

JACKSON COUNTY, GEORGIA
AN ORDINANCE
BY THE BOARD OF COMMISSIONERS
OF JACKSON COUNTY

An Ordinance of Jackson County, Georgia, to Amend
the Jackson County Unified Development Code, Article 8,
"Soil Erosion Control, Land Disturbance and Development
Permitting," Section 802, "Definitions."

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, O.C.G.A. Section 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Jackson County, Georgia, the Board of Commissioners of Jackson County desires to amend The Unified Development Code; and

WHEREAS, the Board of Commissioners desires to amend the Unified Development Code to clarify and revise provisions with regard to definitions for soil erosion control, land disturbance and development permitting; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW THEREFORE, be it ordained and resolved by the Board of Commissioners of Jackson County, Georgia, that the Unified Development Code shall be amended in the following respects:

ARTICLE 8
SOIL EROSION CONTROL, LAND DISTURBANCE
AND DEVELOPMENT PERMITTING

Division I. General Provisions

- Sec. 801. Land development permitting – overview.
- Sec. 802. Definitions.
- Sec. 803. Land development approval required.
- Sec. 804. Exemptions from land disturbance permit.
- Sec. 805. Exemptions from development permit.
- Secs. 806 to 810. Reserved.

Division II. Best Management Practices and Stream Buffers

- Sec. 811. Best management practices required for all land developments.
- Sec. 812. State-imposed buffer required along state waters.
- Sec. 813. County-imposed stream buffers.
- Secs. 814 to 820. Reserved.

Division III. Soil Erosion and Land Disturbance Permits

- Sec. 821. Findings.
- Sec. 822. General requirements.
- Sec. 823. Adoption of manual by reference.
- Sec. 824. Application requirements.
- Sec. 825. District action on land disturbance permit application.
- Sec. 826. Department action on land disturbance permit application.
- Sec. 827. Regulation and responsibilities of permittees.
- Sec. 828. Tertiary land disturbance permits.
- Sec. 829. Inspection.
- Sec. 830. Enforcement, violation and remedies.
- Sec. 831. Liability.
- Secs. 832 to 840. Reserved.

Division IV. Development Permits

- Sec. 841. Pre-application.
- Sec. 842. Application for development permit.
- Sec. 843. Professional preparation of plans.
- Sec. 844. Development plan specifications.
- Sec. 845. Completeness check.
- Sec. 846. External reviews of development plans.
- Sec. 847. Development permit application processing.
- Sec. 848. Project performance surety.
- Sec. 849. Revisions.

- Sec. 850. Duration of development permit.
- Sec. 851. Development inspections.
- Sec. 852. Field changes.
- Sec. 853. Reference to specifications.
- Sec. 854. Disclaimers.
- Sec. 855. Certification and as-built plans.
- Secs. 856 to 860. Reserved.

Division I. General Provisions

Sec. 801. Land development permitting – overview.

- (a) **Land development.** There are two types of permits that are required to proceed with land development in unincorporated Jackson County (unless exempted from such requirements by this UDC): a land disturbance permit, and a development permit.
- (b) **Land disturbance permit.** The land disturbance permit is a county requirement issued by the Jackson County Department of Public Development as a “local issuing authority” pursuant to and in compliance state law to enforce the soil erosion, sedimentation, and pollution control requirements of this UDC. A land disturbance permit requires a development permit.
- (c) **Development permit.** The development permit is a county requirement issued by the Jackson County Department of Public Development to ensure that land development activities comply with the county’s zoning, overlay, and other provisions of this UDC. When a land disturbance permit is required, the procedures for issuing a development permit are coordinated with procedures for issuing a land disturbance permit.
- (d) **Work within county right of way.** When work associated with land development, such as utility installation, utility connection or a driveway, is required within any county right of way (public property) and shown on land development plans approved by the Department of Public Development, the land disturbance permit or development permit issued for the work shall satisfy this UDC’s requirements for the driveway permit required by Sec. 632 of this UDC and the requirements for a utility encroachment permit as specified by Article 9 of this UDC, unless otherwise specified by the Director of Public Development. When utility installation, utility connection or a driveway is proposed within any county right of way, independent of other land development such that no land disturbance permit or development permit is required, a separate driveway permit and/or utility encroachment permit as required by this UDC shall be required.

Sec. 802. Definitions.

As-built survey drawings: Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed, including but not limited to buildings, pavement surfaces, water lines, sewer lines, stormwater facilities, parking, lighting, fencing, trash enclosures, and landscaping.

Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.

District: The Oconee River Soil and Water Conservation District.

Drainage structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7 that includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements of this Article.

Ephemeral stream: A stream that: under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas) or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

Land development: Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

Land-disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in paragraph (5) of Georgia Code Section 12-7-17.

Larger common plan of development or sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For purposes of this definitions, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local issuing authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) of Georgia Code Section 12-7-8. The Department of Public Development is assigned administrative and enforcement responsibilities for Jackson County as a local issuing authority.

Maintenance: Actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently

serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope, or size of the original design.

Manual for Erosion and Sediment Control in Georgia: The published guidance of the State Soil and Water Conservation Commission governing the design and practices to be utilized in the protection of the state's natural resources from erosion and sedimentation which shall be based foremost upon sound engineering principles and repeatable bench and field testing of structural and vegetative best management practices and which shall have the annual approval of the Erosion and Sediment Control Overview Council established pursuant to Georgia Code Section 12-7-7.1.

Natural ground surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

NOI: A Notice of Intent form provided by the Georgia Environmental Protection Division for coverage under the State General Permit.

NOT: A Notice of Termination form provided by the Georgia Environmental Protection Division to terminate coverage under the State General Permit.

