



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, June 7, 2004 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

- I. OPENING (CALL TO ORDER) – Chairman Kendall**
- II. INVOCATION - Rev. Reginald Jacobs**
- III. PLEDGE TO FLAG – Led by Chairman Kendall**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Parks and Recreation Director Louis Greene is present to recognize the Lagniappe traveling dance team. The Senior Center dance team program consists of 56 current participants with many more on the waiting list. The traveling dance team calls themselves Lagniappe. They dance in nursing homes, civic clubs, personal care homes and churches. The team recently competed in the State GRPA talent showcase held in Cartersville. This was for their first competition and were up against 7 different dance teams throughout the State and won second place in the State. Mr. Green also recognized those present from the Senior Center Fitness Club, which has 72 members in the program.

Ms. Billie Brown was elected spokesperson for the Senior Citizens Center and addressed the Board on their needs. Ms. Brown commented that we would like to be aware that the SPLOST is not going to overshadow our needs for long range needs. The Center needs additional room as they have met capacity and requests an addition to the existing building. She gave a brief summary of what activities are provided through the Senior Center. They offer bingo, meals Monday-Wednesday, craft classes, quilting classes, sewing classes, painting classes, travel club, tax assistance program, card games, billiards, exercise classes, dancing classes, tai chi classes and computer classes. Each spring there is a whole week of senior Olympics, with various activities available. She said on behalf of the Spalding Senior Center she was requesting more space and there to be funds set aside for the County's very active Seniors.

2. Consider approval of a Joint City/County Proclamation "Nunc Pro Tunc" proclaiming Sunday, June 6, 2004 as "Reverend Walter Crawford James Day" in honor of his retirement. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following Proclamation was unanimously approved by a vote of 5-0.*

JOINT CITY/COUNTY PROCLAMATION

"In Honor of the Retirement of Reverend Walter Crawford James"

- WHEREAS,** Walter Crawford James, son of the late Cornelius James and the late Marie Crawford James, was born in the city of Macon, Bibb County, Georgia on October 29, 1929; and
- WHEREAS,** Walter Crawford James, received his elementary and secondary education in Macon Georgia, and attended B.D. Etta College for three years; and
- WHEREAS,** Beginning in 1947, Walter Crawford James proudly served his country for 2 ½ years in the United States Coast Guard, where he was honorably discharged as a S.N. First Class Seamen; and

WHEREAS, After leaving the military, Walter Crawford James, lived in Atlanta Georgia and worked at several jobs, including Rich's Department Store, Stylon Ceramics, and the Atlanta Army Depot; and

WHEREAS, In 1967, while being employed by the Federal Government, Walter Crawford James, along with other employees, volunteered to go to Vietnam to serve as a supply specialist with the United States Army. While in Vietnam, Walter Crawford James, received his calling to the ministry and was licensed and ordained by his pastor, Rev. M. L. Raglin in 1967; and

WHEREAS, Reverend Walter Crawford James, has dutifully carried out his calling by pastoring the China Grove Baptist Church in Flovilla Georgia, the Zion Baptist Church in Jackson, Georgia and the Pleasantview Baptist Church in Covington Georgia, prior to being called as the pastor of the 8th Street Baptist Church in Griffin, Georgia, in 1983; and

WHEREAS, Reverend Walter Crawford James married Ms. Marie Evans on September 18, 1993, and together, their union has exemplified the tenets of a Christian marriage.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Spalding County and the Board of Commissioners of the City of Griffin, in honor of the retirement of Reverend James, that Sunday, June 6, 2004 is hereby proclaimed as

“REVEREND WALTER CRAWFORD JAMES DAY”

in Griffin and Spalding County as the citizens of this community are eternally indebted to the Rev. James for his devotion to his Church family, his service to this community and most importantly, his Christian spirit that has been a blessing to all of the people that the Creator has allowed him to serve.

This the 5th day of June 2004.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Ms. Marilyn Biles, 1424 N. Lee Street, addressed the Board regarding an incident that happened in her subdivision regarding a dog, part rotweiller, part bulldog, coming out of the fence and attacking the neighbor's dog. She said this was a problem that needs to be addressed and she had come to the meeting to get some help. She said when she saw the dog attacking the other dog, she picked up a bee bee gun and shot at him but it did not stop him and wound up beating the dog across the head with the gun. She is concerned because this could have been a child and the child would have been killed. The man who owns the dog has to go to court June 15th and she has to testify. She asked that the Board order in subdivisions in Spalding County where there are houses close together that there be a 6 ft. fence and a chain on the dog.

Commissioner Morrow commented that the County does have restraint districts where there are subdivisions and it is possible to have this declared a restraint district if a majority of the neighbors wish for it to be so.

County Manager Wilson asked Ms. Biles to give him her name and address and the information on how to get a restraint district would be sent to her.

VIII. MINUTES

1. Consider approval of the Extraordinary Session of May 17, 2004 and the 9:00 a.m. Session of the Zoning Public Hearing of May 27, 2004. *Upon motion by Commissioner Morrow, seconded Commissioner McDaniel both sets of minutes were unanimously approved by a vote of 5-0.*

2. Consider approval of the 6:00 p.m. Session of the Zoning Public Hearing of May 27, 2004. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel Items 1-5 on the Consent Agenda were unanimously approved by a vote of 5-0.

- 1. Consider at second reading an ordinance amending the Fiscal Year 2004 Budget Ordinance to provide for repairs at the Correctional Institution.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2004 BUDGET ORDINANCE
FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2004 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

WHEREAS, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on June 26, 2003, be amended as follows:

Section I. Capital Projects Fund

A. Revenues

Fund Balance From \$ 331,208 to \$ 350,808

B. Expenditures

Capital Projects Grant C I From \$ 331,208 to \$ 350,808

Section II. General Fund

A. Revenues

Other Financing Sources From \$ 1,026,082 to \$ 1,045,682

B. Expenditures

Correctional Institution From \$ 4,993,820 to \$ 5,013,420

Approved on first reading this 17th day May 2004.

Approved, adopted and enacted on second reading this 7th day June 2004.

- 2. Consider at second reading an ordinance amending the Fiscal Year 2004 Budget Ordinance to provide for receipt of lease purchase proceeds for the General Fund.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2004 BUDGET ORDINANCE
FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2004 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

WHEREAS, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on June 26, 2003, be amended as follows:

Section I. Fire Fund

A. Revenues

Intergovernmental Revenue From \$ 0 to \$ 38,524

B. Expenditures

Fire Department From \$ 4,096,566 to \$ 4,134,820

Approved on first reading this 17th day May 2004.

Approved, adopted and enacted on second reading this 7th day June 2004.

5. Consider at second reading of Amendment to the Official Zoning Ordinance of the following:

- **Amendment to UDO #A-04-09:** Appendix A. Subdivision Ordinance – Section 502:E’ – amend Acceleration/Deceleration Lane requirements.

IN RE:

Text Amendment #A-04-09

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on May 27, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia is in conformance with sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: Existing Appendix A Section 502.E’ of the Unified Development Ordinance shall be deleted in its entirety.

Section 2: A new Section 502E’ of the Unified Development Ordinance shall be enacted as follows:

E’ **Acceleration/Deceleration Lane Requirements:** Where any new, proposed street(s) will intersect an existing street or road, acceleration and deceleration lanes will be

required where new construction will intersect an existing street or road with the criteria of the following safety issues being reviewed by the Zoning Administrator or his designee: speed, sight distance or traffic volume. If the new street will intersect a road in the State Highway System, a permit or letter of approval from DOT will be required before the approval of the preliminary plat. Examples are shown in Attachment A.

