

Lumpkin County Resolution No. 2011 – 38

**A Resolution to Re-Adopt the Multi-Family Housing Ordinance
and to Amend the Code of Ordinances of Lumpkin County, Georgia**

Whereas, the existing multi-family housing regulations of Lumpkin County were adopted January 17, 2002, by Lumpkin County Resolution No. 2002-03; and

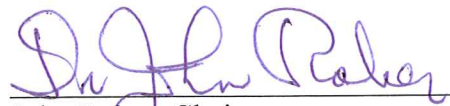
Whereas, the staff of the Lumpkin County Planning Department has reviewed the Code of Ordinances of Lumpkin County, Georgia, (hereinafter referred to as “the Code”) and has determined that by administrative error the then existing Multi-Family Housing Ordinance was omitted at the time of the adoption of the Code of Ordinances of Lumpkin County, Georgia; and

Whereas, the governing authority of Lumpkin County now desires to adopt the prior ordinance in its then existing form as a part of the current Code of Ordinances of Lumpkin County, Georgia, as recommended by the Planning Department;

Now therefore, it is hereby resolved that the “Multi-Family Housing Ordinance,” originally adopted January 17, 2002, as Lumpkin County Resolution 2002-03, a copy of which is attached hereto as Exhibit “A,” and which is by reference fully incorporated herein, is hereby adopted.

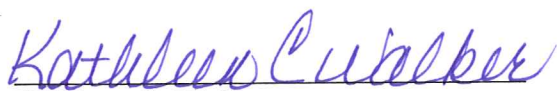
It is further resolved that a copy of this resolution with all attachments be retained by the Planning Office until such time as the “online” Municode system has been amended to include the above adopted “Multi-Family Housing Ordinance” in a form available to the general public.

Resolved, adopted and effective this 21st day of June, 2011.



John Raber, Chairman
Lumpkin County Board of Commissioners

Attest:



Kathleen C. Walker
Clerk, Lumpkin County

Multi-Family Housing Ordinance of Lumpkin County

Adopted January 17, 2002, by
Lumpkin County Resolution 2002-03

1. Jurisdiction

This Ordinance shall apply to all land within the unincorporated area of Lumpkin County, and to any and all multi-family housing developments as defined herein.

2. Definitions

When used in this Ordinance, the following words and phrases have the meaning as defined in this Article. Terms not defined here have the same meaning as is found in most dictionaries, where consistent with the content. The terms 'must' and 'shall' are mandatory in nature, indicating that action shall be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the past. Words used in the present tense include the future. The word "developer" includes a firm, corporation, co-partnership, association, institution, or person. The word "lot" includes the word "plot" or "parcel". The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building include the words 'intended, arranged, or designed to be used or occupied.'

Access – The place, means, or way by which pedestrians or vehicles shall have safe, adequate, or usable ingress and egress to a property, use, or parking space.

Accessory Structure or Accessory Use – A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.

Agriculture – The tilling of the soil, the raising of crops, dairying, animal husbandry, forestry, and horticulture.

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

Alter – A change, addition, or modification in construction or occupancy of a building or structure.

Amendment – A change in the wording, content or substance of the Land Use Resolution, or a change in any other regulation or ordinance.

Appeal – The process by which an aggrieved party may petition for review of a decision made by an official or department of county government.

Applicant – The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

Block – A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, waterways, or boundary lines of local governments.

Bond – Any form of a surety bond in an amount and form satisfactory to the Governing Body.

Buffer – A horizontal distance designed to provide attractive space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce the impact of adjacent development. A buffer may be natural, planted or a combination of both.

Buffer, Natural – A natural buffer (also known as an undisturbed buffer) is a prescribed area that is left in its natural condition with all vegetation undisturbed.

Buffer, Planted – A planted buffer is a buffer within which specified plantings are used to obstruct views. A planted buffer may be used to supplement a natural buffer where vegetation is sparse.

Building – A structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property of any kind. The word "building" shall include the word "structure".

Building Height – The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average point of a pitch or hip-roof.

Building Line – A line that coincides with the front side of the main building.

Building Permit – A written permit issued by the Planning Department authorizing construction, renovation, or repairs to a structure.