Operator: The party or parties that have: operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body, or any other legal entity.

Phase or phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed: Designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia.

Roadway drainage structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and water conservation district approved plan: An erosion and sediment control plan approved in writing by a soil and water conservation district.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit: The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Georgia Code Section 12-5-30.

State waters: Includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion, sedimentation and pollution control practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices are described in the *Manual for Erosion and Sediment Control in Georgia*.

Vegetative erosion and sedimentation control measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with: permanent seeding, sprigging or planting, producing long-term vegetative cover, or temporary seeding, producing short-term vegetative cover; or sodding, covering areas with a turf of perennial sod-forming grass. Such measures are described in the *Manual for Erosion and Sediment Control in Georgia*.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 803. Land development approval required.

- (a) Unless specifically exempted by this Article, a land disturbance permit shall be required prior to commencing any land disturbing activity.
- (b) Unless specifically exempted by this Article, a development permit shall be required prior to commencing any land development or improvement on private land. A development permit shall be required to be issued to authorize all activities, unless specifically exempted, associated with development activity regulated by this UDC, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and driveways, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.
- (c) It shall be unlawful for any person to commence or proceed with land development or land-disturbing activity until development plans are approved and a land disturbance and development permit, if required, is issued by the Public Development Department. Unless exempted by this Article, no land-disturbing activities shall be conducted in unincorporated Jackson County without the operator first securing a land-disturbance permit from the Department of Public Development or providing notice of intent to the Georgia Environmental Protection Division as required by Georgia Code Section 12-7-7.

Sec. 804. Exemptions from land disturbance permit.

A land disturbance permit shall be required for any land disturbing activity undertaken by any person on any land except for the following which are the same as the exemptions specified in Georgia Code Section 12-7-17:

- (a) Surface mining, as the same is defined in Georgia Code Section 12-4-72;
- (b) Granite quarrying and land clearing for such quarrying;
- (c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (d) The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Division II of this Article, including best management practices and maintenance of stream buffers.
- (e) Agricultural operations as defined in Georgia Code Section 1-3-3 to include those practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings;
- (f) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a state-imposed stream buffer, as specified in Sec. 812 of this Article, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after the completion of such forestry practices;
- (g) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (h) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters. For purposes of this paragraph, "state waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within

200 feet of any such excluded channel or drainageway must prevent sediment from moving beyond the boundaries of the property on which such project is located;

- (i) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Georgia Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to the provisions of Georgia Code Section 12-7-7.1; except where the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in Georgia Code Section 12-7-6 (see Secs. 811 and 812 of this article) as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
- (j) Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Georgia Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Georgia Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Georgia Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Georgia Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in Georgia Code Section 12-7-6 (see Secs. 811 and 812 of this Article) as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- (k) Public water system reservoirs.

Sec. 805. Exemptions from development permit.

A development permit shall not be required for any of the following activities; provided, however, that such exemption from a development permit does not necessarily imply exemption from obtaining a land disturbance permit (see Sec. 804 of this Article).

- (a) Work authorized by or conducted pursuant to the requirements or directives of local, state, and federal departments, agencies and authorities.
- (b) Emergency work authorized by the Director of Public Development, where a bona fide emergency exists as determined by the Director of Public Development.
- (c) Timber harvesting, consistent with the requirements of Sec. 3-129 of this UDC, and forestry activities.
- (d) Agricultural activities not involving construction of a building or structure.
- (e) Construction of a single, detached, single-family dwelling unit or manufactured home, including accessory structures and uses.
- (f) Development within a county right of way (other than work within a right of way associated with approved development plans) but only if a driveway permit or utility encroachment permit has been issued as required by this UDC.

Secs. 806 to 810. Reserved.

Division II. Best Management Practices and Stream Buffers

Sec. 811. Best management practices required for all land developments.

Best management practices as set forth in this section shall be required for all land-disturbing activities, whether or not such land-disturbing activities are exempt from the requirement to obtain a land disturbance permit or development permit. Pursuant to O.C.G.A. § 12-7-6, all land development shall be consistent with the requirements of this section, even if exempt from the requirement to obtain a land disturbance permit. Jackson County shall require at a minimum, protections at least as stringent as the state general permit, and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control In Georgia" published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (a) Stripping of vegetation, regrading, and other development activities shall be conducted in such a manner so as to minimize erosion;
- (b) Cut and fill operations must be kept to a minimum;
- (c) Development plans must conform to topography and soil type, so as to create the lowest practicable erosion potential;
- (d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

- (e) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (f) Disturbed soil shall be stabilized as quickly as practicable;
- (g) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (h) Permanent vegetation and structural erosion control measures must be installed as soon as practicable;
- (i) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with applicable soil erosion requirements;
- (j) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills;
- (k) Cuts and fills may not endanger adjoining property;
- (l) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (m) Grading equipment must cross flowing streams by the means of bridges or culverts, or otherwise by a method authorized in the Manual;
- (n) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent waters. No such land-disturbing activity shall allow a discharge that results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director of the Georgia Environmental Protection Division. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres;

Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbance permit issued by a local issuing authority or of any state general permit issued by the Georgia Environmental Protection Division pursuant to subsection (f) of O.C.G.A. § 12-5-30 for each day on which such failure occurs.

Sec. 812. State-imposed buffers required along state waters.