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon its adoption by the Spalding County Board of Commissioners.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

X. OLD BUSINESS

1. Consider at second reading of Amendment to the Official Zoning Map of the following:

- **Application #04-06Z:** W. A. Alford, Sr. and Mary Lee Alford, Owners – 1140 Cowan Road – 1.087 acres – R-1 to O & I, Conditional.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was approved by a vote of 4-0-1 with Commissioner Kendall abstaining as he was not present for the discussion.

APPLICATION OF W. A. ALFORD, SR. AND MARY LEE H. ALFORD FOR REZONING CERTAIN PROPERTY LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION 04-06Z

RESOLUTION AMENDING THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA AND THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “R-1, Single Family Residential Low Density;”

WHEREAS, W. A. Alford, Sr. and Mary L. Alford, applicant, applied for a change in zoning classification to be applied to the within described property to “O & I, Office and Institutional;”

WHEREAS, such application was filed with Spalding County, Georgia on February 27, 2004;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on May 27, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and

sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that lot, tract, or parcel of land lying and being located in Land Lot 94 of the 3rd Land District, originally Henry, now Spalding County, Georgia, containing 1.087 acres of land and may be more particularly described as follows:

Beginning at a point located at the South right-of-way of Pecan Drive and the East right-of-way of Cowan Road and running southerly along the East right-of-way of Cowan Road a distance of 109.50 feet to a point and true point of beginning, thence running North 89°57'37" East a distance of 265.54' to a point, thence South 01°36'00" West a distance of 182.09' to a point; thence North 89°03'00" West a distance of 261.16' to a point on the East right-of-way of Cowan Road, thence North 00°12'45" East along the East right-of-way of said road a distance of 177.50' to a point and true point of beginning.

From "R-1, Single Family Residential Low Density" to "O & I, Office and Institutional" District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

1. The following uses shall not be allowed: Site built or industrialized home of less than 1,500 heated square feet, Class A Manufactured Home, Two-family dwelling and utility substation.

Section 3:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On June 7, 2004, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that lot, tract, or parcel of land lying and being located in Land Lot 94 of the 3rd Land District, originally Henry, now Spalding County, Georgia, containing 1.087 acres located at 1140 Cowan Road, zoned O & I, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Application #04-07Z:** Holiday Investments, Inc., Owner – 1647 Williamson Road – 3.53 acres – C-1A to C-1B, Conditional.

Commissioner Morrow left the room before the vote stating conflict of business interest. Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was approved by a vote of 3-0-2 with Commissioner Morrow not voting and Commissioner Kendall abstaining as he was not present for the discussion.

**APPLICATION OF HOLIDAY INVESTMENTS, INC.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 04-07Z

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "C-1A, Neighborhood Commercial;"

WHEREAS, Holiday Investments, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to "C-1B, Heavy Commercial;"

WHEREAS, such application was filed with Spalding County, Georgia on March 10, 2004;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on May 27, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that tract or parcel of land lying and being in Land Lot 84 of the 2nd Land District of Spalding County, Georgia, and being 3.53 acres designated as Tract A on a plat of survey prepared by Conkle-Lane & Associates, Inc., which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

BEGINNING at a point located on the Northwestern right-of-way line of Williamson Road, said point being 867.28 feet Northeasterly as measured along said right-of-way line from its intersection with the West land lot line of said Land Lot 85 of the 2nd Land District, Spalding County; thence leaving the Northwestern right-of-way line of Williamson Road North 24 degrees 59 minutes 29 seconds East 258.33 feet to a point; thence proceeding North 87 degrees 51 minutes 28 seconds West 130.00 feet to a point; thence proceeding North 02 degrees 08 minutes 32 seconds East 294.04 feet to a flat bar found; thence proceeding South 89 degrees 44 minutes 59 seconds East 380.23 feet to a ¾" rebar found; thence proceeding South 02 degrees 25 minutes 34 seconds West 484.07 feet to an axel found on the Northwestern right-of-way line of Williamson Road; thence proceeding along said right-of-way line South 70 degrees 08 minutes 54 seconds West 140.00 feet to a point, said point being the POINT OF BEGINNING.

From "C-1A, Neighborhood Commercial" to "C-1B, Heavy Commercial" District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

1. No outside sales permitted in the front yard of the property;
2. No automotive repairs/sales, no heavy equipment, no gas stations, and no tire re-treading operations;
3. The property will be reconfigured to create a conforming lot that is described in the next application, #04-07AZ; and
4. No kennel.

Section 3:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On June 7, 2004, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 84 of the 2nd Land District of Spalding County, Georgia, and being 3.53 acres located at 1647 Williamson Road, zoned C-1B, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Application #04-07AZ:** Holiday Investments, Inc., Owner – 1647 Williamson Road – 1.28 acres – C-1A to C-1B, Conditional.

Commissioner Morrow left the room before the vote stating conflict of business interest. Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was approved by a vote of 3-0-2 with Commissioner Morrow not voting and Commissioner Kendall abstaining as he was not present for the discussion.

APPLICATION OF HOLIDAY INVESTMENTS, INC.

**FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 04-07AZ

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "C-1A, Neighborhood Commercial;"

WHEREAS, Holiday Investments, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to "C-1B, Heavy Commercial;"

WHEREAS, such application was filed with Spalding County, Georgia on March 10, 2004;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on May 27, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that tract or parcel of land lying and being in Land Lot(s) 84 and 85 of the 2nd Land District of Spalding County, Georgia, and being 1.28 acres designated as Tract B on a plat of survey prepared by Conkle-Lane & Associates, Inc., which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

BEGINNING at a point located on the Northwestern right-of-way line of Williamson Road, said point being 600.01 feet Northeasterly as measured along said right-of-way line from its intersection with the West land lot line of said Land Lot 85 of the 2nd Land District, Spalding County; thence leaving the Northwestern right-of-way line of Williamson Road North 02 degrees 08 minutes 32 seconds East 330.00 feet to a point; thence proceeding South 87 degrees 51 minutes 28 seconds East 130.00 feet to a point;

thence proceeding South 24 degrees 59 minutes 29 seconds East 258.33 feet to a point located on the Northwestern right-of-way line of Williamson Road; thence proceeding along said right-of-way line South 70 degrees 08 minutes 54 seconds West 267.27 feet to a point, said point being the POINT OF BEGINNING.

From "C-1A, Neighborhood Commercial" to "C-1B, Heavy Commercial" District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

1. No outside sales permitted in the front yard of the property;
2. No automotive repairs/sales, no heavy equipment, no gas stations, and no tire re-treading operations;
3. The property will be reconfigured to create a conforming lot that is described in the next application, #04-07Z; and
4. No kennel.

Section 3:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On June 7, 2004, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot(s) 84 and 85 of the 2nd Land District of Spalding County, Georgia, and being 1.28 acres located at 1651 Williamson Road, zoned C-1B, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

2. Consider at second reading of Amendment to the Official Zoning Ordinance of the following:

- **Amendment to UDO #A-04-11:** All Single Family Residential and Commercial Districts – Development Standards – revision to substandard lots.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was approved by a vote of 4-0-1 with Commissioner Kendall abstaining as he was not present for the discussion.

