Site Management Systems;
 - (5) The location of all present and proposed wells, water systems, water courses, flood plains, sewage systems, structures, right of ways, utilities, storm water drainage systems, proposed road and street construction, grating and disturbance plans, setbacks, and easement on the property and within one hundred feet (100') outside the perimeter of the property;
 - (6) The name, registration number and seal of the professional surveyor or engineer that prepared the development plan;
 - (7) Proposed name of the development;
 - (8) Name(s) of owner(s) of record;
 - (9) Name of development, date, north arrow, and graphic scale;
 - (10) All names and addresses, as listed by the county assessor, of all owners of the land adjacent to the site and location of those property lines;
 - (11) In case of a resubdivision, a copy of the existing plat with proposed resubdivision superimposed thereon;
 - (12) Locations of buildings that are to be subdivided; and
 - (13) Location of city limit lines and county lines.
- (b) A completed Subdivision Analysis Record on forms provided by the Georgia Department of Human Resources.
- (c) A copy of the following documents issued by the Environmental Protection Division of the Department of Natural Resources:
- (1) The land disturbance activity permit issued by the Environmental Protection Division, or by a governing authority of the applicable county or municipality certified by the director of the Environmental Protection Division pursuant to Official Code of Georgia Annotated Section 12-7-8(a); and
 - (2) A letter of approval to begin construction of a public water supply system and approving the source of the water supply where a public

water supply system is to be utilized.

- (d) A copy of the recorded deed vesting title in the owner(s).
- (e) The following signed certificates shall appear on the Final Development Plan which is submitted to the Planning and Zoning Commission by the Developer.
 - (1) *Certificate of Accuracy*: “I hereby certify that this Development Plan is a true, correct and accurate survey as required by the Candler County Subdivision Ordinance; and was prepared from an actual survey of the property made by me or under my supervision, that all monuments shown have been located placed to the specifications set forth in said regulations.”

By: (Registered Land Surveyor)
(SEAL)
Registered Land Surveyor No. _____
Date: _____

- 3.4 **Submission for filing.** No plat, deed, or other document or instrument describing property by means of a legal description of any subdivision shall be submitted for filing or recording in the Office of the Clerk of the Court of Candler County unless it has the approval of the governing authority or its designee inscribed thereon. Notwithstanding the requirements under this ordinance for obtaining review and approval of subdivision development, for any plat, deed, or other document or instrument describing property by means of a legal description not involving a subdivision of property, a registered surveyor and/or attorney must certify thereon prior to submission for filing or recording that no subdivision of property is involved.
- 3.5 **Acceptance for filing.** The Office of the Clerk of the Court of Candler County shall not accept, file or record any plat, deed or other document or instrument describing property by means of a legal description which has not been approved by the governing authority or its designee or certified by a registered surveyor and/or attorney as not involving the subdivision property.
- 3.6 **Review Fee.** An applicant for review of a plat, deed, or other document or instrument describing property by means of legal description must pay a review fee as set forth by the County.

- 3.7 **Department of Transportation.** No subdivision plat containing land which abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with O.C.G.A. § 32-6-151.