- (a) **Required.** Per the requirements of O.C.G.A. § 12-7-6, paragraph 15, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except:
1. Where the Director of the Georgia Environmental Protection Division determines to allow a variance that is at least as protective of natural resources and the environment;
 2. Where otherwise allowed by the Director of the Georgia Environmental Protection Division pursuant to O.C.G.A. § 12-2-8;
 3. Where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented;
 4. Along any ephemeral stream, as defined; and
 5. Stream crossings for water and sewer lines, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented.
- (b) **Remain in force.** Buffers of at least 25 feet established by this section shall remain in force unless a variance is granted by the Director of the Georgia Environmental Protection Division pursuant to applicable law and administrative rules.
- (c) **Land-disturbing activity.** No land-disturbing activities shall be conducted within any buffer required by this Section. A buffer required by this Section shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer established by this Section may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.
- (d) **Variances to state-imposed stream buffers.** Jackson County will not issue letters verifying the existence of state waters, as required by the Georgia Department of Natural Resources, Environmental Protection Division for variances to state-imposed stream

buffers, except at the time development plans have been submitted to the county for review. Such letters will not be issued at the time of a zoning or special use application.

Sec. 813. County-imposed stream buffers.

- (a) **County-imposed buffers.** In addition to the 25-foot state imposed buffer required for all state waters as specified in Sec. 812 of this UDC, there is hereby established an additional 50-foot wide buffer from the outer edge of the 25-foot state-imposed stream buffer (for a total buffer width of 75 feet). Other (wider) buffer requirements may apply to a given piece of property; see Article 5, “environmental overlay districts,” of this UDC to determine if wider stream or river buffers are required.
- (b) **Land disturbance.** No land-disturbing activities, including clearing, earth moving, construction and ground disturbance, shall be authorized within this county-imposed buffer (i.e., outside the state-imposed buffer but between 25 and 75 feet from the stream), except for the following:
 - 1. Where the Board of Adjustment determines to allow, upon application, a variance as authorized per Article 14 of this UDC;
 - 2. Where a storm sewer, drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented;
 - 3. Stream crossings for water and sewer lines, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented;
 - 4. Road crossings, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 100 feet within the buffer; and adequate erosion control measures are incorporated into the project plans; and
 - 5. Bike paths and pedestrian paths constructed of permeable material.
 - 6. Thinning or trimming of vegetation with hand-held equipment and with no land disturbance, as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

Secs. 814 to 820. Reserved.

Division III. Soil Erosion Plans and Land-Disturbance Permits

Sec. 821. Findings.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Article and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices which shall be incorporated into erosion, sedimentation and pollution control plans for land development. This Division is adopted to implement the requirements imposed on Jackson County by the Soil Erosion and Sedimentation Act, codified as Chapter 7 of Title 12 of the Georgia Code.

Sec. 822. General requirements.

- (a) Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of this Article, including but not limited to Division II (best management practices and stream buffers). The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.
- (b) The property owner, developer and designated planners and engineers shall design and review before submittal the land disturbance plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it, consulting all applicable regulations of this UDC, rules, regulations and permits which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
- (c) No person shall conduct any land-disturbing activity within unincorporated Jackson County without first obtaining a land-disturbance permit from the Department of Public Development to perform such activity and providing a copy of Notice of Intent submitted to the Georgia Environmental Protection Division if applicable.

Sec. 823. Adoption of manual by reference.

The *Manual for Erosion and Sediment Control in Georgia* is hereby adopted and incorporated by reference into this Division.

Sec. 824. Application requirements.

Erosion, sedimentation and pollution control plans, together with supporting data, shall include, as a minimum, the data specified in this Section. If the tract is to be developed in phases, then a separate land disturbance permit shall be required for each phase.

- (a) **Plans and hydrology report.** Applications for a land disturbance permit will not be accepted unless accompanied by four (4) copies of the applicant's erosion, sedimentation and pollution control plans and two (2) copies of a hydrology report. The application must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that all applicable requirements of this Article will be met. Plans must be prepared to meet the applicable minimum requirements of this Article, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.
- (b) **Checklist(s).** The application shall include an erosion, sedimentation and pollution control plan checklist as required by the Oconee River Soil and Water Conservation District.
- (c) **Site plan data.** Data required for the site plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted. Specifically include zoning conditions, if any, and sidewalks if required. In addition to said checklist, consult Sec. 844 of this Article for specific site plan requirements.
- (d) **Signature and seal; qualifications.** Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Soil and Water Conservation Commission and in consultation with the Georgia Environmental Protection Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
- (e) **Certification.** All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with Georgia Environmental Protection Division Rule 391-3-7-.10.
- (f) **Fees.** In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not

exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit.

- (g) **Surety.** See development permit requirements in Sec. 842(i) of this Article for surety requirements.

Sec. 825. District action on land disturbance permit application.

- (a) Upon receipt of a completed application and plans for a land-disturbance permit, the Department of Public Development (Local Issuing Authority) shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan.
- (b) The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Department of Public Development. No land disturbance permit will be issued unless the plan has been approved by the District, all fees have been paid, financial surety has been obtained, and any variances required have been obtained.

Sec. 826. Department action on land disturbance permit application.

- (a) If plans are approved by the District, or upon no action by the District and the expiration of the thirty-five (35) days allowed for District review, applications for land-disturbance permits shall be issued or denied by the Department of Public Development (as soon as practicable but in any event not later than forty-five (45) days after receipt by the Department of Public Development of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance.
- (b) No land-disturbance permit shall be issued by the Department of Public Development unless the erosion, sedimentation and pollution control plan has been approved by the District and the Department of Public Development has affirmatively determined that the plan complies with the requirements of this Division.
- (c) No land-disturbance permit shall be issued without issuance of a development permit, except in the case of a tertiary land disturbance permit (see Sec. 828 of this Article).
- (d) The permit may include conditions under which the activity may be undertaken.
- (e) If a permit applicant has had two or more violations of previous permits, this Article, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Department of Public Development may deny the permit application.