IN RE:

Text Amendment #A-04-11

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on May 27, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia is in conformance with sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1. Existing Section 504.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 2. Existing Section 604.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 3. Existing Section 704.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 4. Existing Section 704.A.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 5. Existing Section 804.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 6. Existing Section 804.A.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 7. Existing Section 1004.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 8. Existing Section 1104.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 9. Existing Section 1104.A.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 10. Existing Section 1204.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 11. Existing Section 1304.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 12. Existing Section 1404.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 13. Existing Section 1404.A.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 14. Existing Section 1504.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 15. Existing Section 1904.S.1. of the Unified Development Ordinance shall be deleted in its entirety.

Section 16. Replace Section 504.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 17. Replace Section 604.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 18. Replace Section 704.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 19. Replace Section 704.A.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 20. Replace Section 804.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 21. Replace Section 804.A.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 22. Replace Section 1004.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 23. Replace Section 1104.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 24. Replace Section 1104.A.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 25. Replace Section 1204.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 26. Replace Section 1304.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 27. Replace Section 1404.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 28. Replace Section 1204.A.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 29. Replace Section 1504.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 30. Replace Section 1904.S.1 with the following:

1. Single Lots: When a lot has an area or frontage, which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this Ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this Ordinance are met.

Section 31: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon its adoption by the Spalding County Board of Commissioners.

Section 32: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Amendment to UDO #A-04-12:** Article 7. Conservation Subdivision – replace existing Conservation Subdivision requirements with new Conservation Subdivision requirements.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was approved by a vote of 4-0-1 with Commissioner Kendall abstaining as he was not present for the discussion.

IN RE:

Text Amendment #A-04-12

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE SUBDIVISION ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and thereafter adopted as Appendix A thereto, the Subdivision Ordinance subsequently;

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Subdivision Ordinance of Spalding County;

WHEREAS, such proposed text amendment was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on May 27, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing;

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Subdivision Ordinance of Spalding County, Georgia is in conformance with sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Subdivision Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

ARTICLE 7. CONSERVATION SUBDIVISIONS

Section 701. Purposes.

A. The purpose of this Article is to encourage development principles and strategies which conserve open land in Spalding County, including those areas with unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands by setting them aside from future development. To accomplish this purpose, this Article encourages development and design standards separate and distinct from traditional subdivision development with the following additional goals:

1. To provide greater design flexibility and efficiency in siting services and infrastructure, including the opportunity to reduce the length of roads, utility easement runs and the amount of paving required for residential development;
2. To reduce soil erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
3. To provide for a diversity of lot sizes and residential density;

4. To protect areas of Spalding County with productive agricultural soil for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operation;
5. To create neighborhoods with direct visual access to open land, with amenities of neighborhood open space and with a strong neighborhood identity;
6. To provide for the conservation and maintenance of open land within Spalding County for active or passive recreational use by residents;
7. To provide for multiple options for development to minimize impacts on environmental resources and sensitive lands such as wetlands, floodplains and steep slopes;
8. To prevent disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, wildlife habitats and historic buildings or structures; and
9. To conserve scenic views and elements of Spalding County's natural character and to minimize perceived density by minimizing views of new development from existing streets and roads.

B. In order to achieve the purposes of this Article, flexibility is allowed for the design of residential subdivisions by allowing a conservation form of subdivision, as follows:

Neutral Density and Basic Conservation: This form of subdivision development is allowed in the following zoning districts: AR-1, AR-2, R-1, R-2, R-4 and R-5. Residential uses are allowed at the following maximum densities for based on the result of the yield plan design:

- | | |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AR-1: | 1 unit/2 acres |
| AR-2: | 1 unit/5 acres |
| R-1, R-2, R-4 and R-5: | 1 unit/2 acres (where property is not served by public water or sewer); 1 unit/1 acres (where property is served by public water but not sewer); and 1 unit/1 acre (where property is served by both public water and sewer) greenspace and undeveloped land must make up at least 40% of the entire tract and shall not be included in any part of a subdivision lot. |

Section 702. General Regulations.

The design of all Conservation Subdivisions shall be governed by the following minimum standards:

1. **Ownership:** The tract of land may be held in single or multiple ownership. However, a tract held in multiple ownership shall be planned as a single development.
2. **Site Suitability:** The tract shall be suitable for supporting development based on its size, configuration and environmental conditions. Tracts deemed unsuitable for promoting the purposes of this ordinance shall not be considered for development under the regulations of this Article.
3. **Intersections and Access:** Driveways serving residences located within a conservation subdivision must provide access by intersections with roads developed within the subdivision. New intersections between existing roads and roads within the conservation subdivision shall be minimized. Additional intersections may be required based upon the location and condition of existing roads, the size of the proposed development, the size of the tract, traffic flow, and management and public safety. Interconnectivity of roads is desired.
4. **Sensitive Area Disturbance:** The subdivision design shall strictly minimize disturbance of environmentally and culturally sensitive areas, including but not limited to areas located within the 100-year floodplain, having a slope exceeding 25%. Wetlands and/or historic areas. As a prerequisite of approval of any development, the Applicant must first identify the location of these features and then demonstrate that these features will be protected.

5. **Greenspace:** That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views and other unique features. Greenspace may be accessible for the residents of the development and/or to Spalding County, or it may contain areas of conservancy lots that are not accessible to the public.
6. **Conservancy Lot:** A large, privately owned lot constituting part of an area of greenspace. The purpose for the conservancy lot is to provide surrounding residents with visual access to greenspace land while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standard for greenspace. Public access to public conservation lots is not required. For the purposes of this ordinance, the conservation lot shall be covered under the homeowner's association documents; however, given the nature of some of the allowed uses it may be exempt from the some of the subdivision covenants as long as harmonious coexistence of residential and agricultural can be maintained .

Section 703. Dimensional Standards and Density Determinations.

A. Dimensional Standards for Neutral Density and Basic Conservation:

1. Density Factor: Maximum density as allowed under the particular zoning district in which the conservation subdivision is located. Density shall be calculated on the basis of Yield Plan.
2. Minimum Required Lot Area:
 - a. For areas served by public sewer: 15,000 square feet on average. Up to 20% of the lots within the subdivision may be reduced to a minimum of 12,000 square feet.
 - b. For areas not served by public sewer: Minimum lot size as may be established by the Spalding County Health Department.
3. Minimum Lot Width at Building Line: 80 feet
4. Minimum Street Frontage: 30 feet
5. Yard Regulations: Variations in principal building positions and orientation are encouraged, but shall meet the following minimum standards:
 - a. Front: 20 feet
 - b. Rear: 40 feet
 - c. Side: 30 feet separation for principal buildings with no side yard less than five (5) feet
6. Maximum Impervious Coverage: 50% limit on each lot.
7. Maximum Height Regulations: 45 feet, provided that the following emergency vehicle access standards are maintained to the property:
 - a. All weather road access that must be paved if more than one lot is accessed.
 - b. Have a minimum width of twenty (20) feet if more than one lot is accessed.
 - c. Maintain a clear area of at least 12 feet in width and 12.5 feet in height.
 - d. May not exceed 750 feet in length.
8. Minimum Tract Size Required for Development of Conservation Subdivisions: 15 acres.
9. Minimum aggregate green space total: 40% of the total acreage of the tract provided the following additional criteria is met:

- a. Designated wetlands may be included in the green space in the amount not more than 10% of the total acreage of the tract .
- b. Detention facilities may be included in the green space.
- c. Retention ponds lakes and watercourses may be included within the green space to the extent of not more than 10% of the total acreage of the tract.

B. Lot Yield Determination for Conservation Subdivisions:

The method for determining the maximum permitted number of lots for Conservation Subdivisions.