ARTICLE FOUR DEVELOPMENT STANDARDS FOR SUBDIVISION

4.1 All subdivisions shall meet the following requirements:

- (a) Subdivisions shall be permitted in the following districts: R-1, R-22, AG, and NC.
- (b) The minimum subdivision size shall be five contiguous acres.
- (b) No subdivision shall be enlarged or extended unless a modification to the original plan has been approved by the planning and zoning commission.
- (c) No subdivision site permit may be issued unless the subdivision layout has been reviewed and approved by the Planning and Zoning Commission and the Candler County Board of Commissioners.
- (d) Any subdivision which includes private streets, either designated as such on the development plat or otherwise, shall be paved and comply with the existing road standards adopted by Candler County.
- (e) Each home shall be provided with utility access. The Developer shall insure that placement of utilities will be such that future maintenance of streets or roads will not result in damage to utilities or require removal and/or relocation for proper maintenance. The minimum requirement is forty-one (41) feet from the center of the existing. Underground utilities located on rights-of-way shall be buried a sufficient depth, not less than three (3) feet measured from the land surface so as to avoid damage by road machinery.
- (f) No portion of a subdivision which is subject to inundation by a flood of 100-year frequency or less shall be approved unless it conforms to local, state, and federal laws and regulations. All subdivisions must be designed to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical and water systems shall be located, elevated and constructed to minimize or eliminate flood damage; adequate drainage must be provided to reduce exposure to flood hazards; water supply systems and/or sanitary sewage systems must be designed to minimize or eliminate flood damage; adequate drainage must be provided to reduce exposure to flood hazards; water supply

systems and/or sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into the floodwaters; on-site waste disposal systems must be located so as to avoid impairment of them or contamination from them during flooding.

ARTICLE FIVE INFRASTRUCTURE REQUIREMENTS

- 5.1 Electrical equipment and installation.** Lot/sites shall have all equipment and installations designed, constructed and maintained in compliance with the state standard code.
- 5.2 Natural gas.** Gas lines will not be allowed in a right-of-way.
- 5.3 Sewage Disposal Systems.** An adequate and sewage system shall be provided and maintained in the subdivision with a sewer connection to each housing unit. The Public Health Department shall approve all sewage system and/or septic tank types and installation. The development owner shall properly maintain sewer distribution lines and/or septic tanks in good working order.
- 5.4 Sanitary Sewage.** If a sanitary sewer is installed in a development, sanitary sewers shall be installed to the plans and specifications approved by and in accordance with the rules and administrative regulations of the Candler County Health Department. When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed-out of the property line to serve each lot prior to surfacing the street.
- 5.5 Soil.** The governing authority shall not approve a development where the soil conditions have been determined not suitable for development by the Candler County Health Department pursuant to local, state, and federal laws, regulations and standards.
- 5.6 Topsoil.** Topsoil shall not be removed from lots or used as spoil, but shall be redistributed so as to provide at least six inches to cover on the lots and at least four inches of cover between sidewalks and curbs, and shall be stabilized by seeding or planting.
- 5.7 Health, Safety, and Welfare.** In approving a Development Plan, the governing authority may attach additional conditions to protect the health, safety and welfare of both the occupants of the subdivision and the occupants of the surrounding properties.

- 5.8 Lot/Site Drainage.** The ground surface shall be graded and equipped to drain all surface or storm water in a safe, efficient manner.
- 5.9 Storm drainage.** An adequate drainage system, including necessary open ditches, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges and other necessary appurtenances shall be installed by the developer according to plans and specifications approved by the county engineer prior to county approval.
- 5.10 Curb and gutters.** If concrete curbs or paved valley type gutters are required, they shall be installed in accordance with plans and specifications prepared by an engineer, registered surveyor or architect, and approved by the county engineer or the board of commissioners or its designee.
- 5.11 Street grading and surfacing.** Street grading, base preparation, and surfacing shall be carried out by the developer according to plans and specifications approved by the county.
- 5.12 Street name signs.** Street name signs shall be installed at all intersections within a development. The location and design shall be approved by the Board of Commissioners or its designee.
- 5.13 Entrances.** The entrance and exit street(s) shall be designed to provide safe and convenient access between the public street and the community interior street system. At the sketch plan stage, the planning and zoning commission may limit the number of entrances, driveways, or curb cuts. At the preliminary and final plat stages, the zoning official shall coordinate with the county manager, county engineer, and public safety director with respect to entrances, driveways, or curb cuts. Design standards on county or state roads shall be consistent with all state, federal, and local laws and applicable ordinances, including the Georgia Department of Transportation Rules and all amendments or revisions in effect as of the date of the preliminary plat approval. At the sketch plan stage, the planning and zoning commission may consider safety as well as require available alternatives for reducing or increasing the number of entrances, driveways or curb cuts.
- 5.14 Identification signs.** An identification sign, including the name of the subdivision, and the name of the owner/manager or another designated individual who can act for the owner/ manager, measuring not less than ten square feet, and no more than 16 square feet, shall be placed on private property, close to the entrance of the subdivision and readily visible from both directions of the public right-of-way. Signs may be located within the setback area. Signs must be illuminated from dusk until dawn.