- (f) If the land-disturbance permit is denied, the reason for denial shall be furnished to the applicant.
- (g) When land-disturbance plan sets have been approved by the Oconee River Soil and Water Conservation District, at least one (1) copy of said plans will be made available to the applicant. Land developers are required to maintain a copy of approved plan sets on the project site. The Department shall retain at least one (1) printed or electronic set of approved land-disturbance plans.

Sec. 827. Regulation and responsibilities of permittees.

- (a) The Department of Public Development as Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit.
- (b) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as at least one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and who meets the applicable education or training certification requirements developed by the State Soil and Water Conservation Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet these requirements.
- (c) Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities.

Sec. 828. Tertiary land disturbance permits.

When land development requires only a tertiary land disturbance permit, a separate development permit shall not be required; provided, however, that the following information shall be required as part of the application:

- (a) **Application form.** An application for land disturbance form with information specified by the Department. Said application form may include but is not limited to name of applicant and contact information, owner and contact information, name of project with location information, proposed source of water service and sewer or septic tank, the name

of the professional designer, and the proposed use of the development. The application must be authorized by the property owner.

- (b) **Development name.** The name of each tertiary land disturbance project must have the approval of the Public Development Department. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Jackson County or any of its cities.
- (c) **Address.** Provide an address for the site, if already assigned.
- (d) **Taxes paid.** Proof of receipt by Jackson County of property taxes paid shall be submitted with the permit application. No tertiary land-disturbance permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.
- (e) **Checklist(s).** A checklist for tertiary land-disturbance permit application submissions, as specified by the District and Department.
- (f) **Fees.** Payment of any permit fee, and any associated fees, as established from time to time by the Jackson County Board of Commissioners.
- (g) **Plan sets and electronic file.** All tertiary land disturbance plans for a project shall be submitted in hard copy in a number of copies as required by the Director of Public Development (see checklist), and in digital form in a format acceptable by the Director of Public Development. Plan sets will contain sheets for the following, as applicable:
 - 1. **Plat.** A copy of the approved recorded plat of the subject property, demonstrating that the property to be developed is a lot of record. Incorporate applicable provisions of the plat into the site plan, and show abutting lot numbers.
 - 2. **Site plan.** A site plan at an engineering scale, showing project location and boundary, total project area, natural features of the site (including but not limited to the 100-year flood plain, existing drainage channels, required stream buffers if applicable), and proposed development features as required by this UDC, including buildings, driveways, and easements.
 - 3. **Prior approvals.** Reference rezoning, special use, and variance approval and any conditions of approval, if applicable.
 - 4. **Topography and grading.** Existing contour lines based on sea level datum at intervals of not more than two (2) feet. Include the entire site and abutting street(s). Show proposed contours.
 - 5. **Soil erosion plans.** Provisions for soil erosion and sedimentation control shall be shown.

6. **Stormwater management.** Provisions for storm drainage shall be shown.
7. **Tree, buffers and landscaping plan.** If buffers or other landscaping are required, show the location, size and type.
8. **Utilities.** The location of water, sanitary sewer, and other utility line as may be required by the Public Development Department.
9. **Standard drawings.** The Department of Public Development may require that the development plans include standard drawings adopted by Jackson County (see Article 23 of this UDC).
10. **Additional information.** Such additional information as may reasonably be required to allow an adequate evaluation of the land-disturbance proposal.

Sec. 829. Inspection.

- (a) The Department of Public Development will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation.
- (b) The Department of Public Development and its employees shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (c) No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the State Soil and Water Conservation Commission, the District, or the Georgia Environmental Protection Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Sec. 830. Enforcement, violation and remedies.

- (a) **Written warning and notice to comply.** If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Article, for any first or second offense, a written warning and notice to comply shall be served upon that person.
- (b) **Content of warning and notice.** The notice shall set forth the measures necessary to achieve compliance and shall state that the violator shall have five days to correct the violation.

- (c) **Stop-work order.** If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article, and the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning. For a third and each subsequent violation, the Local Issuing Authority shall issue an immediate stop-work order. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- (a) **Permit suspension, revocation or modification.** A land-disturbance permit may be suspended, revoked, or modified by the Department of Public Development as the Local Issuing Authority, as to all or any portion of the land affected by the plans and permit, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (b) **Call of financial surety.** If the applicant does not comply with this Division or with the conditions of a land-disturbance permit after issuance, the Department of Public Development as Local Issuing Authority may call the financial surety or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance with the requirements of this Article.
- (c) **Revocation of business registration.** If any person commences any land-disturbing activity requiring a land-disturbance permit as prescribed in this Article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- (d) **Monetary penalties.** Any person who violates any provisions of this Article, or any permit condition or limitation established pursuant to this Article, or who negligently or intentionally fails or refuses to comply with any stop work order issued as provided in this Division shall be liable for a civil penalty not to exceed \$2,500.00 per day. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Article shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 831. Liability.

- (a) Neither the approval of a land-disturbance permit under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property as a result of permit issuance or approval of plans.
- (b) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the land-disturbance permit.

Secs. 832 to 840. Reserved.

Division IV. Development Permits

Sec. 841. Pre-application.

An applicant for a development permit is strongly encouraged to schedule a pre-application meeting with the Public Development Department, which may also be attended by other review agencies as appropriate. Where other agencies cannot be represented at the pre-application meeting, a development permit applicant is encouraged to seek advance comments from internal and external agencies with jurisdiction over the development proposal.

Sec. 842. Application for development permit.

