

Sample Mountain and Hillside Protection Ordinance: White County

1 COUNTY OF WHITE
2 STATE OF GEORGIA

3
4
5 RESOLUTION

6
7 A RESOLUTION AMENDING CHAPTER 30
8 OF THE WHITE COUNTY CODE
9 TO ADOPT A NEW ARTICLE 5,
10 “MOUNTAIN AND HILLSIDE DEVELOPMENT”
11

12
13 WHEREAS; The White County Board of Commissioners has adopted a comprehensive plan
14 which includes provisions for mountain protection; and

15
16 WHEREAS; The Board finds that the protection of mountains and hillsides is an urgent matter
17 given growing public concern about development on them; and

18
19 WHEREAS; Notice has been provided and a public hearing has been held by the Board of
20 Commissioners on this matter; and

21
22 WHEREAS; The White County Planning Commission has considered this matter;
23

24 NOW, THEREFORE, BE IT RESOLVED AND IT IS RESOLVED by authority of the Board
25 of Commissioners of White County Georgia, as follows:
26

27 I.
28

29 Chapter 30 of the White County Code is hereby amended to add a new Article 5, “Mountain and
30 Hillside Development” to read as follows:

1
2 ARTICLE 5 MOUNTAIN AND HILLSIDE DEVELOPMENT

- 3
- 4 Sec. 30-201. Short Title.
- 5 Sec. 30-202. Findings.
- 6 Sec. 30-203. Purpose, Intent, and Objectives
- 7 Sec. 30-204. Definitions.
- 8 Sec. 30-205. Applicability.
- 9 Sec. 30-206. Exemptions.
- 10 Sec. 30-207. Adoption of Maps by Reference.
- 11 Sec. 30-208. Permit and Plan Required.
- 12 Sec. 30-209. Relationship to Other Development Processes.
- 13 Sec. 30-210. Relationship to Other Regulations.
- 14 Sec. 30-211. Application Requirements for All Land-Disturbing Activity.
- 15 Sec. 30-212. Application Requirements for Other-Than-Single-Family Dwellings.
- 16 Sec. 30-213. General Regulations for All Land-Disturbing Activity.
- 17 Sec. 30-214. Requirements for Roads and Driveways.
- 18 Sec. 30-215. Requirements for Subdivisions.
- 19 Sec. 30-216. Requirements for Single-Family Dwellings.
- 20 Sec. 30-217. Development Requirements for Non-Single-Family Dwellings.
- 21 Sec. 30-218. Fire Protection.
- 22 Sec. 30-219. Design and Development Guidelines.
- 23 Sec. 30-220. Submission and Review of Applications.
- 24 Sec. 30-221. Criteria for Approval of Applications.
- 25 Sec. 30-222. Action on Application.
- 26 Sec. 30-223. Variances.
- 27 Sec. 30-224. Criteria for Approval of Variances.
- 28 Sec. 30-225. Appeal.
- 29 Sec. 30-226. Procedures for Variances and Appeals.
- 30 Sec. 30-227. Administration and Enforcement.

31
32 **Sec. 30-201. Short Title.**

33
34 This chapter shall be known and may be cited as the “Mountain and Hillside Development
35 Resolution of White County, Georgia.”
36

37 **Sec. 30-202. Findings.**

38
39 The Georgia Department of Natural Resources finds, in Chapter 391-3-16, Rules for
40 Environmental Planning Criteria, Section 391-3-16-.05, Criteria for Mountain Protection, that the
41 mountains of Georgia are characterized by steep slopes, thin soils, and, because of the natural
42 stresses placed on such environments, they require special protection. Land-disturbing activity
43 on the high-elevation, steep-slope mountains of Georgia potentially threatens the public health,
44 safety, welfare, and economic progress of the state. Such land-disturbing activity: may endanger
45 the quality of surface water by increasing erosion and stream sedimentation; has the potential to

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1 induce landslides; has the potential to adversely affect ground water due to the difficulty in
2 providing proper sewage disposal in areas of steep slope and high elevation; may damage the
3 habitat for some species of wildlife (both plants and animals); and may detract from the
4 mountains' scenic and natural beauty which is vital to the recreation and tourism industry of
5 North Georgia.

6
7 The White County Board of Commissioners finds the following: Hillsides are inherently
8 unstable. Changes to slopes — through undermining by humans, flowing rivers, heavy rains, or
9 the focusing of stormwater runoff by human-built channels or storm drain outlets — can cause
10 erosion or landsliding. Soil slips, which cause avalanche-type failures, and slower-moving
11 earthflows can occur on slopes of 30-33 percent and more. Serious erosion can occur on much
12 shallower slopes. Steeper slopes are less forgiving of construction errors than are shallower
13 slopes. When steeper slopes fail, such failures can have disastrous consequences.

14
15 Disturbed surfaces create loose materials which tend to move downhill. The steeper the natural
16 slope, the greater the area is that must be disturbed. Development can result in alteration of land
17 surfaces that can contribute to slope destabilization. Alterations that have the potential for
18 creating unstable slopes include placing fills on top of marginally stable slopes, cutting slopes at
19 too steep an angle or undermining the toe of a slope, redirecting storm runoff in a way that
20 artificially concentrates flows onto portions of the landscape not prepared to receive such flows,
21 removing woody vegetation, and adding water by means of hillside septic systems. These factors
22 work together and can cumulatively decrease the stability of slopes and eventually lead to
23 disaster. Landslides and slope failures pose a variety of hazards to persons and property.

24
25 Hillside development if unregulated can take place at the expense of environmental concerns.
26 Stormwater runoff from slopes is greater in both quantity and velocity than it would be from
27 level ground. Preserving existing vegetation reduces erosion by maintaining roots which
28 increase infiltration and bind soils. Vegetation also reduces the velocity of raindrops and slows
29 the velocity of surface water flow by increasing the roughness of the ground. Constructing
30 hillside roads involves cuts in the upslope side and fills on the down slope side. Such cuts and
31 fills are often much wider than the normal county road right-of-way and can be more susceptible
32 to failure.

33
34 Hillsides are unique vegetation communities and wildlife habitats. Hillsides in developing areas
35 are often the last remaining natural areas and are the final refuges for many animal species.
36 Development needs to be sensitive to the hillside's function of providing biodiversity.

37
38 Hillsides have aesthetic value to White County and its municipalities and contribute to the
39 community's sense of identity. Prominent mountains, peaks, hills, and ridges can have
40 significance as identifiable landmarks to area residents. Hillside development if unregulated can
41 take place at the expense of aesthetic concerns. Hills are highly visible from surrounding areas.
42 Vegetation clearance and landform grading practices, if unregulated, can upset the natural shape
43 of hills. The bulk, shape, height, and color of buildings can contrast with the natural landscape if
44 unregulated and thus intrude on the natural character of the landform. Regulations are needed to

1 ensure that buildings and structures blend in with the natural environment through their shape,
2 materials, and colors.

3
4
5 **Sec. 30-203. Purpose, Intent and Objectives.**

6
7 It is the purpose of this chapter to provide, development regulations applicable to mountains, and
8 hillsides to ensure that development occurs in a manner that:

- 9
10 (a) Protects the natural conditions and respects existing topography;
11 (b) Prevents inappropriate development;
12 (c) Preserves the aesthetic and scenic qualities of such areas;
13 (e) Ensures the public health, safety, and general welfare.

14
15 The provisions of this chapter are intended to prevent developments that will erode hillsides,
16 result in sedimentation of lower slopes, cause damage from landslides or create potential for
17 damage from landslides, flood downhill properties, or result in the severe cutting of trees or the
18 scarring of the landscape. It is the intent of this chapter to encourage a sensitive form of
19 development and to allow for a reasonable use that complements the natural and visual character
20 of the community. These purposes cannot be met fully with existing development codes, such as
21 soil erosion, grading, tree protection, and flood damage prevention. This chapter is considered
22 the minimum necessary to attain these purposes.

23
24 These regulations are also intended to encourage the application of principles of civic design,
25 landscape architecture, architecture, planning, and civil engineering to preserve the appearance
26 and protect the resources of mountains and hills. Guidelines are also provided to encourage
27 imaginative and innovative building techniques and to encourage building designs compatible
28 with natural mountain and hillside surroundings.