5.15 Fencing. A six-foot high opaque fence shall be erected along all property lines which abut a residential district.

5.16 Lot Identification. Each subdivision lot shall be clearly defined by means of concrete, steel, or iron pipe markers placed at all corners. Lot identification numbers must be clearly visible from the lot to the road accessing it.

5.17 Sidewalks and driveways. Sidewalks, walkways, driveways, parking spaces, roads, streets and similar areas on private property shall be kept in proper state of repair and maintained free from hazardous conditions.

5.18 Driveways and Culverts. The installation of any driveway or culvert in connection with the construction of a driveway on any property in the unincorporated areas of Candler County and for which access for such road or driveway adjoins a public county road shall require a permit issued by the governing authority under the following terms and conditions.

- a. Driveways must be designed to prevent excess water from entering or eroding the public roads of Candler County and, if required, by the governing authority or designated agent, the property owner must take whatever action necessary to satisfy this requirement before a permit is issued.
- b. Prior to installing or having installed driveway culverts on private roadways leading to or from public roads of Candler County, the property owner(s) shall obtain a permit from the governing authority.
- c. The property owner must mark the proposed location of the driveway.
- d. Upon application for a permit, the governing authority or designee shall inspect the proposed location of the driveway and determine the correct diameter and length of pipe.
- e. The standard pipe shall be 15 or 18 inches in diameter and a minimum of 20 feet long.
- f. Property owners in Candler County shall be limited to two (2) driveways per lot. For each driveway installed, a permit must be obtained and the appropriate fee for each driveway paid.
- g. Driveways on state highways and routes must be approved by the Georgia Department of Transportation and installed by a private contractor. Candler County will not install driveways on state highways and routes or commercial driveways.

5.19 Street System:

- (a) In all developments, regardless of size, paving will be required for all streets, including private streets, within the development. All roads inside the development must be paved with either concrete or asphalt approved by the county engineer and zoning official.
- (b) There shall be a minimum of 20 feet totally unobstructed between the center of any two-way roadway and any home or accessory building.
- (c) There shall be a minimum of 15 feet totally unobstructed between the center of any one-way roadway and any home or accessory building.
- (d) No access roadway shall be located closer than 200 feet to any public street intersection.
- (e) Subdivision with less than 100 feet frontage are only allowed one combination ingress and egress road.
- (f) Roadway intersections within the subdivision shall be at least 150 feet apart.
- (g) All dead-end roadways shall terminate in a cul-de-sac with adequate turn-around room (must be approved by the county engineer).
- (h) Each site shall be accessible from abutting streets for all essential and emergency uses by vehicular equipment, including equipment used by public protective agencies (i.e., fire, police, ambulance services).
- (i) Traffic control signs (i.e., stop, yield, and speed limit), shall be placed throughout the community where necessary.
- (j) Each street shall have a permanent sign installed with a designated name or number identifying each street. (All street names must be approved by E911 prior to naming the streets).
- (k) Maintenance of streets and parking areas shall be the responsibility of the operator/manager of the subdivision; and the same shall be maintained in a condition suitable for emergency vehicle ingress and egress.
- (l) Any paved road and paved road system created for a subdivision shall be privately maintained.

5.20 Paved parking:

- (a) Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests.
- (b) Each lot/site shall have a minimum of 400 square feet of parking to accommodate two automobiles. A minimum of two paved parking spaces shall be provided for each home. Parking spaces shall be within 30 feet of the home. All parking spaces within a home community must also be paved with either concrete or asphalt approved by the county engineer and zoning official. Paved parking is not required for a travel trailer park or campground.
- (c) Driveways shall have a minimum width of ten feet.
- (d) All off-street parking areas shall have direct access to an interior street. A direct driveway access shall not be permitted between the home lot and any exterior street.