Yield Plan: Determination of the maximum number of permitted residential dwelling units shall be obtained by a Yield Plan, which meets the following requirements:

- a. A Yield Plan will be prepared as a conceptual layout plan showing proposed lots, streets, rights-of-way and other pertinent development features based upon the standard lot size and dimension requirements for the applicable zoning district. Though a scale drawing is not required, the conceptual layout plan must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for septic tanks.
- b. A Yield Plan must also incorporate the site's naturally occurring resources and characteristics, and the plan must demonstrate that the site's naturally occurring resources and characteristics may be successfully absorbed in the development process without disturbance by allocating a particular area of the tract to proposed single-family dwelling lots that conform to the density factor. For the purpose of calculation the yield, no more than of residential lot shown on the proposed yield plan shall include floodplain, steep slopes or wetlands. Water courses and lakes shall be not be included on any proposed residential lot.
- c. On unsewered tracts, density shall be further determined by evaluating the number of residential dwellings that could be supported by individual septic systems on conventional lots. Based thereon, the Zoning Administrator shall select a 10% sample of the lots considered to be marginal for on-lot sewage disposal. The Applicant is required to provide evidence that these lots meet the standards for individual septic systems, at which time the Applicant shall be granted the full density determined by the Yield Plan. Should any of the sample lots fail to meet the standard for individual septic systems, those lots shall be deducted from the Yield Plan and a second 10% sample shall be selected and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual septic system.

Section 704. Greenspace Land Use and Design Standards.

Protected greenspace within all conservation subdivisions shall meet the following standards:

- A. Permitted Uses:
 - 1. Conservation of open land in its natural state, such as woodland, fallow field, or managed meadow.
 - 2. Agricultural activities, excluding commercial livestock operations involving feed lots or dairy/milking operations, swine, poultry and/or any other animals likely to produce offensive odors.
 - 3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 25% of the required greenspace.
 - 4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

5. Neighborhood open space uses such as village greens, common, picnic areas, community gardens, trails and similar low-impact recreational uses, but specifically excluding use of motorized off-road vehicles, rifle ranges or related shooting recreational activities.
6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts and bikeways, provided such areas consume less than 1/2 of the greenspace or five acres, whichever is less. Playing fields shall not be located within 100 feet of abutting properties. Parking facilities for the same shall be permitted, provided they are gravel surfaces, unlighted and properly drained containing no more than ten (10) spaces.
7. Golf courses, excluding driving ranges and miniature golf, may constitute up to 1/2 of the greenspace. Parking and access ways to serve the golf course may be paved and lighted.
8. Water supply and sewage disposal systems and stormwater detention areas designed, landscaped and available for use as an integral part of the greenspace.
9. Easements for drainage, access, sewer or water lines or other public purposes.
10. Aboveground utility rights of way and street rights of way may traverse conservation areas but shall not count toward the minimum required greenspace.

B. Greenspace Design Standards:

1. Greenspace shall be laid out in a manner to ensure that an interconnected network of open space with adjoining properties will be provided.
2. Greenspace shall be owned and maintained by a homeowner association, land trust, or a conservation organization recognized by Spalding County.
3. Up to 5% of the total greenspace may be subject to Spalding County's public land dedication requirement.
4. No portion of any building lot may be used for meeting the minimum greenspace requirement. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenspace requirement.
5. Pedestrian and maintenance access shall be provided to greenspace in accordance with the following requirements:
 - a. Each neighborhood shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width;
 - b. Access to greenspace used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural activities.
6. All greenspace that is not wooded, farmed or managed as meadows shall be landscaped.
7. At the discretion of the Spalding County Board of Commissioners, Spalding County shall be given an easement in and to all greenspace within each conservation subdivision.
8. At least 10% of the total amount of greenspace shall be located at or near each subdivision entrance. All remaining greenspace shall be designed to best preserve any and all natural features of the tract and/or allow reasonable access to greenspace from each lot within the subdivision. Examples of the manner in which greenspace may be designed within the subdivision are found in Section 715.

Section 705. Permanent Greenspace Protection Through Conservation Easements

Greenspace that is developed and preserved in conservation subdivisions pursuant to the provisions of this Article shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities thereon. Such easements shall provide that the clearing of woodland areas shall be generally prohibited, except as necessary to create trails and active recreation activities or to install subsurface septic sewage disposal systems or spray irrigation facilities.

Section 706. Discretionary Density Bonuses

Additional density shall be allowed when one or more of the following public benefits are proposed:

- A. **Public Usage of Greenspace.** To encourage the dedication of conservation land for public use (including active or passive recreation areas, spray irrigation areas and other public facilities), a density bonus shall be computed on the basis of a maximum of one dwelling unit per five acres of greenspace or per 2,500 feet of trail that becomes publicly accessible. The decision to accept the dedication of greenspace to public usage within a conservation subdivision shall be at the discretion of the Board of Commissioners.
- B. **Endowment for Greenspace Maintenance.** If the greenspace is to be donated to a land trust or to Spalding County, a 10% density bonus may be allowed to generate additional income for the purpose of endowing a permanent fund to offset continuing costs of maintaining the greenspace (including such activities as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, including costs associated with active or passive recreation facilities). Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. The amount required for contribution to the endowment shall be at least twenty (20) times the annual estimated maintenance costs. The applicant shall present an estimate prepared by an agency, firm or organization acceptable to Spalding County and with experience in managing conservation land and recreational facilities.
- C. **Implementation.** The density bonus that may be allowed pursuant to this section shall reduce the amount of required greenspace by up to 10%, reducing the minimum lot area requirements by up to 10% or by a combination thereof (at the discretion of Spalding County). The reductions may be cumulative, if Spalding County is satisfied that the public purpose of preserving greenspace and conservation lands within Spalding County is best being served.

Section 707. Ownership and Maintenance of Greenspace and Common Facilities.

- A. All greenspace shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the greenspace, except for those uses set forth in Section 704(A) of this Article.
- B. The following methods may be used, either individually or in combination to own common facilities in the conservation subdivision; however, greenspace land shall be initially offered for dedication to Spalding County. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted by this Section, and then only when there is no change in the common facilities or in the greenspace percentage of the overall development. Ownership methods shall conform to the following:
 1. **Fee Simple Dedication to Spalding County:** Spalding County may, but shall not be required to accept any portion of the greenspace or common facilities, provided that:
 - a. There is no cost of acquisition to Spalding County; and
 - b. Spalding County agrees to and has access to maintain such facilities.
 2. **Homeowners Association:** Greenspace and common facilities within a conservation subdivision may be held in common ownership by a homeowner association, subject to all of the provisions for the creation, operation and governance thereof under laws of the State of Georgia. In addition, the following regulation shall apply:
 - a. The Applicant shall provide Spalding County with a description of the organization of the proposed association, including its bylaws any and all

documents governing ownership, any and all documents governing maintenance and use restrictions for greenspace and common facilities.