Cluster Development – A subdivision, planned development, or grouping of lots or dwellings arranged in such a way that open space is maintained throughout the area, that sensitive lands such as wetlands and steep slopes remain undeveloped and the lot layout requires a reduced amount of street and utility placement.

Common Open Space – Publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, or other conservation purposes, to be used by the owners or residents or a particular development or the public in general.

Commissioner – The County Commissioner of Lumpkin County, Georgia.

Construction Plan – The maps or drawings and schedule accompanying a subdivision plat and showing the specific location and design improvements to be installed in a subdivision or on a site in accordance with the requirements of this regulation and the Planning Commission as a condition of the approval of the plat.

Conventional Construction – A building constructed on the building site from basic materials delivered to the site and from lumber cut on the job, also called 'stick built'. A conventional building is subject to local codes and ordinances.

County – Lumpkin County, Georgia.

County Road – A public road that is included in the official records as a County Maintained Road.

Court – A open unoccupied space other than a yard, on the same lot with a building and bounded on two or more sides by such building.

Cross Drain – The pipe system designed to accommodate a drainage basin's 25-year storm water run off and passing under a driveway or street.

Cul-de-sac – A local street with one lone outlet, closed and terminated by a vehicular turnaround.

Density, Gross – A number indicating dwellings per acre using the total size of the parcel with no deductions.

Density Net – A number indicating dwellings per net acre, based on the total area of the parcel and excluding separate or non-contiguous lands, designated common open space, and excluding rights-of-way or easements.

Development Standard – A specific requirement of this Ordinance regulating land use, generally quantitative in nature.

Driveway – An access way connecting one or more dwelling units and/or their parking spaces with a street.

Dwelling, Apartment or Multiple-Family – A building designed and used for occupancy by three or more families, all living independently or each other, and having separate kitchen facilities for each family.

Dwelling, Single Family – A detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

Dwelling, Two Family (Duplex) – A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

Dwelling, Condominium – A building containing multiple single family dwelling units connected together with each unit having housekeeping facilities for only one family.

Dwelling Unit – One or more rooms, meeting the minimum size requirements of the building code, designed for occupancy by one family and not having more than one cooking facility.

Easement – Authorization by a property owner for another to use the owner's property for a specified purpose.

Engineer – A registered, practicing engineer, licensed by the State of Georgia.

Factory-Built Housing – Georgia law has now changed 'Factory-Built Housing' to "Industrialized Building." See Industrialized Building.

Family – One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

Fence—A barrier constructed of wood, metal, masonry or other materials commonly used for fence construction. A fence is not required to meet the setback requirements of this Ordinance.

Fence, Sight Obscuring – A fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting arranged in such a way as to obscure vision at least 80 percent.

Fill – The placement earth or fill material to raise the elevation of an area of land.

Final Subdivision Plat – The map of a subdivision to be recorded after approval by the Planning Commission.

Floor Area – The sum of the gross horizontal area of several floors of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings.

Frontage – The portion of a lot that abuts on a street.

Goal – A general statement establishing a direction for policies, resolutions, or actions.

Governing Body – The body of the local government having the power to adopt local ordinances or regulations. The Commissioner of Lumpkin County is the Governing Body of the County.

Grade, Ground Level – The average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

Hazards – Threats of life, property, or the environment such as landslides, flooding, subsidence, erosion, or fire.

Health Department – The Lumpkin County Health Department.

Hospitals – Institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two (2) or more non-related individuals suffering from illness, injury, or deformity or where obstetrical or other healing, curing, and/or nursing care is rendered over a period exceeding twenty-four (24) hours.

Hotel (Motel Motor Hotel Tourist Court) – A building or group of buildings used for transient residential purposes containing guest rooms that are designed to be used, or which are used, rented, or hired out for sleeping purposes.

Industrialized Building – Any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly in facilities or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the on-site without disassembly, damage to, or destruction thereof.

Junk or Wrecking Yard – Any property where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling of auto parts, equipment parts or any scrap or waste material.

Land Use – Any use of the land including, but not limited to, commercial, industrial, institutional, public or government, residential, agriculture, recreation, public utilities, forest management, or natural uses.

Land Use District – Land Use Districts are areas of land within the county that have different development standards and criteria. These differences are intended to promote the separation of incompatible uses to help maintain property values and retain the character of the community.