An application for a development permit shall include the following, as applicable; completed applications shall be submitted to the Public Development Department:

- (a) **Application for land-disturbance permit.** Unless exempt from the requirement to obtain a land-disturbance permit, the application for development permit shall contain an application for land disturbance permit. See Division III of this Article for requirements.
- (b) **Application form.** An application form with information specified by the Department. Said application form may include but is not limited to name of applicant and contact information, owner and contact information, name of project with location information, proposed source of water service and sewer or septic tank, the name of the professional designer, and the proposed use of the development. The application must be authorized by the property owner.
- (c) **Development name.** The name of each development project must have the approval of the Public Development Department. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Jackson County or any of its cities.

- (d) **Address.** Provide an address for the site, if already assigned.
- (e) **Taxes paid.** Proof of receipt by Jackson County of property taxes paid shall be submitted with the development permit application. No development permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.
- (f) **Checklist(s).** A checklist for development permit application submissions, as specified by the Department.
- (g) **Fees.** Payment of any development permit fee, and any associated fees, as established from time to time by the Jackson County Board of Commissioners.
- (h) **Plan sets and electronic file.** All development plans for a project shall be submitted in hard copy in a number of copies as required by the Director of Public Development (see checklist), and in digital form in a format acceptable by the Director of Public Development. Plan sets will contain sheets for the following, as applicable:
 - 1. **Plat.** A copy of the approved recorded plat of the subject property, demonstrating that the property to be developed is a lot of record or part of a lot of record. If land subdivision is proposed or implied in the development proposal, a proposed subdivision plat shall be submitted with the development permit application.
 - 2. **Site plan.** A site plan, including at minimum the project location, total project area natural features of the site and proposed development features as required by this UDC, including easements.
 - 3. **Phases.** Proposed phasing of the development, if it is proposed to be built in phases or sections.
 - 4. **Grading plan.** Grading plans as required and specified in this Article.
 - 5. **Soil erosion plans.** Soil erosion plans are submitted as part of the land disturbance permit application. If a project is exempt from the requirement to obtain a land disturbance permit, the development permit application shall provide soil erosion plans sufficient to demonstrate compliance with best management practices and stream buffers (see Division II of this Article).
 - 6. **Stormwater management plan.** Stormwater management plans are submitted as a part of the land-disturbance permit application. If the project is exempt from the requirement to obtain a land-disturbance permit, the development permit application shall show information and plans required by Article 11 of this UDC, as may be applicable.
 - 7. **Tree protection and landscaping plan.** All information and plans required by Article 12 of this UDC, as may be applicable.

8. **Utilities plan.** Plans for water, sanitary sewer, and other utilities as may be required by the Public Development Department.
 9. **Street improvement plan.** If the development proposes new streets, whether public or private, or if this UDC requires improvement of a county public road, the development permit application shall include information demonstrating compliance with the requirements of this UDC for the improvement of abutting county public roads. See Article 6 of this UDC for existing street improvement requirements. See Article 16 of this UDC for requirements for specifications streets and sidewalks. See also Article 23 of this UDC for standard drawings.
- (i) **Development surety.** A development surety is required prior to issuance of a development permit. See Sec. 848 for details.

Sec. 843. Professional preparation of plans.

All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer or by another professional as more specifically required by this UDC for the type of plan submitted.

Sec. 844. Development plan specifications.

Development plans shall contain the following (on one or more sheets):

- (a) **Scale.** Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 36 inches by 42 inches. Plan and profile sheets, if any, shall have a horizontal scale of no less than 1 inch to 100 feet and a vertical scale of no less than 1 inch to 10 feet. The Public Development Department may approve deviations from these required scales when appropriate.
- (b) **Project boundary.** Plans shall be based on the boundaries of a lot as shown on a recorded plat, or if not yet subdivided and recorded, on a boundary survey delineating the entirety of the property contained within the project. Boundary lines of the perimeter of the tract shall be indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second.
- (c) **Adjoining property information.** Provide all adjoining property owners, subdivision names, lot numbers, lot lines, and block letters, and zoning.
- (d) **Project name and phase.** The name of the project shall be indicated. If the project is located within a subdivision, the name of the subdivision, lot, and block number must also be shown. If the development project is part of a phased development or master-planned development, identify the unit number, division, phase, or stage of development.

- (e) **Zoning and prior approvals.** The existing zoning of the project site, and reference if applicable to conditions of zoning, variance, special use, or other permissions including case numbers and dates of approval.
- (f) **Owner and developer.** Name, address, telephone number, and e-mail address of the owner of record, and of the developer (if not the owner).
- (g) **Professional contacts.** Name, address, and telephone number of each professional firm associated with the site development plans (engineer, landscape architect, etc.).
- (h) **Map requisites.** Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.
- (i) **Use.** Proposed use of the site, including gross square footage for each different use type or building.
- (j) **Location references.** Location, district, land lot(s) and parcel(s) acreage or area in square feet.
- (k) **Location sketch.** A location sketch locating the development in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey quadrangle maps may be used as a reference guide for the location sketch.
- (l) **Buildings, access, and parking.** Size, location, and elevation of all proposed buildings and existing buildings to remain or to be demolished, and minimum required building setback lines, the location parking and loading areas, driveways, curb cuts and where required designated fire lanes. Each building shall be identified with a number or letter. See Article 6 of this UDC for access, driveway, and parking requirements.
- (m) **Topography and grading.** Existing contour lines based on sea level datum shall be drawn at intervals of not more than two (2) feet and shall include the entire site and all abutting public streets. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified and dated. Grading plans shall show proposed contours. Grading shall be performed in accordance with the lines and grades indicated on the approved grading plan.
- (n) **Natural features within the proposed development.** These include drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all water courses the direction of flow shall be indicated. The 100-year floodplain shall be delineated and the source of the depicted floodplain information shall be indicated (i.e., reference to map panel numbers and dates). The acreage or area in square feet within the floodplain shall be indicated. See Article 10 of this UDC for additional requirements when development is proposed to be located in a floodplain or flood hazard area. The

development plan shall also specify whether the property is located within an environmental overlay district (see Article 5 of this UDC).