5.21 Pedestrian Ways:

- (a) Crosswalks and sidewalks may be required along county or state roadways external to the development by the planning and zoning commission or governing authority where it is deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Crosswalks and sidewalks shall be required along new public or private streets within intermediate or major subdivisions and planned developments by the planning and zoning commission or governing authority. When sidewalk and crosswalk construction is required, construction must adhere to standards observed by the Americans with Disabilities Act Accessibility Guidelines. The sidewalk can be installed at the time of home construction to minimize damage from construction.

5.22 Setbacks: Setbacks shall be established pursuant to the Candler County Zoning Ordinance.

5.23 Lot Specifications.

- (a) All subdivision lots sizes shall conform with minimum lot size requirements set out in the Candler County Zoning Ordinance based on the subject district.
- (b) All homes within the subdivision shall front upon a roadway.
- (c) A home shall not cover more than 35 percent of the lot on which it stands.

- (d) There shall be no storage or liquid or gas fuels within a subdivision, except as authorized by the local fire department or its authorized representative.
- (e) Every home shall be numbered by a means to provide ready visibility from a roadway with three inches in height numbering made of a durable, clearly visible material and shall contrast with the color of the home. The numbering shall be placed next to the roadway, not more than ten feet away from the road access for the subdivision.

5.24 Accessory Structures. All accessory buildings shall be located in the rear or side yard only. No accessory building shall be located closer than 12 feet from the home or closer than ten feet from the side or rear lot lines.

5.25 Owner Responsibilities. Any subdivision owner that allows the placement of a home without a permit being issued shall be in violation of this ordinance. Such violation can result in a citation being issued to be heard in the Magistrate Court of Candler County.

5.26 Owner and/or Occupant Responsibilities. Each lot shall be maintained in such a way that it does not become a public nuisance. The grass and other vegetation shall be cut and trimmed regularly. Grass clippings, bushes, tree limbs that have fallen or been cut shall be removed from the property at the owner/developer/homeowner's association's expense and deposited in the Candler County Landfill or other such lawful facility. Garbage will be placed in the collection device described above and shall not be permitted to accumulate. Failure to comply with this section shall subject the owner/developer/occupant/homeowner's association to prosecution in the Magistrate Court of Candler County, which shall be authorized to levy a fine not to exceed \$500.00 or a term of incarceration not to exceed 10 days in jail or both for each such violation.

ARTICLE SIX GENERAL REQUIREMENTS FOR ON-SITE SEWAGE MANAGEMENT SYSTEM

6.1 If public or community sewage treatment systems are not available, the owner of a building, residence, or property that is designed or intended for human occupancy or congregation shall provide an approved on-site sewage management system sufficient for the number of persons normally expected to use or frequent the building, residence or other property for two hours or more.

- (a) Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right of way abutting the property.

6.2 Limits on the use of On-Site Sewage Management Systems for. Approval of subdivision utilizing on-site sewage management systems is subject to the following conditions:

- (a) No public or community sewage system is available within five hundred feet (500') of the subdivision;
- (b) Soil maps, description, and reports compiled by a registered Soil Classifier indicate no soil conditions that would prohibit safe development of on-site sewage management systems;
- (c) If a public water supply system is to be built and utilized, receipt of a letter(s) from the Environment Protection Division approving the plans to construct the public water supply system, and approving the source of the water supply.

6.3 No personal may begin the physical development of a lot or structure where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof, without having first obtained from the County Health Department a construction permit for the installation of an onsite sewage management system.