- b. The proposed association shall be established by the owner or applicant and shall be operating (with sufficient financial subsidization by the owner of applicant, if necessary) before the sale of any dwelling units in the development.
 - c. Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title.
 - d. The association shall be responsible for maintenance and insurance of any and all common facilities.
 - e. The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in payment of any required dues, fees or assessments. Such dues shall be paid with the accrued interest before the lien may be deemed satisfied.
 - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to Spalding County no less than thirty (30) days prior to such event.
3. Private Conservation Organization or Spalding County. With permission of Spalding County, an owner may transfer either fee simple title to the greenspace or easements on the greenspace to a private nonprofit conservation organization or to Spalding County, provided that:
- a. The conservation organization is acceptable to Spalding County and is a bona fide conservation organization intended to exist indefinitely;
 - b. The conveyances contain appropriate provisions for proper reversion or retransfer in the event that either the conservation organization or Spalding County becomes unwilling or unable to continue carrying out its functions.
 - c. The greenspace land is permanently restricted from further development through a conservation easement and Spalding County is given the ability to enforce such restriction; and
 - d. A maintenance agreement acceptable to Spalding County is established between the owner, the conservation organization and Spalding County.
4. Declaration of Easements to Spalding County. Spalding County may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the homeowner association or private conservation organization while the easements are held by Spalding County. In addition, the following regulations shall apply:
- a. There shall be no cost of acquisition to Spalding County.
 - b. Any such easements for public use shall be accessible to the residents of Spalding County.
 - c. A satisfactory maintenance agreement shall be reached between the owner and Spalding County.
5. Noncommon Private Ownership. Up to 50% of the greenspace may be included within one or more large conservancy lots of at least ten acres, provided the greenspace is permanently restricted from future development through a conservation easement and Spalding County is given the ability to enforce the restrictions.

C. Maintenance.

1. Unless otherwise agreed to by Spalding County, the cost and responsibility of maintaining greenspace and common facilities shall be borne by the property owner, homeowners association or conservation organization.
2. The applicant shall, at time of submission of the preliminary plan, provide a "Plan for Maintenance of Greenspace and Operation for Common Facilities" in accordance with the following requirements:
 - a. The plan shall define ownership;
 - b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadows, pastures, croplands, woodlands, etc.);
 - c. The plan shall estimate staffing needs, insurance requirements, and associated costs and define the means for funding the maintenance of the greenspace and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regularly yearly operating and maintenance costs;
 - d. At the discretion of Spalding County, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year;
 - e. Any changes to the maintenance plan shall be approved by Spalding County.
3. In the event that the organization plan established to maintain the greenspace and common facilities or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, Spalding County may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
4. Spalding County may enter the premises and take corrective action, including extended maintenance. The cost of such corrective action may be charged to the property owner, homeowner association, conservation organization or individual property owners who make up the homeowners association, and may include any administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by Spalding County.

Section 708. Plan Standards

Spalding County will provide a Conservation Subdivision Plan Requirements Checklist that identifies all the documents required to be submitted for approval of a conservation subdivision at each step of the review process. The checklist facilitates review by Staff, as each application is reviewed for completeness and conformance with relevant ordinance provisions.

A. Resource and Site Analysis Plan

An Existing Resources and Site Analysis Plan shall be prepared and submitted to provide the developer and the County with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

The Community Development Department Staff shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36"). The following information shall be included in this Plan:

1. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
2. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry. Slopes between 15 and 25 percent and exceeding 25

percent shall be clearly indicated. Topography subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

3. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
4. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of forty-five (45) inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for Spalding County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
6. Ridge lines and watershed boundaries shall be identified.
7. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
8. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
9. Man-made features, which are deemed by the County to be significant design elements, including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
10. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
12. All easements and other encumbrances of property, which are or have been filed of Clerk of Court of County shall be shown on the plan.
13. Total acreage of the tract, and the constrained land area with detailed supporting calculations. (NOTE: The elements of this section are still under discussion by the Committee)

B. Yield Plan

A Yield Plan conforming to section 704 B. of this Article shall be prepared and submitted to determine the allowable lot yield of the Subdivision.

The Administrative Officer or his designee shall review the Plan to assess its accuracy unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36").

C. Sketch Plan Overlay Sheet

A Sketch Plan shall be submitted by the applicant as a diagrammatic basis for preliminary discussion with the Staff regarding the design and layout of a proposed conservation subdivision. The purpose of the sketch plan is to help Spalding County and the applicant understand the property and the proposed development and to help establish an overall design approach that

respects the special features of the property while providing for the density allowed in this Ordinance.

The Sketch Plan shall include the following information:

1. Name and address of the owner of legal title to the property;
2. Name and address of the applicant;
3. Name and address of the professional engineer, surveyor, planner, architect, landscape architect or site designer responsible for preparing the plan;
4. Graphic scale (not greater than 1 inch = 200 feet), however, dimensions on the plan need not be exact on the sketch plan, and it should be scaled to overlay the Resource and Site Analysis Plan;
5. Tract boundaries or plat of the tract;
6. Location map;
7. Zoning district;
8. Streets on or adjacent to the tract (both existing and proposed);
9. 100 year flood plain limits;
10. Approximate location of wetlands, if any;
11. Topographic, physical and cultural features including fields, pastures, meadows, wooded areas, trees (with diameters of (45?) inches or greater), hedgerows or other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, existing rights-of-way or easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
12. Schematic layout indicating a general concept for land conservation and development;
13. Proposed general street and lot layout;
14. General description of proposed method of water supply, sewage disposal and stormwater management.

Section 709. Plan Design and Approval Process

Conservation Subdivision design is a preliminary process leading up to the submittal of a Preliminary Plat for review and approval by the Spalding County Planning Commission. The subdivision approval process as required elsewhere in this Ordinance shall govern the approval of the preliminary and ultimately final plat for Conservation Subdivisions.

A. Submittal of the Resource and Site Analysis Plan and Yield Plan

A Resource and Site Analysis and Yield Plan as described in Sections 708.A. shall be submitted at least 14 days prior to the begin of the design process. Staff shall review the plan and schedule a mandatory on-site meeting with the developer for the purpose of identifying conservation features on the ground and gain an understanding of the basic design parameters of the site.

B. Four-Step Design Process for Subdivisions in the Conservation Design Overlay District.

All Conceptual Preliminary Plans in the Conservation Design Overlay District shall include documentation of a four-step design process in determining the layout of proposed greenway lands, house sites, streets and lot lines, as described below.

1. Step 1: Delineation of Greenway Lands

- a. The minimum percentage and acreage of required greenway lands shall be calculated by the applicant and submitted as part of the Sketch Plan or Conceptual Preliminary Plan in accordance with the provisions of this ordinance and of the zoning ordinance. Greenway lands shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in Section 708.
- b. Proposed greenway lands shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with Section 708.A. herein, dealing with Resource Conservation and Greenway Delineation Standards. The County's Map of Potential Conservation Lands in the Comprehensive Plan shall also be referenced and considered. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and slopes over 25 percent. (The definition of Primary Conservation Areas is independent of the "density factors" applied to various categories of constrained lands to calculate density)
- c. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed Greenway, in consultation with the Planning Staff and in accordance with Section 709.A. herein.
- d. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for greenway lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

2. Step 2: Location of House Sites

Potential house sites shall be tentatively located, using the proposed greenway lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

3. Step 3: Alignment of Streets and Trails

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards in Article 7 herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the municipality and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).

4. Step 4: Drawing in the Lot Lines

Applicants shall be prepared to submit four separate sketch maps indicating the findings of each step of the design process.

County Staff shall review the Sketch Plan in accordance with the criteria contained in this Ordinance and with other application ordinances of Spalding County. The Staff shall advise the applicant of the extent to which the proposed

conservation subdivision conforms to the relevant standards of this Ordinance. The Staff may require plan modifications that would increase the degree of conformance of the conservation subdivision.

B. After review by the Planning Commission, the sketch plan shall be placed on the next available Board of Commissioners' agenda for review and approval.