29
30 This chapter is also intended to implement and exceed the minimum requirements of the Georgia
31 Department of Natural Resources rules for mountain protection, adopted pursuant to the
32 Mountain and River Corridor Protection Act, and codified as Chapter 391-3-16, Rules for
33 Environmental Planning Criteria, Section 391-3-16-.05, Criteria for Mountain Protection.

34
35 **Sec. 30-204. Definitions.**

36
37 *Buildable area:* A contiguous area for the placement of a building or structure and which meets
38 the requirements of this chapter and zoning, subdivision, and land development regulations of
39 White County.

40
41 *Director:* The Director of Community Development, or his or her designee.

42
43 *Excavation:* A land-disturbing activity involving the mechanical removal of earth material.

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1 *Filling*: A land-disturbing activity involving the placement of fill material, including the
2 temporary stockpiling of fill material.

3
4 *Fill material*: A deposit of earth or other natural or man-made material placed by artificial
5 means.

6
7 *Grading*: Any excavating or filling of the earth's surface or combination thereof.

8
9 *Hazardous waste*: Any solid waste which has been defined as a hazardous waste in regulations
10 promulgated by the administrator of the United States Environmental Protection Agency
11 pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40
12 C.F.R. Section 261.3.

13
14 *Land-disturbing activity*: Any grading, scraping, excavating, or filling of land; clearing of
15 vegetation; and any construction, rebuilding, or alteration of a building or structure. Land-
16 disturbing activity shall not include activities such as ordinary maintenance and landscaping
17 operations, individual home gardens, the upkeep of yard and grounds, repairs, additions or minor
18 modifications to single-family dwellings, and the cutting of firewood for personal use.

19
20 *Multi-family dwelling*: A structure that contains multiple dwelling units.

21
22 *Natural ground surface*: The ground surface in its original state before any land-disturbing
23 activity.

24
25 *Quadrangle map*: The most recently published U.S. Geological Survey 7.5-minute topographic
26 map prepared at a scale of 1:24,000.

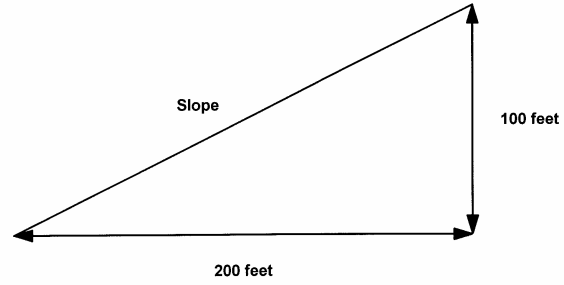
27
28 *Reforestation plan*: A plan, prepared by a registered forester, for replacing harvested timber by
29 replanting or by natural regenerative processes (such as coppicing, seed trees, etc.), consistent
30 with the Recommended Best Management Practices for Forestry in Georgia, as published by the
31 Georgia Forestry Commission.

32
33 *Sensitive natural area*: Any area, as identified now or hereafter by the Georgia Department of
34 Natural Resources, which contains one or more of the following: habitat, including nesting sites,
35 occupied by rare or endangered species; rare or exemplary natural communities; significant
36 landforms, hydroforms, or geological features; or other areas so designated by the Georgia
37 Department of Natural Resources; and which is sensitive or vulnerable to physical or biological
38 alteration.

39
40 *Single-family dwelling*: A dwelling structure that is designed for the use of one family. For
41 purposes of this chapter only, the term includes manufactured home.

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Slope: An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In this chapter, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A fifty (50) percent slope, for example, refers to a 100-foot rise in elevation over a distance of 200 feet. A fifty (50) percent slope is expressed in engineering terms as a 2:1 slope.



100 feet of elevation change over a horizontal distance of 200 feet = $100/200 = 0.5 = 50$ percent (also expressed as 200:100 = 2:1)

1
2 *Undisturbed:* The natural ground surface remains in its natural state; no land disturbing activity
3 occurs; no vegetation is removed except as exempted by this chapter; and no impervious surface
4 is constructed thereon.

5
6 **Sec. 30-205. Applicability.**

7
8 This chapter shall apply to any subdivision plat, land-disturbing activity, building permit, or any
9 other development proposal on property with a natural slope of twenty-five percent (25%) or
10 more as determined by the Director, at or above an elevation of 1700 mean sea level, and
11 including the crests, summits, and ridge tops which lie at elevations higher than any such areas.
12 The crests, summits, and ridge tops of mountains and hills whose flanks meet the criteria of this
13 section shall also be included within the protected area, even though the slopes of such crests,
14 summits and ridge tops have a slope of less than 25 percent.

15
16 For purposes of determining whether the natural slope is 25 percent or more, the natural slope of
17 a given property shall be calculated perpendicular to topographic contours from property line to
18 property line, prior to grading, using quadrangle maps of the United States Geological Survey,
19 other reputable topographic maps of the subject area, or a countywide map showing slopes of
20 25% or more, or if available a topographic survey of the subject property. Whenever an
21 applicant disputes a determination by the director as to the slope of the property, the applicant
22 shall be entitled to submit a determination of the slope prepared by a registered land surveyor
23 using standard surveying practices. Submission of the slope determination by a registered land
24 surveyor shall be determinative and binding on the director and applicant.

25
26 This chapter shall apply, and the director shall apply and enforce the provisions of this chapter,
27 to the earliest application for development or building approval required of the applicant,
28 whether that is an application for land use approval, application for preliminary development
29 plan as may be required by other provisions of the White County Code, application for
30 preliminary subdivision plat, application for land-disturbing activity, or an application for a
31 building permit.

32

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1 When an application for a preliminary subdivision plat, preliminary development plan as may be
2 required by other provisions of the White County Code, land-disturbing activity (e.g., soil
3 erosion and sedimentation control plans), or a building permit pertaining to property regulated by
4 this chapter is filed, said application shall be required to demonstrate compliance with applicable
5 provisions of this chapter, unless compliance has already be satisfactorily demonstrated by prior
6 application and approval as determined by the director.

7
8 **Sec. 30-206. Exemptions.**

9
10 The following land uses or activities are exempt from the requirements of this chapter

- 11
- 12 (a) *Agriculture and forestry.* Agriculture and forestry on protected mountains, provided
13 that they are consistent with the best management practices established by the
14 Georgia Forestry Commission or the Georgia Soil and Water Conservation
15 Commission, consistent with all state and federal laws, and all applicable regulations
16 promulgated by the Georgia Department of Agriculture.
17
 - 18 (b) *Mining.* Mining activity existing on the effective date of this chapter, if such activity
19 has been lawfully permitted by the Department of Natural Resources.
20
 - 21 (c) *Landscape maintenance.* Landscape maintenance activities, including the removal of
22 diseased, dead or damaged trees; provided, however, that such activities shall be
23 carried out in conformance with applicable regulations of this chapter.
24
 - 25 (d) *Prior development plan approval.* Any land, or part of any land, which was
26 contained in or subject to any preliminary development plan, the approval process of
27 which is specified in the White County Code, and which was filed with and approved
28 by the Board of Commissioners prior to the effective date of this chapter.
29
 - 30 (e) *Additions to single-family residences.* On legal lots of record with existing residences
31 that were approved prior to the effective date of this chapter, said existing residences
32 may be expanded without demonstrating compliance with this chapter, provided that
33 the height of the building addition does not exceed the existing height of the building,
34 no land disturbance is required to accomplish the building addition, and the building
35 addition is in conformity with the purposes and intent and consistent with regulations
36 and guidelines of this chapter as determined by the director.
37

38 **Sec. 30-207. Adoption of Maps by Reference.**

39
40 The comprehensive plan of White County includes a mountain protection plan and map of
41 Mountain Protection Areas. Said map was adopted by the White County Board of
42 Commissioners via Resolution Number 94-6, adopted January 27, 1994, which adopted by
43 reference the Mountain and River Corridor Protection Plans as an amendment to the White
44 County Comprehensive Plan. Said map shall remain in effect per Sec. 50-1 of the White County

1 Code. Said map shows properties with elevations of 2,200 feet or more mean sea level, and such
2 map is not a complete depiction of the jurisdiction of this chapter.
3