Land Use Plan – An element of the Comprehensive Plan of Lumpkin County. The land use plan provides an inventory of existing land uses, a description of existing and future land uses by planning areas and a discussion of land use problems and issues.

Loading Space – An off-street space or berth on the same lot, or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of ingress and egress.

Lot – For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street or easement, and may consist of –

1. A single lot of record;
2. A portion of a lot of record of sufficient size to meet the minimum requirement;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record combined so as to create a parcel of sufficient size to meet minimum requirements of the Ordinance;
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Area – The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets or rights of way.

Lot Coverage – The portion of a lot or parcel of land that is covered with buildings, parking, drives and maneuvering area, patios, decks, covered or paved storage area, or any other impervious surface.

Lot Depth – The average distance measured from the front lot line to the rear lot line.

Lot, Flag (panhandle lot) – A flag lot is a lot that is designed to provide access to a street, water or other feature by shaping a portion of the lot to resemble a long 'handle or flagpole'.

Lot Line, Front – For an interior lot, a line separating the lot from the street and for a corner lot, a line separating either (but not both) frontage of the lot from the street. If the structure is designed to face the corner the setback shall be measured as the front setback from both rights of way.

Lot Line, Rear – For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lot either (but not both) interior lot line separating one lot from another, and for an irregular or triangular shaped lot, a straight line ten (10) feet in length that is parallel to and at the maximum distance from the front lot line.

Lot Line, Side – For an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, for corner lots, a line separating the lot from the abutting lot along the same frontage.

Lot Width – The average distance between side lot lines.

Manufactured Home – A structure transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, and is constructed in accordance with national codes.

Multi-Section Manufactured Home (MSMH) – a manufactured home (AKA a double-wide mobile home) that is factory finished in two or more sections built on a permanent chassis and towed to a building site where the sections are joined together.

Single-Section Manufactured Home (SSMH) – A manufactured home (AKA a single side mobile home) in one section with dimensions limited to highway clearance (fourteen (14) feet wide) and providing between six hundred (600) and one thousand (1,000) square feet of living space.

Manufactured Home Lot – A parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

Manufactured Home Park – A privately owned parcel of land where two (2) or more manufactured homes used for human occupancy are parked. A manufactured home park may contain either or both single-section and multi-section manufactured homes. Homes may be rental units or owner occupied units on rental land.

Manufactured Home Site – See Manufactured Home Lot.

Manufactured Home Stand – That part of an individual lot that has been reserved for the placement of a manufactured home, appurtenant structures, or addition.

Mobile Home – See the definition of Manufactured Home. The 1980 Housing and Community Development Act, effective October 1980, changed the term "Mobile Home" to "Manufactured Home."

Modular Housing – A dwelling unit constructed on-site in accordance with the state code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. (See Industrialized Housing also.)

Multi-family Housing Development – The planning, construction, or operation or any development consisting of one or more structures intended for use or used as a dwelling for two or more independent housekeeping units.

Non-Conforming Structure or Use – A lawful existing structure or use, at the time this Ordinance or any amendment thereto become effective, which does not conform to the requirements of this Ordinance.

Non-residential Subdivision – A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.

Open Area – The area devoted to lawns, setbacks, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open area and maintained in plant cover, and excluding storage areas for materials, boats, or vehicles.

Owner – Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land, including the attorney and agent thereof.

Parking Area, Private – Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Ordinance and not open for use by the general public.

Parking Area, Public – Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots that may be required by this Ordinance for retail customers, patrons, and clients.

Parking Space – An area permanently available for the parking of a full size automobile, having dimensions of not less than 9 feet by 18 feet.

Parcel – A unit of land that is created by a partitioning of land.

Pavement – That portion of a street having an all-weather, stable constructed surface and subsurface for the support and movement of vehicular traffic.

Pavement Width – The shortest distance as measured from edge of pavement to edge of pavement exclusive of curb and gutter.

Person – Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of Government or any other group or combination acting as a unit.

Planning Commission – The Lumpkin County Planning Commission.

Plat – Includes a final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Policy – A definitive statement of requirement of the comprehensive plan or development Ordinance, generally qualitative in nature.