C. Preliminary Plat Submittal

Upon approval of the sketch plan by the Board of Commissioners, the Preliminary Plat for the subdivision may be submitted for review and approval by the Spalding County Planning Commission as required in Appendix A, Section 404 of this Ordinance. All requirements for preliminary plat information and approval process shall be met.

D. Construction Plan

A Construction Plan meeting the requirements of Appendix A, Section 406 of this ordinance shall be submitted and approved by the county prior to permitting for land disturbance activity. A detailed plan for the development of any improvements to the green spaces shall be submitted with the Construction Plan. Such detailed plan shall include, but is not limited to the following items:

1. Design of playground facilities, clubhouses, pools and other amenities to be located in the greenspace areas.
2. Proposed Landscape Planting within greenspace areas.
3. Location of fences, walls and other barriers within the greenspace areas.

E. Final Plat

A Final Plat meeting the requirements of Appendix A, Section 408 and 410 of this ordinance shall be submitted prior to the dedication of streets and sale of lots within the subdivision. With the submittal of the final plat, the applicant shall also submit the homeowners association documentation required herein.

Section 710. Design Guidelines for Streets in Conservation Subdivisions.

A. Minimum Pavement Width: 20 feet, subject to approval by the County Engineer.

B. Location and Alignment: Streets should not cross wetlands. Existing farm roads, if any, should be incorporated into conservation subdivision designs. Roads should follow existing contours with a minimum of cut and fills for construction, minimizing land disturbance. In conservation subdivisions where agricultural protection or meadow preservation is a primary objective, roads should be placed along the edge of a field, rather than through the middle, so as to be less intrusive on the open space character of the tract.

C. Lengths and Curves: The length of roads should be minimized to reduce costs and aesthetic impacts. Long, straight road segments should be avoided. Curvilinear designs are preferred for rural conservation subdivisions. Streets should be curved and aligned to produce vistas of open space elements, where possible.

D. Separate Travel Lanes: Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane should be ten (10) feet in paved width.

E. Right-of-Way and Clearance: Rights-of-way shall be a minimum of 50 feet and wide enough to accommodate the required street width improvement, adequate shoulder bases for utilities, bikeways and/or walkways, and open storm drainage ditches at appropriate bank slope. Drainage easements may be provided in lieu of expanding the right-of-way for drainage ditches if approved by the County Engineer. The entire right-of-way may not necessarily have to be cleared if it can be shown to the satisfaction of the County Engineer that remaining trees or other features do not pose a traffic safety hazard or impede access by emergency vehicles.

- F. Connections: Streets should be connected with one another where possible, preferably in three-way intersections, so that the numbers of dead ends are minimized. Wherever possible, streets should be designed to connect with adjoining properties.
- G. Cul-de-Sacs: Cul-de-sacs are discouraged. Where cul-de-sacs are unavoidable, such as for topographic reasons, they should be accompanied with pedestrian and/or bike linkages to other nearby streets and/or trail systems. Cul-de-sac streets should serve no more than twenty dwellings, with a length not exceeding 1,000 feet. Cul-de-sac radii should not exceed forty (40) feet.
- H. Reverse Curves: Reverse curves (consecutive left and right curves without a straight segment separating them) are considered appropriate and may be encouraged, subject to the approval of the County Engineer.
- I. Single-Loading Streets: Single-loading streets (i.e., having only on one side) are considered appropriate and encouraged, particularly around village greens, neighborhood commons, or open areas.
- J. Curbs and Drainage: For development of streets within conservation subdivisions curb and gutter shall be required.
- K. Street Trees: Street tree plantings are encouraged, provided that they are located so as not to present a traffic safety hazard, as determined by the County Engineer and as shown on the standard street cross-sections adopted by the County.
- L. Signs: For signs identifying street entrances to conservation subdivisions, signage shall be limited to one monument sign per entrance to the off-site road.
- M. Private Driveways: Private driveways may be used to access up to five (5) lots, provided the requirements for maintenance thereof are set forth in the Preliminary Plat, the Detailed Final Plan and any Homeowner Association documents or restrictive covenants and provided the same are approved by the County Engineer. Private driveways must meet the following minimum standards:
 - a. All weather access that must be paved if they access more than one lot.
 - b. Have a minimum width of twenty (20) feet if more than one lot is served.
 - c. Maintain a clear area of at least 12 feet in width and 12.5 feet in height.
 - d. May not exceed 750 feet in length.

Section 711. Homeowner Association Documents

A Homeowners' Association document shall be required for all conservation subdivisions that propose lands and/or facilities to be used or owned in common by all the residents of the subdivision and which are not deeded to Spalding County or an approved land conservation trust. The required homeowners' association document shall include, but shall not necessarily be limited to the following:

- A. A description of all lands and facilities to be commonly owned, including a plat showing the precise location of such common land and/or facilities;
- B. A statement of the powers, duties and responsibilities of the homeowners association, and the services to be provided thereby;
- C. A Declaration of Restrictive Covenants, giving perpetual easement of the lands and facilities owned by the homeowners association, which shall provide automatic membership for all owners of real property within the conservation subdivision and which shall describe the mechanism and means by which such owners shall participate in the association, including voting, elections and meetings. The Declaration shall give power to the Association to own and maintain the common property and to make and enforce rules;

- D. Statements prescribing the method and process by which the decisions of the homeowners' association shall be reached, setting forth the requirement for the legal authority of the homeowners' association to act;
- E. Statements requiring each owner of real property within the conservation subdivision to become a member of the homeowners' association;
- F. Statements creating cross-covenants between each owner to all other owners for the mutual benefit and enforcement of the homeowners' association;
- G. Requirements that each owner of real property within the conservation subdivision provide and pay a pro rata share of the costs of the operation of the homeowners' association;
- H. A process of collection and enforcement to obtain funds from owners who fail to comply;
- I. A process for transition and control of the homeowners' association from the developer or applicant to the owners of real property within the conservation subdivision;
- J. Statements describing how the lands and/or facilities of the homeowners' association shall be insured, both as to liability and property damage;
- K. Provisions for the dissolution of the homeowners' association in the event it should become unviable.

Section 712. Variances

Any person seeking a variance of any provision of this Article shall file an application for a variance pursuant to the procedures set forth in Section 411 of the Zoning Ordinance of Spalding County.

Section 713. Greenspace Layout and Design

The following are examples of acceptable layout and design for conservation subdivisions within Spalding County. The examples shown within this section are not exhaustive. However, the design and layout of conservation subdivisions following these examples are deemed by Spalding County to be consistent with the design goals and objectives for conservation subdivisions.

- **Amendment to UDO #A-04-13:** Appendix D. Soil Erosion and Sedimentation Control Ordinance—replace existing Soil Erosion and Sedimentation Control Ordinance with new Soil Erosion and Sedimentation Control Ordinance.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was approved by a vote of 4-0-1 with Commissioner Kendall abstaining as he was not present for the discussion.

IN RE:

Text Amendment #A-04-13

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE SOIL EROSION AND SEDIMENTATION CONTROL
ORDINANCE OF SPALDING COUNTY**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and thereafter adopted as Appendix D thereto, the Soil and Sedimentation Control Ordinance of Spalding County;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the

Soil Erosion and Sedimentation Control Ordinance of Spalding County and to provide that such ordinance be amended to comply current requirements of state law;

WHEREAS, such text amendments to the Soil Erosion and Sedimentation Control Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on May 27, 2004 pursuant to O.C.G.A. 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Soil Erosion and Sedimentation Control Ordinance conforms with sound comprehensive planning principles and is of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Appendix D, the Soil Erosion and Sedimentation Control Ordinance shall be and is hereby amended as follows:

Section 1: The entirety of the Soil Erosion and Sedimentation Control Ordinance of Spalding County, Georgia, presently enacted as Appendix D to the Zoning Ordinance of Spalding County, Georgia shall be and is hereby deleted.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Georgia to appear as Appendix D, Soil Erosion and Sedimentation Control Ordinance.