4 In addition, a map titled “Mountain and Hillside Development Jurisdiction Map” is hereby
5 adopted as if fully set forth in this chapter. Said map shall be attached to the County Clerk’s
6 copy of this resolution upon adoption and shall be available for public inspection in the office of
7 the director. Said map shall be used by the director and property owners as a preliminary guide
8 to determining whether property is subject to compliance with this chapter. Because
9 determinations of jurisdiction may not be difficult based on this map, the map shall not be
10 determinative; the director shall make a final determination based on the provisions of Sec. 30-
11 205 of this chapter as to whether or not a particular parcel of land or property is subject to the
12 requirements of this chapter.
13

14 Adoption of the mountain and hillside development jurisdiction map and this chapter has been
15 accomplished after compliance with the public hearing requirements of the Zoning Procedures
16 Law, O.C.G.A. 36-66 et seq. The Mountain and Hillside Development Jurisdiction Map may be
17 amended by the Board of Commissioners by amendment to this chapter after compliance with
18 the public hearing requirements of the Zoning Procedures Law, O.C.G.A. 36-66 et seq.
19

20 **Sec. 30-208. Permit and Plan Required.**
21

22 No preliminary subdivision plat, preliminary development plan as may be required by other
23 provisions of the White County Code, land-disturbing activity permit, or building permit shall be
24 issued by the director or other administrative official of White County for any land-disturbing
25 activity, land use, building, or structure on property subject to the jurisdiction of this chapter,
26 unless the activity, land use, building, or structure conforms to the requirements of this chapter.
27 All development activities or site work conducted after approval of the site plan shall conform to
28 the specifications of said site plan as approved by the director.
29

30 **Sec. 30-209. Relationship to Other Development Processes.**
31

32 Prior to any land-disturbing activity permit, development approval, or building permit being
33 issued, the director shall require a site plan in sufficient detail to review the proposed
34 development for compliance with the provisions of this chapter.
35

- 36 (a) *Preliminary Subdivision Plat.* In the case of subdivision plat approval, a preliminary
37 plat meeting the specifications of the White County land subdivision regulations shall
38 constitute the site plan required by this chapter.
39
- 40 (b) *Development Plan.* In the case of a preliminary development plan as may be required,
41 such plan meeting applicable requirements of the White County Code shall constitute
42 the site plan required by this chapter.
43

1 (c) *Land-disturbing Activity.* In the case of a land-disturbing activity permit, the filing of
2 plans meeting the specifications of the White County Code for soil erosion and
3 sedimentation plan approval shall constitute the site plan required by this chapter.
4

5 (d) *Building Permit.* In the case of a building permit, a plot plan required for such
6 application shall constitute the required site plan.
7

8 Provided, however, that the application requirements of this chapter shall apply to such
9 applications in addition to the submission requirements for subdivision plats, preliminary
10 development plans, land-disturbing activity permits, and building permits as specified in other
11 provisions of the White County Code, as applicable. The director shall determine if the
12 application provides the information required by this chapter and shall refuse to process any such
13 application that does not contain the information required for an application for development
14 approval, subdivision, land-disturbing activity, or building and for a permit under the terms of
15 this chapter.
16

17 **Sec. 30-210. Relationship to Other Regulations.**
18

19 Nothing in this chapter shall be construed to modify or exempt development from applicable
20 requirements of the state and other provisions of the White County Code, including but not
21 limited to the following:
22

23 (a) *Land disturbance.* Proposed land-disturbing activity shall meet all applicable
24 requirements of the "Erosion and Sedimentation Act of 1975 as amended", and all
25 applicable provisions of the White County Code on soil erosion and sedimentation
26 control. The provisions of this chapter are more restrictive and require the
27 submission of plans and a permit which may not be required by said land-disturbance
28 and soil erosion requirements.
29

30 (b) *Septic tanks.* Where one or more septic tanks are to be used for individual sewage
31 disposal, the proposed land-disturbing activity shall meet all applicable requirements
32 imposed by the White County Code.
33

34 (c) *Sewage disposal.* If sewage treatment is to be provided by any means other than one
35 or more individual septic tanks, the sewage treatment shall meet all applicable
36 requirements of the "Georgia Water Quality Control Act" and applicable
37 requirements imposed by the White County Code.
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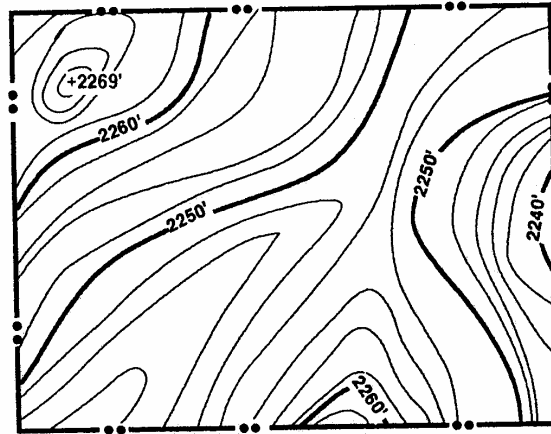
39 (d) *Individual wells.* Where one or more wells are to be used for water supply, the
40 proposed land-disturbing activity shall meet all applicable requirements of the "Water
41 Well Standards Act of 1985"; the requirements of the rules and regulations of the
42 Department of Human Resources regarding individual or nonpublic wells; and any
43 more stringent requirements imposed by the White County Code.
44

- 1 (e) *Water systems.* If a public water supply system is to be provided, the water supply
2 system shall meet all applicable requirements of the "Georgia Safe Drinking Water
3 Act of 1977" and any more stringent requirements imposed by the White County
4 Code.
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10 **Sec. 30-211. Application Requirements for All Land-Disturbing Activity.**

11
12 The following information shall be submitted as part of the first county application requirement
13 encountered by the applicant, for approval of a preliminary subdivision plat, permit for land-
14 disturbing activity, development plan approval, or permit for a building, road, or driveway.
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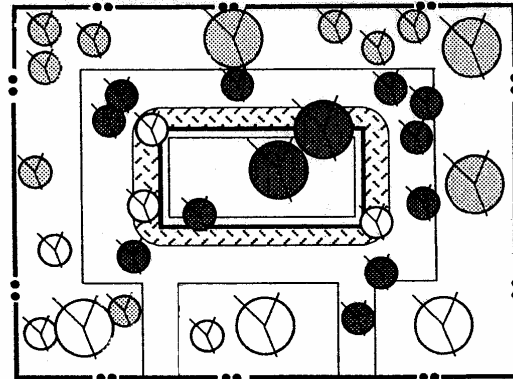
- 16 (a) *Topographic survey.* A
17 topographical survey of the
18 project site shall be required
19 for preliminary subdivision
20 plat approval and preliminary
21 development plan approval,
22 as the case may be. Notes
and details of existing terrain
shall be shown over the
required topographic
information. A topographic
survey may be required by
the director for any other






application for land-disturbing activity or building approval where reliable data on existing topography including quadrangle map of the U.S. Geological Survey or other topographic maps which may be available do not provide sufficient detail to administer the requirements of this chapter. Said topographic survey, if required by this section or by the director pursuant to this section, shall provide contour intervals of no more than five (5) feet unless otherwise approved by the director. Said topographic survey may exclude areas not proposed for development, in order to reduce the costs to applicants.

- 16 (b) *Elevation in relation to mean sea level.* The application shall provide the finished
17 floor elevation of all proposed principal buildings or principal uses proposed in the
18 development. In the case of a subdivision plat, the application shall show the
19 proposed elevations of the buildable area of each lot and the elevation or possible
20 ranges of elevations of principal buildings or principal uses to be constructed or
21 established on the lot.
22

- (c) *Reforestation plan.* Where development requires removal of more than one-third of the existing trees on the site which exceed eight inches in diameter as measured at a point on such a tree four and one-half feet above the surface of the ground, no such development shall be approved unless the applicant has filed, with the application, a plan of reforestation developed by a registered forester and said plan of reforestation has been approved by the director. All development activities or site work conducted after approval of the reforestation plan shall conform to the specifications of said plan.