Prefabricated Building – A broad term applied to any building completed in a factory setting.

Preliminary Plat – The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Public Improvement – Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, other improvement, or other facility for which the county may ultimately assume the responsibility for maintenance and operation thereof or which may affect an improvement for which county responsibility is established.

Public Road – Roads or streets open for use by the general public, does not include access easements.

1. Arterial – Arterial roads are roads designed to move traffic at higher speeds over greater distances within or between communities. They are usually but not necessarily state and federal highways.

2. Collector Roads – Collector roads connect residential streets and rural roads to arterial roads.

3. **Local Road and Street** – Local roads or streets are designed to provide access to abutting property such as a local street in a municipal area. Local roads are not intended for through traffic.

4. **Residential Street** – A residential street is designed to provide access within residential communities. They are designed for low speeds and relatively low volumes of traffic.

- a) street – may be a major or minor street which connects other streets, courts, etc.
- b) lane – a residential street that serves a maximum of 6 dwelling units
- c) court – a residential street designed as a cul-de-sac
- d) circle – a residential street designed as a loop that has both ends connecting to the same street

Public Utilities- Water, sanitary and storm sewer, natural gas, electrical and communications lines and facilities owned by local governments, authorities, public or private corporations.

Reserve Strip/Area – Land which is set-aside for a specific purpose.

Right-of-Way – A strip of land occupied or intended to be occupied by any or all of the following: a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage for the term ‘right of way’ for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Screen – A fence, wall, berm, hedge, tree row, or other dense structure intended to perform a buffering effect in a limited space, and may be required in addition to a buffer.

Setback – The minimum allowable horizontal distance measured from the furthest projection of the structure to the adjacent property line.

Shoulder – That portion of a street or road from the outer edge of the paved surface or back of curb to the inside edge of the ditch or gutter or original ground surface.

Sidewalk – The portion of the right-of-way that is parallel to the street or road and intended for pedestrian traffic.

Site-Built – Constructed on-site (“stick-built”) but includes pre-constructed wall units, etc., including packaged homes, as opposed to “Industrialized Building.”

Sign – An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, or land and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered to be a sign.

Sign, Advertising – A sign which directs attention to a business, product, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.

Slope – The rate of deviation of the ground surface from the horizontal surface, expressed as a percent.

Storm Sewer – The pipe system designed to accommodate and carry the storm water runoff.

Street – A public thoroughfare or right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this Ordinance. The word “street” shall include all arterial highways, freeways, collector streets, local streets, and lanes. (*Also see* Public Road, County Road.)

Structure – Something constructed or built or having a fixed base on, or fixed connection to, the ground or another structure. (For the purpose of setbacks, structure does not include fences.)

Subdivider – Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivide Land – To divide a parcel or tract of land. (See subdivision Regulations for restrictions.)

Subdivision – Subdivision means all divisions of a tract or parcel of land. (See subdivision Regulations for restrictions.)

Use – The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Vehicle – A device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Water-Related – Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered.

Water System, Public – An EPD approved water system operated by a county; city or state authorized authority that has met all Federal, State and Local requirements.

Water System, shared / community – A water system operated by a homeowners association or group of homeowners which may or may not require approval by the EPD.

Yard – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

3. Requirements:

From and after the effective date of this Ordinance, it shall be unlawful for any person, business or other entity to construct, erect, renovate, establish or operate, or to offer to lease, rent, or sell, any multifamily housing or housing development as defined herein within the unincorporated area of Lumpkin County, without the prior written approval of the Planning Commission as provided herein.

4. Development Standards:

All multi-family developments shall meet or exceed the following minimum standards:

a. Tract Size: For any multi-family housing structure or development the minimum tract or lot size shall be (4) four acres. However, the Planning Commission may approve a single duplex structure on a minimum 1.5 acre lot. (The duplex must be compatible to surrounding structures in appearance. Drawings or photos must be submitted to and approved by the planning commission.) Any property used for multi-family housing must be no less than sixty (60) feet in width at any point including along the right-of-way.

b. Density, maximum bedrooms per acre:

- individual well & septic = = = = = four (4) bedrooms/acre
- shared/community well & septic = = = = = four (4) bedrooms/acre
- public water & septic = = = = = six (6) bedrooms/acre
- public water (with buildings sprinklered) & septic = = = = eight (8) bedrooms/acre
- public water & public sewer = = = = = twelve (12) bedrooms/acre
- public water (buildings sprinklered) & public sewer = sixteen (16) bedrooms/acre

Where units are required to have sprinklers, they must provide plans by a state certified sprinkler contractor to verify the system is designed correctly and that pressure and volume are sufficient for proper operation.