- (o) **Man-made features.** These include those features existing within and adjacent to the proposed development including existing right-of-way width and pavement widths of adjoining streets, street names, the location and dimensions of existing bridges, easements (all purposes), culverts and other drainage facilities (see Article 11 of this UDC for requirements), water, sewer, and other existing utility lines and structures, the names of jurisdiction lines; existing structures on the site and their disposition, and other appropriate built-environment information.
- (p) **Trees, buffers, landscaping.** If buffers or other landscaping or screening treatments are required, show the location, size, and type (natural or planted) on the plans conforming to the requirements of Article 12 of this UDC, as applicable.
- (q) **Utilities and other easements.** Easements for water and sanitary sewer as may be required by the Jackson County Water and Sewerage Authority or other utility provider with jurisdiction.
- (r) **Standard drawings.** The Department of Public Development may require that the development plans include standard drawings adopted by Jackson County (see Article 23 of this UDC), or a standard drawing of any utility provider with jurisdiction over the development project. Where no standard drawing is available but is needed as determined by the Director of Public Development, the applicant's engineer or designer shall provide any such standard drawing requested.
- (s) **Engineer's certification.** A block on the cover page of the development plans shall be provided as follows:

"Engineer's Certification

It is hereby certified that these development plans were prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed development meets the requirements of the Jackson County Unified Development Code as applicable to this property.

By (name): _____
Signed: _____
Professional Engineer No. _____
Address: _____
Telephone No. _____
Date: _____"

- (t) **Owner's certification.** A block on the cover page of the development plans shall be provided as follows:

"Owner's Certification

As the owner of this land, as shown on this development plan, or his agent, I certify that these drawings were made from an actual survey, and that they accurately portray existing land and its features and the proposed development and improvements thereto.

Date: _____
Owner or Agent Name: _____
Signed: _____"

- (u) **Signature blocks for plan approvals.** A signature block for development plan approval, as follows (as applicable):

"Water and Sewer Provider Certification

This development, as shown on these plans, has been reviewed and is approved for construction activity only in that it has been designed to meet the requirements of the _____ Standard Drawings and Specification with regard to:

WATER SUPPLY (Strike through if not applicable)

SEWAGE DISPOSAL (Strike through if not applicable)

And that all of the proposed utility easements to be dedicated to _____ are shown on the construction drawings.

The _____ [insert name of water/sewer provider] _____ is not responsible for the adequacy of the design, which is the sole responsibility of the engineer of record who stamped and sealed the plans.

Dated this _____ Day of _____, 20__.

By: _____
Title: _____
Organization: _____"

"Environmental Health Department Certification

The lots shown on these plans have been reviewed by the Jackson County Environmental Health Department and are approved for preliminary subdivision site work only.

Dated this _____ Day of _____, 20__.

By: _____
Title: _____”

“Jackson County Roads Department Certification

The development shown on these plans has been reviewed by the Jackson County Roads Department and the improvement shown within the county right of way are approved for construction.

Dated this _____ Day of _____, 20__.

By: _____
Title: Jackson County Roads Superintendent”

“Certificate of Project Approval

All applicable requirements of the Jackson County Unified Development Code having been fulfilled, approval of these development plans is hereby granted by the Jackson County Director of Public Development, subject to further compliance with all provisions of said development code.

Dated this _____ Day of _____, 20__.

By: _____
Title: Jackson County Director of Public Development

This development permit and approved plans shall remain in effect for a period of 6 consecutive months after which time the permit and plans will become null and void and a new permit will be required if no development activity has begun and has been diligently pursued. The timeline as indicated on these development plans will be required to be followed, and if at any time the project becomes behind 3 months or more the development permit will become null and void and a new development permit will be required. If the development permit becomes null and void a new Certificate of Project Approval must be applied for and additional fees paid. All new codes and standards will be required to be followed.

NOT FOR RECORDING”

- (v) **Additional information.** Such additional information as specified by this UDC or as may be reasonably required to allow an adequate evaluation of the development proposal.

Sec. 845. Completeness check.

- (a) The application shall be checked for completeness within thirty (30) days of submission. Incomplete applications will not be processed.
- (b) If all documents and plans are not submitted, the development plan application will not be reviewed.

- (c) The Public Development Department will notify the applicant of any deficiencies and will advise the applicant on what is needed to complete the application and initiate review.

Sec. 846. External reviews of development plans.

- (a) **Oconee River Soil and Water Conservation District.** Development plans which include a land disturbance permit application require the review of soil erosion and sedimentation control plans by the Oconee River Soil and Water Conservation District (see Division III of this Article). Such reviews are coordinated by the Public Development Department.
- (b) **Other agencies.** The owner shall be responsible for obtaining approval from all other agencies affected by the project. The applicant may be required by the Public Development Department to secure development approval from other agencies if they are affected by the development. Applicants are responsible for initiating and receiving approval if required of development plans by agencies external to the Jackson County Public Development Department, including the Jackson County Environmental Health Department, the Jackson County Water and Sewerage Authority (or municipal service provider if applicable), State Fire Marshal, and the Georgia Department of Transportation, if applicable. Plans are submitted to these external agencies by the applicant, for comments and approvals. Approval by the external agency is then communicated to the Public Development Department. The Public Development Department shall provide all comments to the applicant for resolution, and the applicant shall work directly with each external agency as necessary to resolve all issues.
- (c) **Delays per external reviews.** The Public Development Department is not responsible for delays in approval of development plans when a development permit applicant is required to be approved by an external agency but has not obtained approval from that external agency with jurisdiction over the development proposal.