ARTICLE SIX GENERAL REQUIREMENTS FOR COMMUNITY WATER SYSTEMS

When connection to a municipal or county water system is not available, a community water system is permitted, if it is designed and installed according to the requirements of the State of Georgia Environmental Protection Division, and where applicable, county fire protection standards. An approved, signed copy from EPD (Environmental Protection Division) of the water system plans must be submitted to the building and zoning official with the preliminary plat submission. The County will not accept ownership of any proposed water or wastewater utility constructed, owned or maintained by the applicant/developer, a private utility, or common interest element. The following improvement standards shall be required: (a) Whenever any existing paved public road is crossed with water mains, the developer must secure an encroachment permit from the county before installing the mains. (b) At the crossing, directional drilling may be authorized unless the County Engineer determines that a steel casing with sufficient diameter must be jacked and bored to accommodate the carrier pipe. Continuous and uniform bedding shall be provided in the trench for all buried pipes. (c) Backfill material shall be tamped in layers no greater than one foot in thickness around the pipe and to a sufficient height above the pipe to adequately support and protect pipe as well as prevent settlement of backfill. (d) Thrust restraint shall be provided at all

points where hydraulic thrust may develop. This will include providing reaction blocking, tie rods or joints designed to prevent movement of all bends, tees, valves, plugs, hydrants and other points where thrust may develop. (e) In subdivisions with eleven (11) or more lots, systems shall be required to provide fire protection that includes hydrants that provide the needed fire flow simultaneous with domestic use, maintaining a minimum residual pressure of 20 psi, subject to approval of the County Fire Chief.

ARTICLE SEVEN APPEALS PROCESS

- 7.1 Authority.** The Board of Commissioners shall hear and decide upon appeals where it is alleged that there is error in any requirement, determination or decision made by the County Administrator.
- 7.2 Appeal Process.** An appellant must file an appeal with the County Clerk in writing within ten (10) days of learning of a requirement, determination, or decision. The appeal shall contain a statement describing what is being appealed. The County Administrator will notify the appellant of the time, date and place of hearing.
- 7.3 Presentation of Evidence.** The County Administrator and the appeal shall be entitled to present evidence on the matter before the Board of Commissioners.
- 7.4 Decision.** The Board of Commissioners shall render its decision during the meeting at which the appeal is considered; however, by majority vote, the Board may continue the meeting until a time certain within ten (10) days. Decisions of the Board of Commissioners shall be final.

ARTICLE EIGHT PENALTIES

- 8.1 Violations of Ordinance.** A violation of this Ordinance shall be a misdemeanor offense and shall be punished by a fine not to exceed \$1,000 and/or imprisonment of not more than twelve (12) months. After any Developer, person or entity has been notified by the governing authority or its designee that such person or entity is in violation of this Ordinance, each day of continued violation shall constitute a separate offense punishable by like fine. In addition to or in lieu of the foregoing, the governing authority may, whether by legal process or otherwise, seek to enjoin, correct and/or abate any violation of this ordinance.
- 8.2 Compliance.** If the governing authority determines that certain improvements to a subdivision development do not comply with the approved Final Development

Plan or any other provisions of this Ordinance, the Developer or owner shall be deemed in violation of this Ordinance, and upon demand of the Board of Commissioners, shall immediately correct any deficiencies as required by the governing authority.

**ARTICLE NINE
LEGAL STATUS PROVISIONS**


- 9.1 Conflict.** In so far as the provisions of this Ordinance are inconsistent with the provisions or any other local laws, the provisions of this Ordinance shall control. Insofar as the provisions of the Ordinance are inconsistent with provisions of any State or Federal Law shall control.
- 9.2 Severability.** Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid such decisions shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.
- 9.3 Repeal of Conflicting Ordinances.** Any and all ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.
- 9.4 Effective Date** This ordinance shall be in full force and effect upon adoption by the Candler County Board of Commissioners.

Adopted, approved and enacted this 23 day of September, 2024, at the called Meeting of the Board of Commissioners of Candler County.

CANDLER COUNTY BOARD OF COMMISSIONERS



By: 
Glynn Thrift, Chairman

Attest: 
Kellie Lank, Clerk