Community Septic systems are considered septic and not sewer for the purposes of this Ordinance.

(Existing, previously approved, multi-family developments with less than the specified minimum density as described above, may apply to the Planning Commission for a revision in their density requirements by submitting plans indicating the changes desired. To request approval they must agree to meet all of the requirements of this ordinance without requesting a variance and upon receipt of approval the development will fall under all the guidelines of this Ordinance.)

c. Road Access:

Multi-family developments cannot be served by an easement or private road. Each Multi-Family housing development shall have direct access to a Paved County or State maintained road. The property must be a minimum width of 60 feet at the right-of-way of a Paved County or State maintained road. The minimum width for a driveway or access road from the paved county or state roadway is 24 ft for 2-way traffic and 12 feet for one-way traffic. *(A larger access road may be required by the Planning Commission if deemed necessary because of traffic or topographical concerns.)*

- 1) Developments planned to access a State Highway must provide written proof that an access permit has been issued by the State Department of Transportation.
- 2) The site plan must show the site distance along the road for each entrance and exit to the development and a statement by the design engineer that the site distance meets Georgia D.O.T. requirements for the road in question.
- 3) All roads, parking areas, and driveways within the development shall be paved to County standards.
- 4) All multi-family developments (does not include single duplex unit) must have curb and gutter with a properly designed storm water control system.

d. Setbacks:

All structures within the development shall be set back no less than 50 feet from every property line and/or right-of-way.

- 1) Minimum 25-foot separation between structures, except for attached garages, carports or storage units provided as accessory uses to the apartments.
- 2) Fencing and retaining walls are not required to meet setback requirements.
- 3) Parking must be a minimum of 25 feet from any right-of-way or property line.

e. Parking:

Off street parking must be paved to County standards and shall be provided at a ratio of not less than two (2) designated parking spaces for each dwelling unit plus one extra space per building.

- 1) Each standard space shall be a minimum of 10 feet in width and 20 feet in length.
- 2) Handicapped spaces shall be the minimum as required in the Georgia Accessibility Code.
- 3) All parking spaces must be clearly marked.
- 4) Parking area must be adequately lighted to provide safety and security with no less than 1 security light for each 12 spaces.

f. Solid Waste Disposal:

Developer/landlord/owner shall provide rodent proof garbage or trash containers. Containers shall be located a minimum of 50 feet from any dwelling. *(Single unit duplex is exempt from this requirement and may have individual trash containers.)*

- 1) Containers/Dumpsters must be shielded from view by fencing, walls or other appropriate means.

- 2) Container/Dumpster pads must be sloped and drained to prevent runoff water from entering the parking lot, county ditches, or any nearby pond, creek, stream or other water source.

g. Green Space:

A 25 foot undisturbed buffer is required along all property lines (except road frontage). Where existing vegetation is thin, non-existent, or too low to adequately function as a buffer, supplementation with a planted buffer must be used. The developer may have the option of substituting a 6-foot privacy fence with the finished side out and a 10 foot planted buffer on the inside.

h. Accessory Uses:

A multi-family development is limited to multi-family housing and its associated uses. Such associated uses must be for the exclusive use of the tenants and are identified as: garage and/or storage areas, club houses, bath houses, swimming pools, playgrounds, tennis courts and/or other sports and recreation uses normally associated with a multi-family development.

i. Signs:

Each multi-family housing development may have only one (1) free standing on-site sign identifying the development. The sign must be a pedestal sign with no more than two (2) sign faces and each sign face no greater than 24 square feet. The sign must be located off the right-of-way and positioned so as not to interfere with sight distance or otherwise obstruct or create an unsafe condition for traffic. (Single duplex units shall not have signage.)

j. Subdivision:

No multi-family housing development tract shall be further divided and no such subdivision shall be approved by the Planning Commission unless the minimum requirements for tract size and density are maintained. Development of single duplex units in an effort to avoid meeting the development requirements of this Ordinance is prohibited.