Sec. 847. Development permit application processing.

- (a) **Administrative procedures.** The Public Development Director is authorized to establish and modify administrative procedures regarding the development plan review administrative process to provide for expeditious decision making and to ensure fairness in the process.
- (b) **Time frame.** Decisions on development permits shall be issued by the Public Development Director within forty (40) calendar days of the Department's notice of plan application completeness.
- (c) **Criteria for decisions on development permit applications.** The Public Development Department shall review the application for compliance with the following criteria, which shall not be limiting:

1. **Development code and zoning conditions.** Development plans must be consistent with all applicable articles and sections of this UDC, and any conditions of zoning, special use, or variance approval, if applicable.
 2. **Previously approved plats and plans.** When property to be developed is included on an approved final plat, master plan, or other plan approved by the county, development plans shall be in substantial accordance with said plat or plan as determined by the Public Development Director. Significant departures from any such requirements may require the resubmission of plat, master plan, or other plan previously approved, as determined by the Public Development Director.
 3. **Usability or variance.** The Public Development Department may not approve any development permit application or plan that shows a lot or situation that would clearly require a variance in order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
- (d) **Noncompliance.** If the development permit application and plans are found to not comply with the requirements of this UDC, the Department of Public Development shall indicate on the drawing or in writing all comments related to lack of compliance with this UDC. The Public Development Department shall deny or withhold approval of the development permit application in cases where the proposed development does not meet the requirements of this UDC or the comments of any other internal or external agency with jurisdiction to review the development permit application.
- (e) **Compliance and approval.** When the Public Development Department has determined that the development permit application complies with the requirements of this UDC, it will be approved.
- (f) **Development surety required.** A development surety is required prior to the Department's signature of approved development plans and issuance of a development permit. No development permit will be issued without the applicant's submission and county acceptance of the required development surety. Note: performance requirements for subdivisions (public improvements) will be included in Article 15, subdivisions.
- (g) **Pre-construction meeting and acknowledgment memorandum.** When development plan sets have been approved, the Department of Public Development shall provide the signature of the Director of Public Development or authorized designee, and two (2) signed sets will be made available to the applicant to pick up from the Department office during a pre-construction meeting which will be attended by the applicant. The property owner shall be required to sign a pre-construction memorandum acknowledging receipt of approved development plans and responsibilities of the property owner and applicant, including but not limited to calls for development inspections. No development permit will be issued unless these requirements are met.

- (h) **Permit issuance and posting.** When a development permit is issued, it shall be assigned a number by the Department of Public Development and the applicant shall be supplied a development permit which must be posted on the development site prior to commencement of any land disturbing activity.

Sec. 848. Project performance surety.

Upon approval of development plans but before the issuance of a development permit, the applicant shall be required to post a performance bond and cash escrow for the project. The performance bond shall be in a format acceptable to the County Attorney and the performance surety shall remain and not expire until a certificate of completion for the project is given by the county. The performance bond will be 100% of the amount listed below and at least 50% shall be in cash escrow.

Residential	0-24 lots	\$75,000
	25-50 lots	\$100,000
	51-150 lots	\$125,000
	151-250 lots	\$150,000
	More than 250 lots	Not less than the total estimated construction cost and maintenance cost of the facilities required by the storm water management plan and all work to be performed inside existing Jackson County rights of way (i.e., turn lanes, access improvements, etc.).
Non-residential	0-5 acres	\$50,000
	5-10 acres	\$75,000
	10-50 acres	\$100,000
	More than 50 acres	\$125,000

Sec. 849. Revisions.

- (a) Development plan applications shall be revised and resubmitted to accommodate the comments by review agencies and those issued to the applicant by the Public Development Director. If revisions are not resubmitted within a time frame specified by the Director, the application will be denied.
- (b) Plan drawings that are submitted for revision must specifically identify those areas that are to be considered for review and approval. The revisions shall be noted in tabular form in a revision block on the plan drawings.

Sec. 850. Duration of development permit.

- (a) **Expiration.** A development permit shall remain in effect for a period of 6 consecutive months after which time the permit and plans will become null and void and a new permit will be required if no development activity has begun and has been diligently pursued.

The timeline as indicated on the development plans will be required to be followed, and if at any time the project becomes behind 3 months or more the development permit will become null and void and a new development permit will be required. If the development permit becomes null and void a new Certificate of Project Approval must be applied for and additional fees paid. All new codes and standards will be required to be followed.

- (b) **Extension.** The Director of Public Development may approve one extension of a development permit not exceeding three (3) consecutive calendar months within which time development activity must commence or the permit shall expire. Said extension shall be applied for prior to expiration.
- (c) **Suspension or revocation.** A development permit may be suspended, revoked or modified, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this UDC.

Sec. 851. Development inspections.

Inspections are required for each of the following phases, as applicable to the actual work to be performed under the development permit:

- (a) **Erosion and sedimentation control.** Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and sedimentation control plan prior to any development activity and as development progresses. Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas shall be required. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.
- (b) **Stormwater facilities.** Construction of the stormwater system shall be initiated as part of the grading of the site. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate. Upon installation of storm drainage pipe, detention, or other storm water facilities, inspection and approval shall be required prior to continuation with subgrade preparation.
- (c) **Grading.** Upon completion of street grading, if applicable, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.
- (d) **Street curbing and gutter (if provided).** After grading is completed and approved, the curb lines shall be staked by the developer's registered land surveyor. Inspection shall be requested after the subgrade is compacted and forms or string line have been set. Street width and vertical and horizontal alignment may be spot checked.