APPENDIX D

Spalding County Soil Erosion And Sedimentation Control Ordinance

SECTION I: TITLE

This ordinance will be known as the Spalding County Soil Erosion and Sedimentation Control Ordinance.

SECTION II: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. Best Management Practices (BMPs): A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term properly designed means designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. 12-7-6(b).
2. Board: The Board of Natural Resources.
3. 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.
4. Commission: The State Soil & Water Conservation Commission.
5. 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 excavated surface. Also known as excavation.
6. Department: The Department of Natural Resources.
7. Director: The Director of the Environmental Protection Division of the Department of Natural Resources.

8. District: The Towaliga Soil and Water Conservation District.
9. Division: The Environmental Protection Division of the Department of Natural Resources.
10. 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.
11. Erosion: The process by which land surface is worn away by the action of wind, water, ice, or gravity.
12. Erosion and Sedimentation Control Plan: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the □plan□.
13. Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground.
14. Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
15. 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.
16. Ground Elevation: The original elevation of the ground surface prior to cutting or filling.
17. Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters 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 Section III, Paragraph 5.
18. 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 the purposes of this paragraph, □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.
19. Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
20. Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
21. Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.
22. 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 colloiddally dispersed particles are present.
23. Operator: The party or parties that have: (a) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (b) 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.

24. Owner: The person that holds legal title to the real property on which any construction activity occurs for which a permit to conduct a land-disturbing activity is obtained.
25. Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
26. Permittee: Any person seeking authorization for a permit or who is issued a permit necessary to conduct a land-disturbing activity under the provisions of this Ordinance.
 - a. Primary Permittee: The Owner or Operator seeking authorization for a permit or who is issued a permit necessary to conduct a land-disturbing activity under the provisions of this Ordinance.
 - b. Secondary Permittee: Any person, including, but not limited to an individual builder, utility company or utility contractor, general contractor or subcontractor that conducts any construction activity for any Primary Permittee.
27. 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.
28. Project: The entire proposed development project regardless of the size of the area of land to be disturbed.
29. Qualified Personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.
30. 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 way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
31. Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.
32. Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
33. Soil and Water Conservation District Approved Plan: An erosion and sedimentation control plan approved in writing by the Towaliga soil and water conservation district.
34. 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.
35. 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 O.C.G.A. 12-5-30.
36. State Waters: 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.
37. Structural Erosion and Sedimentation 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, sediment traps and land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

38. Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et. seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
39. Vegetative Erosion and Sedimentation Control Measures:
Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
 - a. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
 - b. Temporary seeding, producing short-term vegetative cover; or
 - c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

40. 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.
41. Wetlands: Those areas that are inundated or saturated by surface or groundwater 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.

SECTION III EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "Mineral Resources and Caves Act";
2. Granite quarrying and land clearing for such quarrying;
3. 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;
4. 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 Section IV of this ordinance and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout

waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Section IV of this ordinance and the buffer zones provided by this section shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. 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 buffer, as established in paragraphs (15) and (16) of Section IV (C) of this ordinance, 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 completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
8. 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, and 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 and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State 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 Department of Transportation or the State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the 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 O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 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 Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 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 O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.

SECTION IV: MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES.

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section IV (B) & (C) of this ordinance. 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 and sedimentation pollution during all stages of any land-disturbing activity.

B. MINIMUM REQUIREMENTS/BMPs

1. Best management practices as set forth in Section IV (B) & (C) of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. 12-7-6(b).
2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to O.C.G.A. 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. 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.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

- C. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservative 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, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. 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 the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. 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 beyond the levels specified in Section IV (B)(2) of this ordinance;
15. Except as provided in paragraph (16) of this subsection, 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 where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A., 12-2-8, or 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; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer 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 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; and
 - b. The buffer shall not apply to the following land-disturbing activities, 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: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer 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 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; and
 - b. The buffer shall not apply to the following land-disturbing activities, 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: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
- D. Nothing contained in this chapter shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer

requirements that exceed the minimum requirements in Section IV (B) & (C) of this ordinance.

- E. The fact that 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 ordinance or the terms of the permit.

SECTION V: APPLICATION/PERMIT PROCESS

1. GENERAL

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the Operator is the only party who may obtain a permit.

2. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Spalding County without first obtaining a permit from the Community Development Office, its successor or designee to perform such activity.
2. The application for a permit shall be submitted to the Community Development Office, its successor or designee and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V (C) of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Section IV (B) & (C) of this ordinance. Applications for a permit will not be accepted unless accompanied by three (3) copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the board.
3. A fee, in the amount of \$3.00 shall be charged for each acre or fraction thereof in the project area.
4. 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. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
5. Immediately upon receipt of an application and plan for a permit, the 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 and sedimentation control plan. A District shall approve or disapprove a plan within 35 days of receipt. Failure of a 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 Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV(C)(15)&(16) and bonding, if required as per Section V(B)(7)(b), have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.
6. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the

date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.

7. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond 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. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section IV(B) & (C) of this ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. 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 stormwater management facilities, local ordinances and State laws.
2. Data Required for Site Plan
 - a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
 - b. Description of existing land use at project site and description of proposed project.
 - c. Name, address, and phone number of the property owner.
 - d. Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
 - e. Size of project, or phase under construction, in acres.
 - f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in **bold letters**, that “the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.”
 - g. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
 - h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
 - i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
 - j. Maintenance statement – “Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source.”

3. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the commission pursuant to O.C.G.A. 12-7-20. The certified plans shall contain:
 - a. Graphic scale and north point or arrow indicating magnetic north.
 - b. Vicinity maps showing location of project and existing streets.
 - c. Boundary line survey.
 - d. Delineation of disturbed areas within project boundary.
 - e. Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval Ft.
1 inch =100 ft. or larger	Flat 0-2% Rolling 2-8% Steep 8% +	0.5 or 1 1 or 2 2.5 or 10

- f. Adjacent areas and feature areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
 - g. Proposed structures or additions to existing structures and paved areas.
 - h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
 - i. Delineate the specified horizontal buffer along designated trout streams, where applicable.
 - j. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, Chapter 6.
4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
2. No permit shall be issued by the Local Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV (C)(15) & (16), are obtained, bonding requirements, if necessary, as per Section V(B)(7)(b) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
4. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, 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 ordinance. 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.

SECTION VI: INSPECTION AND ENFORCEMENT

- A. The Spalding County Community Development Office, its successor or designee 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. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. 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. 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 ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. The Spalding County Community Development Office, its successor or designee shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, 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 Commission, the District, or 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.
- D. The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8(a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- E. The Board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a Local Issuing Authority. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7(e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as a Local Issuing Authority.

SECTION VII: PENALTIES AND INCENTIVES

A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance 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.

B. STOP-WORK ORDER

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or 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 Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such 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.

C. BOND FORFEITURE

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V (B)(7). The Issuing Authority may call the bond 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.

D. MONETARY PENALTIES

Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. 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 ordinance under county ordinances approved under this ordinance 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.