LEGEND

-  Existing Tree
-  Tree to be removed
-  Tree to be replaced

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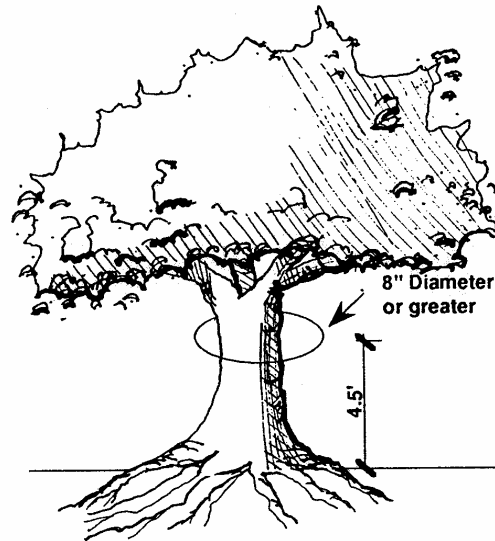
Sec. 30-212. Application Requirements for Other-Than-Single-Family Dwellings.

Any application for land-disturbing activity, development, or building involving construction of a building for non-single-family dwelling use and which has a gross floor area of 2,000 square feet or more, shall contain the following information:

- (a) *Soils report.* This report shall include conclusions and recommendations regarding the effect of soil conditions on the proposed development. This report shall be prepared by a registered professional engineer, soil scientist, engineering geologist, or other qualified professional approved by the director. The report may use the soil survey prepared and published by the Natural Resources Conservation Service (formerly Soil Conservation Service) for White County, Georgia, as its basis, although site-specific soil tests may be required at the discretion of the director.
- (b) *Hydrology report and plan.* This report shall include a complete description of the hydrology of the site, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and the capability of the site to be developed. Hydrology reports shall be completed by a professional engineer experienced and knowledgeable in the practice of hydrology, or other qualified professional approved by the director. A hydrological control plan, prepared by a professional engineer experienced and knowledgeable in the practice of hydrology, or other qualified professional approved by the director, shall also be required. At minimum said plan shall show and take into account the direction of flow within the local drainage basin; all natural drainage channels directed toward and away from the

1 site within fifty feet of the perimeter of the site, and other natural drainage ways
2 which may affect or be affected by the development proposal. Alterations of natural
3 drainage ways shall be prohibited except for approved road crossings and drainage
4 structures. Natural drainage ways shall be riprapped or otherwise stabilized below
5 drainage and culvert discharge points for a distance sufficient to convey the discharge
6 without channel erosion. .Special notations shall be included which highlight details
7 of the terrain, existing natural surface drainage and areas subject to seepage or spring
8 flow.

- (c) *Tree survey and tree replacement plan.* A survey shall be identified which identifies all trees which are to be removed that exceed eight inches in diameter as measured at a point on the tree four and one-half feet above the surface of the ground. The survey is not required to show trees in undisturbed areas provided the undisturbed areas are marked as such on the plan submitted with the application. Any application for development approval, building permit to construct a non-single-family dwelling shall contain a plan for replacement of any such trees that are removed.



9 Vegetation used to revegetate disturbed areas shall be native species or species similar
10 in resource value as the vegetation removed. Vegetation shall be chosen after
11 consideration of its ability to survive the conditions of soils, climate, temperature,
12 elevation, and other natural conditions. When revegetation is required, all required
13 revegetation shall be installed prior to the issuance of a certificate of occupancy. All
14 development activities or site work conducted after approval of the tree replacement
15 plan shall conform to the specifications of said plan.

- 16
17 (d) *Assessment.* A written assessment of the effect that the project will have on the
18 environment of the mountain or hill after the project has been completed and is in
19 operation.
20

21 **Sec. 30-213. General Regulations for All Land-Disturbing Activity.**

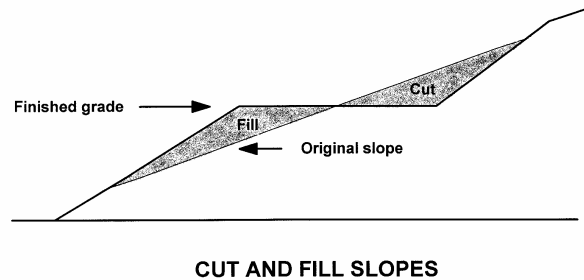
22 The following minimum standards shall apply to earth moving and land-disturbing activity:

- 23
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25 (a) *Minimum alterations.* Earth moving shall be limited to the minimum required for
26 building foundations, driveways, drainage control structures and immediate areas
27 surrounding the building, structure, road driveway, or drainage structure required by

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1 this chapter. With the exception of approved stockpiling or restoration efforts,
2 substantial earth moving beyond that required for the installation or construction of
3 approved buildings, structures, driveways, roads, or drainage structures shall not be
4 permitted.
5

- (b) *Cut and fill.* Unless otherwise specifically approved by the County Engineer, cut and fill slopes shall be no steeper than two horizontal to one vertical and fill slopes shall not be located on natural slopes steeper than 2:1.



- 6
7 (c) *Compaction of fill.* All fill shall be stabilized in conformance with generally accepted
8 engineering standards, including a compacted density of a least ninety-five percent
9 (95%).
10
11 (d) *Timing of disturbance and prompt completion.* All earth moving and land disturbance
12 shall be accomplished in the shortest practical period of time. In no event shall the
13 existing natural vegetation be destroyed, removed or disturbed more than fifteen days
14 prior to the initiation of construction.
15
16 (e) *Natural drainage channels.* Natural drainage ways shall be preserved to the
17 maximum extent possible.
18
19 (f) *Control of stormwater run-off.* Run-off from concentrated impervious surfaces shall
20 be collected and transported in a pipe or other approved manner to a county storm
21 sewer system if available, or if unavailable, to the bottom of the drainage way or
22 other location specified by the county engineer and in a safe, adequate, and non-
23 erosive manner. Where required by the county engineer, storm water retention
24 facilities shall be installed. Where required, interceptor ditches shall be established
25 above steep slopes in such a way as not to avoid saturation or erosion of soil, and the
26 intercepted water shall be conveyed in a pipe or other manner to the bottom of the
27 drainage way or other location specified by the county engineer. The overall drainage
28 system shall be completed and made operational at the earliest possible time during
29 construction.
30
31 (g) *Impact on adjacent property.* Realignment of a natural drainage channel shall not be
32 permitted unless specifically approved by the county engineer. Natural or typical
33 flow of surface or subsurface water shall not be altered or obstructed in any way by
34 grade changes if such alteration may adversely affect the property of another by either

contributing to pooling or collection of waters, or to the concentration or intensification of surface water discharge.

(h) *Clearing and improvement limits.* Development on lands that are subject to this chapter shall meet the requirements shown in the table below:

| Average Slope of Lot To Be Developed | Minimum Percent of Lot that Must Remain Undisturbed | Maximum Percent of Lot That May Be Disturbed | Maximum Percent of Lot That May Be Impervious Surface |
|--------------------------------------|---|--|---|
| 24% or less | 40% | 60% | 30% |
| 25-29% | 50% | 50% | 25% |
| 30-34% | 60% | 40% | 20% |
| 35-39% | 80% | 20% | 10% |
| 40% or more | 90% | 10% | 5% |

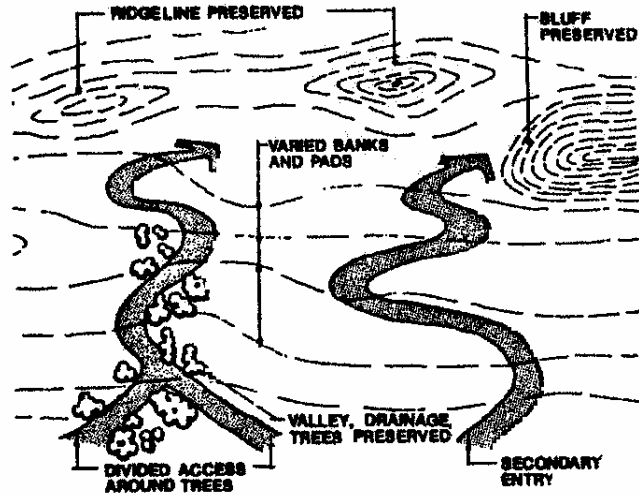
Sec. 30-214. Requirements for Roads and Driveways.

No new public road, private road, or driveway, including undeveloped lots of record, shall be permitted or constructed unless it complies with the requirements of this section.