- (e) **Sub-grade of streets.** After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the Inspector and replaced with suitable, thoroughly compacted material. Prior to placement of the street base, the subgrade shall be compacted to 95% density. Testing for sub-grade compaction will be required, including two tests at each sanitary sewer manhole.
- (f) **Utilities.** Before any street base is applied, all of the underground utilities—water mains, sewer mains, gas mains, or any other underground utilities, and all service connections related thereto, that will be located under the street base shall be installed completely and provided throughout the length of the street and across the flat section. If a public water system is to be installed, the improvements are to be reviewed, approved and inspected by the water provider.
- (g) **Street base.** The base shall be string-lined for depth and crown. The street base shall be roll-tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the Inspector. When testing is required by the Inspector, it is the responsibility of the developer to ensure that all required tests are made and reported to the Inspector. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories. If deemed necessary by the inspector, additional tests will be required.
- (h) **Paving.** The Inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored after completion to check thickness and density. Satisfactory test results of the cores shall be delivered to the Public Development Department and the Jackson County Water and Sewerage Authority (where utilities are involved) prior to approval of a final subdivision plat or certificate of completion.
- (i) **Tree protection and landscaping.** Inspections for tree protection measures and the installation of landscaping shall be as specified in Article 12 of this UDC.
- (j) **Final.** A final inspection of the development, once complete, shall be required.

Sec. 852. Field changes.

- (a) After issuance of a development permit, if changes are desired or made necessary as a result of field conditions, the design engineer must contact the Public Development Department to coordinate the review and approval of the requested revision.

- (b) All field changes shall be documented as revisions to the approved development plans and correctly shown on as-built surveys.
- (c) Discrepancies between as-built surveys and approved development plans may result in delays in approving final plats, building permits or certificates of occupancy.

Sec. 853. Reference to specifications.

Where this UDC establishes specifications to be followed, said specifications shall be met, including but not limited to standard drawings established in Article 23 of this UDC, specifications for streets and sidewalks in Article 16, as well as other Articles and Sections of this UDC, where applicable. The following regulations and manuals are hereby adopted (as may be amended from time to time), and development shall be consistent with them, as applicable, unless otherwise approved by the Director of Public Development.

- (a) **On-site sewage management.** Georgia Department of Public Health, Environmental Health Section, Manual for On-site Sewage Management Systems, revised January 2016.
- (b) **Soil erosion control.** *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission.
- (c) **Stormwater management.** Inside urbanized areas of Jackson County only, *Georgia Stormwater Management Manual: Volume 1: Local Government Guide* (2016 Editions); *Volume 2: Technical Handbook* (2016 Edition); and *Volume 3: Pollution Prevention Guidebook* (2012).
- (d) **Surveys.** Georgia Administrative Code Department 180, State Board of Registration for Professional Engineers and Land Surveyors, Chapter 180-7, *Technical Standards for Property Surveys*.
- (e) **Access management.** Georgia Department of Transportation *Regulations for Driveway and Encroachment Control*, Revision 4.0, dated March 15, 2016.
- (f) **Traffic control.** *Manual on Uniform Traffic Control Devices*, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation.
- (g) **Landscaping.** *ANSI 300 Standards:* The generally accepted (consensus) industry standards for tree care practices, developed by the Tree Care Industry Association (TCIA) and written by a committee called the Accredited Standards Committee (ASC) A300. These standards are based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.
- (h) **Airspace encroachment.** With regard to development around the Jackson County Airport only, United States Code of Federal Regulations, Title 14: Aeronautics and Space, Chapter I—Federal Aviation Administration, Department of Transportation,

Subchapter E—Airspace, Part 77—Safe, Efficient Use, and Preservation of the Navigable Airspace.

Sec. 854. Disclaimers.

- (a) **No transfer of responsibility.** Approval of development plans by the Public Development Department shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the development plans were prepared. The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the development plans were prepared.
- (b) **No waiver of compliance.** No development permit issued by the Department shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this UDC shall be considered to have been null and void upon its issuance.
- (c) **No liability for damage.** The approval of plans under the provisions of this Article and the issuance of a development permit shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor shall such plan approval or development permit issuance impose any liability upon the Jackson County Board of Commissioners for damage to any person or property.

Sec. 855. Certification and as-built plans.

- (a) Upon completion of the project, the applicant or other responsible party shall submit a final hydrological study and all required as-built plans of the project in electronic format. All plans must be in the Georgia Coordinate System West Zone NAD 83. If the project is within 1,000 feet of a Jackson County geodetic monument the plans must use the monument as a control/tie point. In addition, the applicant shall submit electronic (DWG/DXF and PDF) file copies of information as specified by the Public Development Director and the Director of Geographic Information Services. Building permits may be withheld pending receipt of the electronic files.
- (b) In addition to as-built plans, the development applicant shall submit electronic file copies of lot boundaries of subdivisions and related information as specified by the Public Development Director and the Director of Geographic Information Services.

- (c) A certificate of completion will be issued by the Department of Public Development upon satisfactory completion of the development project.

Secs. 856 to 860. Reserved.

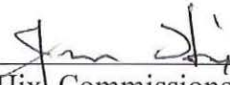
EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage.

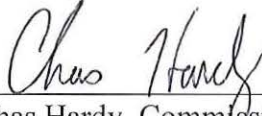
PASSED AND ADOPTED this 18th day of December, 2017, the public health, safety, and welfare demanding it.

JACKSON COUNTY BOARD OF COMMISSIONERS:

Tom Crow, Chairman




Jim Hix, Commissioner, District 1



Chas Hardy, Commissioner, District 2



Ralph Richardson, Jr., Commissioner, District 3



Marty Seagraves, Commissioner, District 4



Attest:



Clerk to the Board