5. Procedure

An application for approval of a multi-family development shall be submitted to the Planning Department with all information required by this Ordinance. When the application is deemed complete it will be placed on the Planning Commission agenda.

- a) The Planning Commission shall review the application and after considering all information available, make its determination as to whether the proposed application complies with this Ordinance or not.
- b) If approved by the Planning Commission, the developer may then apply for a development /grading permit.
- c) If the application is denied, the developer may have the opportunity to make corrections as suggested by the Planning Commission and resubmit, or to file an appeal of the denial directly to the Commissioner.
- d) Any appeal must be filed with the Planning Department within 10 days of the denial by the Planning Commission.
- e) The Commissioner may then affirm, reverse or modify the Planning Commission's decision, or request more information and schedule a hearing with the applicant. The applicant will be notified of the decision within 30 days of the Commissioner receiving the appeal.

6. Application:

All applications for approval of a multi-family development must contain at a minimum the following information. Incomplete applications will not be accepted.

- a. A boundary survey of the property.
 - b. A grading plan (topographic survey with existing and proposed contours).
 - c. A complete site plan showing all features of the development including but not limited to: an entrance plan, setbacks, buffers, drives, parking, building locations, utility locations, storm drainage, bodies of water and water courses.
 - d. Soil erosion plan with all information required by Lumpkin County Soil and Sedimentation Control Ordinance.
 - e. A form or letter indicating an approved preliminary review of the on-site disposal system by the Department of Environmental Health or a letter indicating available capacity and approval to connect to an approved sewage system.
 - f. Construction plans or an artist rendering showing at a minimum a floor plan and front & rear elevation views of the proposed buildings.
 - g. Payment of the application fee.
 - h. Single duplex unit is exempt from items b and d above.
7. Fees:
- Application fees are: \$50 per acre + \$25 per multi-family building with a minimum fee of \$250. All application fees are non-refundable.
8. Duration of Action:
- a. Approval of a Multi-Family request by the Planning Commission expires twelve (12) months from the date of said approval. A maximum of one extension for an additional 12-month period may be granted by the Planning Commission if requested in writing prior to the expiration of the initial period. The request must list the reasons for the extension. If the approval lapses the project must be resubmitted as if a new project.
 - b. If denied, another request for the same property may not be filed for twelve (12) months. A variance to the 12-month period may be requested from the Planning Commission following normal variance procedures.
9. Enforcement:
- a. A stop work may be issued by any member of the Planning Department for failure to comply with any portion of this Ordinance or the construction codes or the soil and sedimentation regulations. A stop work may be issued alone or in conjunction with a citation, depending on the nature or severity of the violation.
 - b. Civil Penalties: Any person violating any provision of this Ordinance shall be liable for a civil penalty of not less than \$100.00 per day or not to exceed \$500.00 per day. Each day the violation continues shall constitute a separate violation.
10. Inspection:
- a. The County Commissioner, the Planning Commission or their designated representative shall have the power to conduct such investigation as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites.

- b. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

11. Severability:

If any paragraph, sub-paragraph, sentence, clause, phase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the County Commissioner to provide the separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

12. Liability:

Neither the approval of a plat under the provisions of this Ordinance, nor the compliance with the provision of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon Lumpkin County for damage to any person or property.

13. Remedies:

If any land is used in violation of these Regulations, the Planning Commission, the Planning Director, the Public Works Director, the County Attorney, and the County Commissioner of Lumpkin County, or any adjacent property owners who would be damaged by such violation, in addition to other remedies, may institute legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute a violation.

14. Repeal of Previous Resolutions:

All resolutions or parts of resolutions in conflict with the terms of the Ordinance are hereby repealed, but it is hereby provided that any resolution or law which may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be literally construed to be in favor of Lumpkin County is hereby adopted as a part hereof.

15. Conflict with Other Laws:

Whenever the provision of the Ordinance imposes more restrictive standards than are required under any other statute, the requirements of this Ordinance shall govern.

16. Effective Date:

These regulations shall take effect and be in force from and after the adoption and enactment of these Regulations, the public and welfare demanding it.