- (a) All new public and private roads and driveways shall be designed and constructed to minimize the potential for landslides, erosion, and runoff.
- (b) No new public or private road shall be constructed on lands with a natural ground surface equal to or greater than 35 percent slope; provided, however, that a portion of a new public or private street on land equal to or greater than 35 percent slope may be constructed if it does not exceed a length of 100 feet.
- (c) No new public or private road shall be constructed at or along the crests, summits, and ridge tops of mountains or hills in areas regulated by this chapter, and any such road shall be located at an elevation at least twenty (20) feet below said crests, summits, and ridge tops.
- (d) Roads and driveways shall be located such that the maximum number of existing trees on the site is preserved.
- (e) Slopes shall not exceed fifteen percent (15%) for public roads and eighteen (18%) for private roads. Driveways shall not exceed a slope of twenty-five percent (25%) for more than one-hundred (100) consecutive feet.
- (f) Roads and driveways shall be designed to create the minimum feasible amounts of land coverage and the minimum feasible disturbance of the soil. Variations in road

1 design and road construction specified by the county in its land subdivision
2 regulations shall be permitted, as may be approved by the county engineer, to prevent
3 the dedication of unnecessarily large amounts of land to such roads or driveways.
4

One-way streets shall be permitted and encouraged where appropriate for the terrain and where public safety would not be jeopardized in the opinion of the county engineer. For instance, a two-way road may have the directions of flow split into one-way pairs that differ in elevation, circumnavigate difficult terrain, or avoid tree clearance.



5
6 **Sec. 30-215. Requirements for Subdivisions.**
7

8 No existing parcel of land subject to the requirements of this chapter shall be further subdivided
9 except in conformity with the provisions of the White County Land Subdivision Resolution, Sec.
10 30-211 of this chapter, and this section.
11

- 12 (a) *Soils report.* A soils report shall be submitted which includes conclusions and
13 recommendations regarding the effect of soil conditions on the proposed development.
14 This report shall be prepared by a registered professional engineer, soil scientist,
15 engineering geologist, or other qualified professional approved by the director. The
16 report may use the soil survey prepared and published by the Natural Resources
17 Conservation Service (formerly Soil Conservation Service) for White County,
18 Georgia, as its basis, although site-specific soil tests may be required at the discretion
19 of the director.
20
- 21 (b) *Hydrology report and plan.* This report shall include a complete description of the
22 hydrology of the site, conclusions and recommendations regarding the effect of
23 hydrologic conditions on the proposed development, and the capability of the site to
24 be developed. Hydrology reports shall be completed by a professional engineer
25 experienced and knowledgeable in the practice of hydrology, or other qualified
26 professional approved by the director. A hydrological control plan, prepared by a
27 professional engineer experienced and knowledgeable in the practice of hydrology, or
28 other qualified professional approved by the director, shall also be required. At
29 minimum said plan shall show and take into account the direction of flow within the
30 local drainage basin; all natural drainage channels directed toward and away from the

1 site within fifty feet of the perimeter of the site, and other natural drainage ways
2 which may affect or be affected by the development proposal. Special notations shall
3 be included which highlight details of the terrain, existing natural surface drainage
4 and areas subject to seepage or spring flow.
5

6 (c) *Minimum lot size.* No new preliminary or final subdivision plat shall be approved
7 that would allow for lots less than one acre in size or that would enable the
8 construction of single-family dwellings or manufactured homes at a density of more
9 than one dwelling unit per acre.
10

11 (d) *Minimum lot width.* No new preliminary or final subdivision plat shall be approved
12 that would allow for lots less than 100 foot wide or that would enable the construction
13 of single-family dwellings or manufactured homes on lots than 100 feet wide.
14

15 (e) *Slope of natural ground surface.* No lot shall be subdivided that contains a natural
16 slope of 35 percent or more. Existing lots of record with a slope of 35 percent or more
17 cannot be subdivided but shall be considered buildable for one dwelling unit, subject
18 to compliance with other applicable provisions of this chapter.
19

20 (f) *Slope of building or development site.* No lot shall be subdivided unless it contains
21 buildable area sufficient for the proposed use or building at a natural ground slope of
22 less than 25 percent. The planning commission shall have the authority to require the
23 applicant to place dwelling units on the portion of the property to be developed that
24 has a slope of less than fifteen percent (15%) when that is feasible and possible within
25 the confines of the area to be developed. Existing lots of record that cannot attain a
26 building or development site with a slope of less than 25 percent cannot be
27 subdivided but shall be considered buildable for one dwelling unit, subject to
28 compliance with other applicable provisions of this chapter. During the process of
29 preliminary plat approval the planning commission may permit, subject to conditions
30 at its discretion, one or more lots with building or development sites on slopes of 25
31 percent or more, if the applicant demonstrates in the application that the purposes and
32 intentions of this chapter will be met through alternative means, such as the step-
33 down or terracing of buildings.
34

35 (g) *Assessment.* A written assessment of the effect that the project will have on the
36 environment of the mountain or hill after the project has been completed and is in
37 operation.
38

39 **Sec. 30-216. Requirements for Single-Family Dwellings.**
40

41 No single-family dwelling or manufactured home shall be erected within the area governed by
42 this chapter, including existing lots of record, except in compliance with the provisions of this
43 section.
44

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- 1 (a) *Architectural plan.* An elevation drawing of the single-family dwelling shall be
2 submitted to the building inspector for review and approval by the director. The
3 architectural plan shall provide sufficient detail to show the proposed building
4 materials, colors of exterior materials, and roof pitch.
5
- 6 (b) *Plot plan.* A plot plan of the lot or site on which the single-family dwelling is to be
7 located shall be submitted to the building inspector for review and approval by the
8 director. The plot plan shall be prepared by a registered surveyor, professional civil
9 engineer, or other qualified professional approved by the director and shall show the
10 finished floor elevation of the dwelling in relation to the natural ground surface and in
11 relation to the uppermost point of the crest, summit, or ridge top of the mountain or
12 hill on which said dwelling is constructed. The plot plan shall also indicate the limits
13 of the area to be disturbed and the slope of the buildable area. Areas proposed or
14 required to remain undisturbed shall be marked on the plot plan and in the field with
15 tape, orange plastic fencing, or other approved marker until a certificate of occupancy
16 is issued or as otherwise approved by the director.
17
- 18 (c) *Building envelopes.* Building envelopes or buildable areas shall not be allowed to be
19 established on the crest, summit, or ridge top of the mountain or hill on which said
20 dwelling is constructed. In the case of an existing lot of record, the director may
21 permit a dwelling or other permitted use to be sited on the crest, summit, or ridge top
22 of the mountain or hill on which said dwelling is constructed, if it is shown by the
23 applicant to the satisfaction of the director that no other reasonable building location
24 is feasible within the boundaries of the lot of record.
25
- 26 (d) *Building height.* The height of any single-family dwelling shall not extend closer
27 than twenty (20) feet to the uppermost point of the crest, summit, or ridge top of the
28 mountain or hill on which said dwelling is constructed.
29
- 30 (e) *Exempted appurtenances.* The building height restriction specified in this section
31 shall not apply to any of the following which are attached to the single-family
32 dwelling: equipment for the transmission of electricity or communications, chimneys,
33 flag poles, flues, poles, or wires; provided, however, that such appurtenances shall not
34 extend to or beyond the uppermost point of the crest, summit, or ridge top of the
35 mountain or hill on which said dwelling is constructed.
36
- 37 (f) *Color.* The exterior colors of the dwelling and appurtenances shall be designed to
38 blend with the color of surrounding vegetation and landforms, as approved by the
39 director. This shall normally include shades of brown or green.
40
- 41 (g) *Windows and materials.* Exterior windows, trim, and other exterior building
42 materials shall be non-reflective.
43

- (h) *Partial Screening.* A portion of natural on-site vegetation shall be retained sufficient to partially screen (along fifty percent of the building face, or that achieves fifty percent opacity or more along the building face) the building, structure, use, or activity from views from public roads not serving the building, or landscaping shall be installed and designed to partially screen the building, structure, use, or activity from views from public roads, or other measures have been included in the project and approved by the director to reduce the visual impacts of such development from views from public roads.



View corridors from the proposed development to surrounding areas may be provided, but such corridors shall not extend for more than fifty percent of the width of building face between the view sought and the building face from which the view is sought.

1
2 **Sec. 30-217. Development Requirements for Non-Single-Family Dwellings.**
3

4 The provisions of Sec. 30-216 relative to single-family dwellings shall apply to all other
5 residential and nonresidential buildings and structures. In addition, development other than
6 single-family dwelling shall be required to meet the following requirements, as applicable.
7

- 8 (a) *Antennas and towers.* Water, radio, television, cell, or other towers shall not extend
9 more than forty (40) feet, as measured from the highest point at which the foundation
10 of such structure intersects the natural ground surface, above the uppermost point of
11 the crest, summit, or ridge top of the protected mountain on which the structure in
12 constructed.
13
- 14 (b) *Hazardous waste facilities.* Handling areas for the receiving and storage of hazardous
15 waste and hazardous waste or solid waste disposal facilities are prohibited in areas
16 regulated by this chapter.
17
- 18 (c) *Multi-family dwellings.* If permitted, multi-family dwellings, shall not be constructed
19 at a density of more than four dwelling units per acre and shall be on a development
20 site that is no less than 100 feet wide.
21

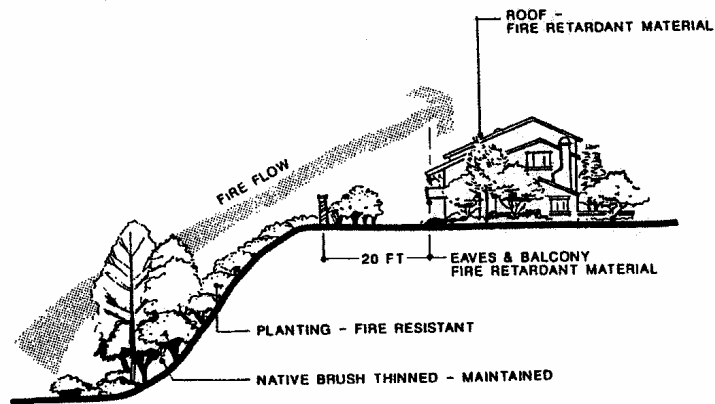
1 (d) *Agriculture and forestry.* Agriculture and forestry may be permitted in areas subject
2 to the requirements of this chapter, provided that such agriculture and forestry must
3 be consistent with the best management practices established by the Georgia Forestry
4 Commission or the Georgia Soil and Water Conservation Commission and provided
5 further that agricultural and forestry activity shall be consistent with all state and
6 federal laws, and all regulations promulgated by the Georgia Department of
7 Agriculture.

8
9 (e) *Mining.* Mining activity which requires a new permit from the Georgia Department
10 of Natural Resources shall be prohibited in the areas regulated by this chapter.
11 Expansion of an existing mining activity that would require a permit modification
12 from the Georgia Department of Natural Resources shall be prohibited in the areas
13 regulated by this chapter.

14
15 **Sec. 30-218. Fire Protection.**

16
17 Where adequate access for fire fighting equipment or where water supply for fire fighting are not
18 available, in the opinion of the director as may be informed by the fire marshal, an approved
19 automatic fire sprinkler system in compliance with the county plumbing code shall be required
20 and installed for all occupied buildings prior to occupancy of said buildings. This provision shall
21 not apply to gazebos, storage sheds, or other detached accessory structures not intended for
22 occupancy.

23
Adjacent to residences or structures to be occupied, in areas of high risk of forest fires there shall be required a clear zone of no less than twenty (20) feet on all sides of said residences or structures, or to the property line, whichever is nearer. Within the clear zone, all brush, flammable vegetation, or combustible growth shall be removed.



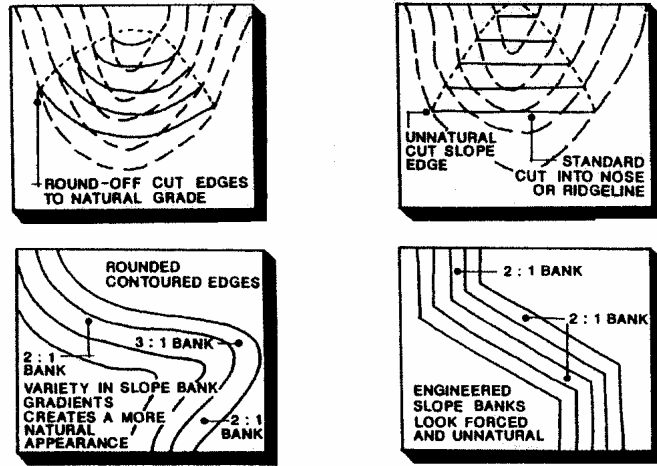
24
25 This provision shall not apply to single specimens of trees, ornamental shrubbery, or similar
26 plants used as ground cover, provided that they do not form a continuous means of rapidly
27 transmitting fire from the native growth to a residence or structure to be occupied. In areas of
28 high risk of forest fires as determined by the Fire Marshal, the following provisions may be made
29 a condition of development or building permit approval. Roofs shall be covered with
30 noncombustible materials, such as clay or concrete shake, or tile, or other fire retardant materials.

1 Exterior walls shall be surfaced with noncombustible or fire-resistant materials. Chimneys shall
2 be provided with approved spark arresters.
3
4
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6 **Sec. 30-219. Design and Development Guidelines.**
7

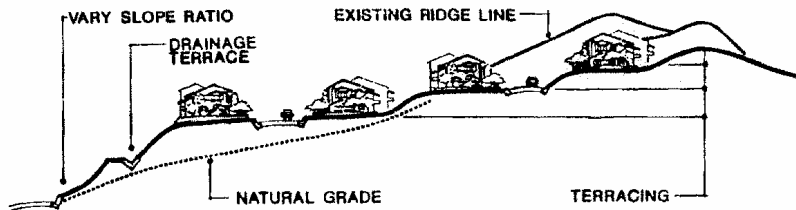
- 8 (a) *Generally.* Guidelines are provided in this section and identified by use of the term
9 “should.” Compliance with the guidelines established in this section is not mandatory
10 but is strongly recommended. Substantial inconsistencies with one or more
11 guidelines in a manner that is clearly counter to the purposes of this chapter in the
12 opinion of the planning commission or director, whichever has jurisdiction over the
13 application, shall be sufficient grounds for the denial of said application.
14
- 15 (b) *Accepted professional practices.* All development proposals subject to the
16 requirements of this chapter should be designed to meet generally accepted principles
17 of land use planning, soil mechanics, engineering geology, civil engineering,
18 environmental management, civic design, architecture, landscape architecture,
19 landscape ecology, and related disciplines.
20
- 21 (c) *Planning.* Planning of the development should take into account the topography,
22 soils, geology, hydrology, vegetation, and other features of the proposed site. Areas
23 not well suited for development due to soil characteristics, geology, vegetation,
24 existing plant and animal life, or hydrology limitations, should not be developed.
25
- 26 (d) *Innovation.* Site designers are encouraged to propose and apply innovative concepts
27 for slope and soil stabilization, grading, landscaping, and building placement and
28 design to meet the purposes and intentions of this chapter. For instance, wooden deck
29 areas either on the roof of a garage, or roof of the house, or extending from the house
30 or garage, may be used to reduce the amount of grading and need for yard areas and
31 provide private outdoor spaces. Wooden decks that allow infiltration of stormwater
32 into the ground may be used instead of concrete slabs for patios and, in some cases if
33 structurally sufficient, parking, in order to reduce the amount of impervious surface.
34

- (e) *Land Disturbance and Grading.* When grading is necessary, rigid contouring should be avoided; counters should be rounded to appear undulating and natural (see figure).

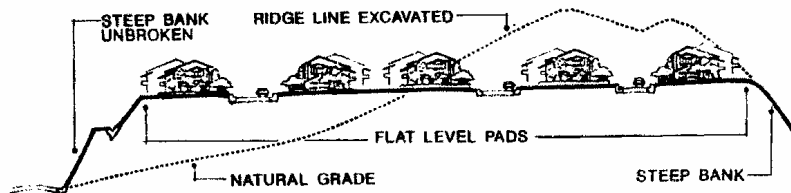


Projects involving more than one use or phase should be phased into workable units in a way that minimizes the amount of soil disturbance at any given point in time. When grading must occur, it should blend with the natural landform as much as possible. Grading to form level pads and building sites is strongly discouraged and when required such grading should be minimized.

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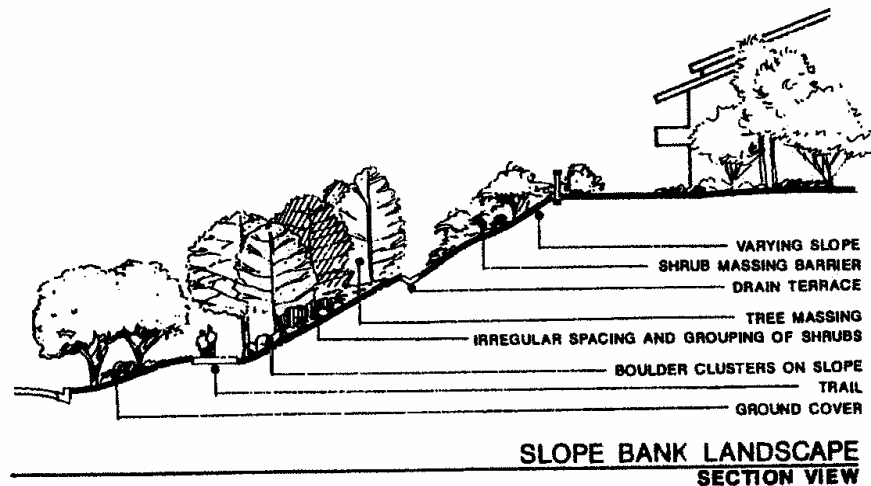
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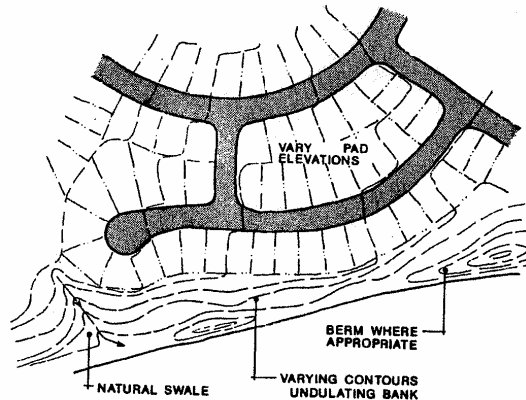
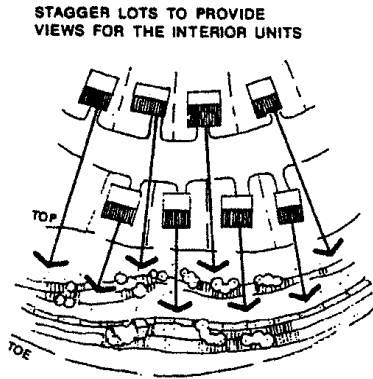
1 Earth berms, rock forms, or stone retaining walls should be used to minimize visual
2 impacts of cuts. Hedges and fences may also be appropriate in some locations. Large,
3 continuous surfaces of smooth concrete and related structures are considered
4 inappropriate. The height of any retaining wall should not exceed four feet unless
5 required to be higher for engineering reasons. In areas where cuts are steeper, a
6 stepped or terraced wall should be used.

- 7
- 8 (f) *Vegetation, landscaping, and habitat.* Plans for development should consider any
9 characteristics of the area that make it unique or significant in the conservation of
10 flora and fauna including threatened, rare, and endangered species. Existing deep-
11 rooted vegetation, including trees, bushes and ground covers, should be removed only
12 in cases where necessary for buildings, roads, driveways, parking, and minimal yards.
13

Use plant materials that blend with the mountainside or hillside. Landscape schemes that are rough, natural and/or subdued in character are encouraged. Extensive areas of exotic plants and sod are discouraged where they would be visible from the public right-of-way.

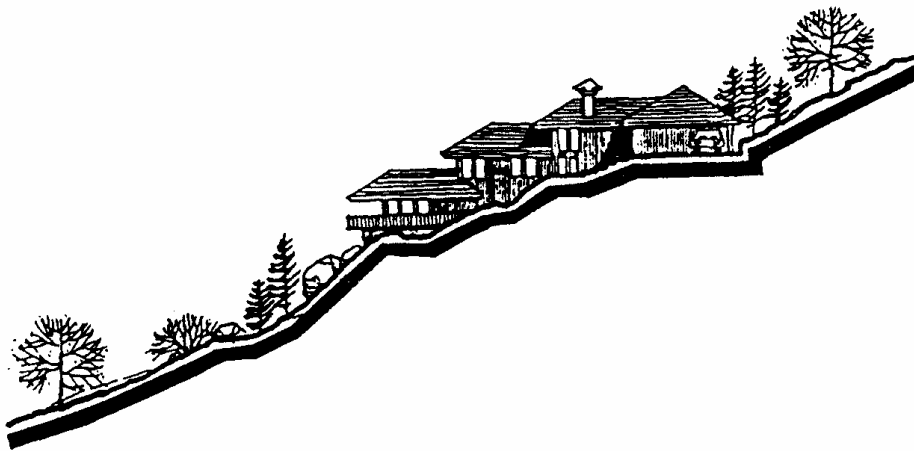


- 14
- 15 (g) *Historic and archaeological resources.* Plans for development should consider the
16 preservation of significant state historical and archaeological resources (defined as
17 properties on or eligible for the National Register of Historic Places) within areas
18 subject to the requirements of this chapter.
- 19
- 20 (h) *Sensitive natural areas.* Plans for development should be sensitive toward and
21 mitigate any negative effects of development activities on immediately adjacent
22 sensitive natural areas.
- 23
- 24 (i) *Building pads.* For subdivisions and developments with multiple buildings, building
25 pads (i.e., clearing and grading for buildings and structures) should be varied in
26 elevation above or below road level to avoid the appearance of monotonous, flat,
27 level pads.
28



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- (j) *Step-down design.* Single-family dwellings and other structures should “step down” the hillside or mountainside to limit the amount of grading required. Large building pads and footings should be split into more than one (i.e., split-level homes that step down the hillside) where possible to allow the building pad and structure to more closely follow the existing slope of the land. Building footprint coverage should be minimized where possible by using multiple-level (two or more story) buildings. The visible mass of larger buildings and structures should be reduced by utilizing below-grade rooms cut into the natural slope.

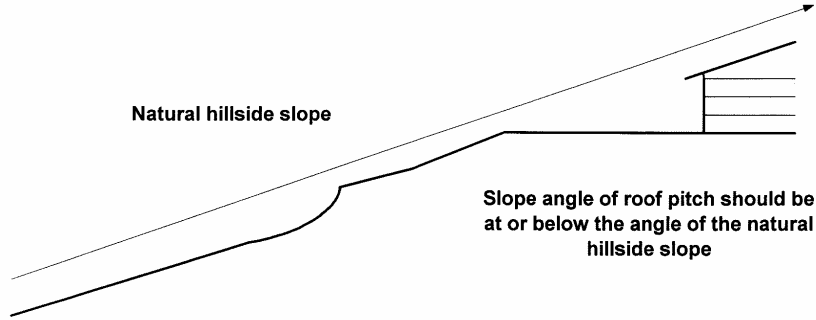


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- (k) *Rooflines.* Roof forms and roof lines for new structures should be broken into a series of smaller building components to reflect the irregular forms of the surrounding mountain or hillside. Long, linear, unbroken roof lines are discouraged. Flat roofs are discouraged. The slope angle of roof pitch should be at or below the angle of the

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natural hillside slope. The slope of the roof should be oriented in the same direction as the natural slope of the lot.



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- (l) *Building colors.* Exterior colors for new buildings and structures should be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment. Exterior colors should be selected from among a color palette approved by the director. Dark or earthtone colors should be used to make the home less conspicuous as seen from off site. White and other light colors should be avoided.
- (m) *Clustering of buildings and building locations.* Buildings and structures should be clustered where possible to reduce disturbance and removal of vegetation. Buildings should be sited with different floor elevations to achieve height variation. For multi-family projects, stagger alignments of buildings both horizontally and vertically to create unit identity, privacy at entry and private outdoor space, and to share common open space.
- (n) *Building setbacks.* Where appropriate, buildings and structures should be located as close to the road as possible to preserve the natural terrain and to minimize disturbance and the length of driveways.
- (o) *Screening and view corridors.* The thinning of limbs of individual trees is preferred over tree removal as a means to provide a view corridor. Dwellings or buildings that are proposed to be sited to maximize views from the lot or that require removal of vegetation to produce a view corridor are strongly discouraged and will be denied.

- (p) *Road and driveways should follow the natural terrain.* Road and driveway alignments should follow the natural terrain unless the project engineer can justify additional cuts or fills. Roads, walkways, and parking areas should be designed to parallel the natural contours of the site.



- (q) *Shared driveways and parking.* Combinations of collective private driveways, shared parking areas and on-street parallel parking bays should be used where possible to minimize land and soil disturbance, minimize impervious surface coverage, and achieve excellence of design and aesthetic sensitivity.
- (r) *Lighting.* Outside lighting should be muted and directed so that it does not spill over on to neighboring properties. Reduce the amount of light emanating from a development on a mountainside or hillside, since lighting from buildings located on mountainsides or hillsides can be highly visible at night and may affect the night character of the community.

Sec. 30-220. Submission and Review of Applications.

Upon the filing of a request for approval of a subdivision, land-disturbing activity, development, or building permit, the following procedures shall be required and followed to determine whether the proposed action is governed by provisions of this chapter and whether a permit pursuant to this chapter is required for a lot, parcel, part of lot, or part of a parcel.

The application shall be reviewed by the director. Applications for preliminary plat approval and any other applications for development that are required by the White County Code to obtain approval of the planning commission and/or the White County Board of Commissioners, shall be referred to the planning commission and/or Board, as the case may be. Applications which do not require review and approval by the planning commission and/or the Board of Commissioners shall be administratively processed by the director.

Sec. 30-221. Criteria for Approval of Applications.

No land-disturbing activity, development, building, structure, road, driveway, or other development related activity which requires a permit under the terms of this chapter or other

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1 chapter or section of the White County Code shall be permitted unless the director or planning
2 commission, whichever has final authority over said application, has determined that the
3 following criteria have been met:

- 4
- 5 (a) The project as designed and sited meets all of the requirements of this chapter and
6 substantially conforms to the guidelines set forth in this chapter.
7
 - 8 (b) The proposed land-disturbing activity, development, building, structure, road,
9 driveway, or other development-related activity will not adversely affect a mountain
10 or hill in a manner discouraged or prohibited by this chapter.
11

12 **Sec. 30-222. Action on Application.**

13
14 An application that meets the requirements of this chapter and the criteria specified in Sec. 30-
15 200 shall be approved by the director or, if such approval is required per the White County Code,
16 the planning commission and/or White County Board of Commissioners. The director, planning
17 commission, and Board of Commissioners with approval authority shall be authorized to place
18 conditions on the land disturbing activity, development, building, structure, use, or other
19 development-related activity to ensure that the minimum requirements and the purposes and
20 intentions of this chapter are met. Applications that do not meet the requirements of the chapter
21 or are found to be inconsistent with the purpose and intent of this chapter shall be denied.
22

23 No action shall be taken or a decision made pursuant to this chapter that denies the property
24 owner economically viable use of the land (or the current legal standard in effect for a "takings"
25 claim) under the Fifth Amendment of the U.S. Constitution at the time the applicant seeks
26 project approval.
27

28 **Sec. 30-223. Variances.**

29
30 If an applicant asserts in writing to the director that application of this chapter would deny the
31 reasonable use of property, the applicant may apply for a variance. A variance is intended to
32 provide a remedy to address those cases in which the application of this chapter unreasonably
33 restricts all economic use of a parcel of land and the restriction cannot be remedied by other
34 authorized techniques or conditions. A variance to the provisions of this chapter may upon
35 application and after due notice thereof be granted by the planning commission. Prior to granting
36 a variance to the provisions of this chapter the planning commission shall consult with the
37 director, and when engineering considerations are involved, the county engineer, prior to acting
38 upon a an application for variance to the terms of this chapter.
39

40 **Sec. 30-224. Criteria for Approval of Variances.**

41
42 The planning commission shall grant a variance to the provisions of this chapter only in cases
43 when and where it finds that the following circumstances exist:
44

- 1 (a) The development applicant demonstrates there is practical difficulty in meeting the
2 specific requirements of this chapter due to a unique or unusual aspect of the site or
3 proposed use of the site.
4 (b) The variance is the minimum necessary to alleviate the practical difficulty; and
5 (c) The variance will result in equal or greater compliance with the purposes of this
6 chapter.
7

8 **Sec. 30-225. Appeal.**
9

10 An applicant or other party aggrieved by a decision of the director or county engineer in the
11 administration, interpretation, or enforcement of this chapter may appeal said decision to the
12 planning commission by filing a written appeal application with the director. A majority of the
13 planning commission membership shall have authority to overturn the decision of the director or
14 county engineer upon appeal. The decision of the planning commission shall be final, subject
15 however to any subsequent action in White County Superior Court or other court of competent
16 jurisdiction.
17

18 An applicant or other party aggrieved by a decision of the planning commission made pursuant
19 to this chapter may appeal said decision to the Board of Commissioners. The decision of the
20 Board of Commissioners shall be final, subject however to any subsequent action in White
21 County Superior Court or other court of competent jurisdiction.
22

23 **Sec. 30-226. Procedures for Variances and Appeals.**
24

25 Upon the filing of any complete application for a variance or appeal with the director, a public
26 hearing shall be scheduled and held on the proposed variance or appeal. Notice of the public
27 hearing shall be given at least fifteen (15) days in advance of the public hearing in a newspaper
28 of general circulation in White County. The planning commission or Board of Commissioners,
29 whichever has jurisdiction over the variance or appeal, shall make findings and render a decision
30 in writing within thirty-two (32) days after the initial public hearing on the proposed variance or
31 appeal. The director shall notify the applicant, in writing, of the decision on the variance or
32 appeal within five (5) days after the commission or board has rendered its decision.
33

34 **Sec. 30-227. Administration and Enforcement.**
35

36 It shall be the duty of the director to administer and enforce this chapter and to bring to the
37 attention of the county attorney any violations or lack of compliance therewith. The director may
38 delegate enforcement functions, powers and duties assigned by this chapter to other staff as may
39 be appropriate, without the need to reflect such delegation by formal action.
40

- 41 (a) *Refusal of permits or permissions.* The director is hereby authorized and directed to
42 deny and withhold permits or permissions on any new project or application pursuant
43 to this chapter or other resolutions of the county where the applicant, applicant's
44 business or agent has failed or refused to comply with this chapter.
45

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- 1 (b) *Stop work order.* The director is hereby authorized to issue written "stop work" and
2 "cease and desist" orders for any activity that fails to comply with the provisions of
3 this chapter. Such stop work or cease and desist orders may be lifted at such time as
4 the director is satisfied that a good faith effort is being made to comply with
5 applicable provisions of this chapter. Nothing shall prevent the director from
6 reissuing stop work and cease and desist orders where warranted.
7
- 8 (c) *Injunction.* If any land is used or building, structure, or other activity is established or
9 maintained in violation of this chapter, the director is authorized to and may institute,
10 in addition to other remedies, an injunction or undertake other appropriate action to
11 cause the violation to cease or to be corrected.
12
- 13 (d) *Complaints.* Whenever a violation of this chapter occurs or is alleged to have
14 occurred, any person may file a written complaint. Such complaint shall state clearly
15 and fully the causes and bases of the complaint and shall be filed with the director.
16 The director shall record properly such complaint, investigate, and take action thereon
17 as may be appropriate to enforce this chapter.
18
- 19 (e) *Penalties for violation.* Any person violating any of the provisions of this chapter
20 shall be punished by a fine or imprisonment or both. Violations of Resolutions in the
21 county may be tried upon citation with or without a prosecuting attorney as well as
22 upon accusations.

23 2.

24
25 All resolutions, parts of resolutions, or regulations in conflict herewith are repealed.

26
27 Should any section of this resolution be declared invalid or unconstitutional by any court of
28 competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole
29 or any part thereof which is not specifically declared to be invalid or unconstitutional.
30

31 It is the intention of the Board of Commissioners, and it is hereby resolved that the provisions of
32 this resolution shall become and be made a part of the code of White County, Georgia, and the
33 sections of this resolution may be renumbered to accomplish such intention.
34

35 The above resolution was read and approved by the Board of Commissioners of White County,
36 Georgia on the __ day of _____, 2004.
37

38 This Resolution shall become effective immediately upon its adoption, the public welfare
39 demanding it.
40

41
42 _____
43 Chairman
44
45

Sample Mountain and Hillside Protection Ordinance: White County

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Post 1

Post 2

ATTEST:

County Clerk