SECTION VIII: EDUCATION AND CERTIFICATION

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

SECTION IX: ADMINISTRATIVE APPEAL JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Spalding County Board of Zoning Appeals within sixty (60) days of written notice of appeal.

B. JUDICIAL REVIEW

Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Spalding County.

SECTION X: EFFECTIVE DATE, VALIDITY AND LIABILITY

A. EFFECTIVE DATE

This ordinance shall become effective on June 1, 2004.

B. VALIDITY

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this ordinance.

C. LIABILITY

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
2. 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 ordinance or the terms of the permit.
3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

Section 3: The foregoing amendments of the Soil Erosion and Sedimentation Control Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

XI. NEW BUSINESS

1. Consider request of Geoffrey Blalock for outside amplification permit for a wedding reception to be held at 214 Ella Circle, July 31, 2004 from 5:00 p.m. – 10:00 p.m. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the request for outside amplification permit for the requested hours were unanimously approved by a vote of 5-0.*
2. Consider Resolution Approving the Issuance of Revenue Bonds by the Griffin-Spalding County Development Authority for an addition to an existing manufacturing facility. *Upon motion by*

Commissioner McDaniel, seconded by Commissioner Morrow the following Resolution was unanimously approved by a vote of 5-0.

RESOLUTION OF
THE BOARD OF COMMISSIONERS
OF
SPALDING COUNTY

A RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE GRIFFIN-SPALDING COUNTY DEVELOPMENT AUTHORITY; AND FOR OTHER PURPOSES.

WHEREAS, Griffin-Spalding County Development Authority (the "Issuer"), on May 18, 2004, caused to take place a public hearing on the question whether there should be issued industrial development revenue bonds (the "Bonds"), the proceeds of which are to be used to finance, in whole or in part, the costs of acquiring, constructing, and equipping an addition to an existing manufacturing facility (the "Project"), which is leased to Norcom, Inc.; and

WHEREAS, it is intended by the Issuer that interest on the Bonds be exempt from federal income taxation, and the Internal Revenue Code of 1986, as amended (the "Code") requires, as a condition to such exemption, that the Board of Commissioners of Spalding County approve such issuance, after a public hearing open to the public; and

WHEREAS, the Issuer has caused said hearing to be conducted on behalf of Spalding County and has received the report of James R. Fortune, Jr., of the hearing; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Spalding County, that the issuance of the Bonds for the purpose of paying all or a portion of the cost of the Project is hereby approved. In accordance with applicable regulations promulgated under the Code, the Issuer does hereby determine as follows:

- (a) The principal amount of the Bonds shall be a maximum of \$4,000,000;
- (b) The Project to be financed by the Bonds is a manufacturing facility;
- (c) The lessee of the Project will be Norcom, Inc., a Delaware corporation; and
- (d) The location of the Project is 200 Boyd's Crossing Road, Griffin, Georgia.

3. Conduct Public Hearing to consider the establishment of a Street Lighting District for Westridge Subdivision off Covington Road. There was no one present who wished to make comments. County Manager Wilson stated that this is for four existing lights and the cost for the four 150 watt Colonial lights will be \$11.75 per light with a monthly fee charged to Spalding County of \$47.00. Mr. Wilson stated that there are 14 affirmative votes which represents 14 out of the 15 lots, which is 93%.

4. Consider request to approve Street Lighting District for Westridge Subdivision. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the Street Lighting District was unanimously approved by a vote of 5-0.*

5. Consider reappointment of Mr. Jim Smith to the Spalding County Board of Family & Children Services. Term to expire 6/30/09. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis reappointment of Jim Smith was unanimously approved by a vote of 5-0.*

6. Consider declaring surplus and authorizing sale by sealed bids several Sheriff's Department vehicles. County Manager Wilson stated that these vehicles have all been involved in vehicular accidents and no longer a use to the County. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis with additional condition that no county employee can participate in the bidding, the following vehicles were approved surplus and authorized to sale by sealed bid by a unanimous vote of 5-0.*

Make/Model	VIN #
1996 Ford Crown Vic	2FALP71W8TX113954
1999 Ford Crown Vic	2FAFP71W7XX239824
2000 Ford Crown Vic	2FAFP71W1YX205993
2002 Ford Crown Vic	2FAFP71W42X153668

7. Consider approval of Renewal Letter for Janitorial Agreement between Spalding County and Department of Family & Children Services. The renewal amount for services is \$650/month. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis approval of Renewal Letter was unanimously approved by a vote of 5-0.*

8. Consider renewal of Lease Agreement with Fashion Industries for 851 Memorial Drive Property. This Agreement is for an additional six month period ending December 31, 2003 with a thirty day clause of termination by either party. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Lease Agreement was unanimously approved by a vote of 5-0.*

9. Consider approval of Agreement between Spalding County and the City of Griffin for use of inmate work details. *Upon motion by Commissioner Morrow, seconded by Commissioner Kendall the following Agreement was unanimously approved by a vote of 5-0.*

**AGREEMENT BETWEEN
SPALDING COUNTY, GEORGIA AND BOARD OF COMMISSIONERS OF THE CITY OF
GRIFFIN FOR USE OF INMATE WORK DETAILS**

THIS AGREEMENT is entered into this 7th day of June ,2004, by and between SPALDING COUNTY, a political subdivision of the State of Georgia, (hereinafter referred to as the "Spalding County"), and BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, a department, agency or subdivision of the State of Georgia, (hereinafter referred to as the "Agency"),

W ITNESSETH:

WHEREAS, the Agency wishes to utilize inmate work details ("Details") for services on public works projects of The City of Griffin; and

WHEREAS, Spalding County is willing and able to provide the Details to the Agency, under the terms and conditions of this agreement.

NOW, THEREFORE, in consideration of these premises and the mutual promises and agreements hereinafter set forth, the parties hereby agree as follows;

1. OBLIGATION OF SPALDING COUNTY

- a. During the term of this Agreement, Spalding County shall supply the Agency, subject to the availability of State Inmates, with one (1) Detail, consisting of one (1) full-time Correctional Officer and not more than twelve (12) inmates.
- b. In performing the work called for under this agreement, the Detail shall work an eight (8) hour day, Monday through Friday, this including transportation to and from the work site from Spalding County Correctional Institution, hereinafter referred to as "SCCI". The Detail may work outside of such hours due to inclement weather or other emergency conditions, if the Agency requests and the Warden at SCCI agrees.
- c. Spalding County shall be solely responsible for the custody, discipline and productivity of the Detail, and for providing clothing and health care to the Detail.
- d. Spalding County shall be responsible for transporting the Detail between SCCI and designated work sites.

2. RESPONSIBILITIES OF THE AGENCY.

- a. The Agency shall furnish all equipment, tools, safety equipment, and a transportation vehicle for the Detail between SCCI and designated work sites. The Agency shall further provide for or perform maintenance on all said equipment, tools and vehicle, and shall be solely responsible for replacement or repair of same. The agency shall provide, at its sole cost, automobile insurance

for the transportation vehicle supplied to SCCI under this agreement. The vehicle shall be equipped with a mobile radio for the exclusive use of the Correction Officer, capable of communicating with law enforcement agencies and emergency medical personnel.

- b. The Agency shall provide general direction and supervision of the work to be performed under this Agreement, but no official or employee of the Agency shall exercise any immediate control, direction or supervision over any inmate of the Detail. The sole responsibility for directing, controlling and supervising said Detail shall be that of SCCI and its officials, Correctional Supervisors and employees. Directions as to work to be performed shall be communicated to the Correctional Officer for the Detail in question; who shall then direct the work of the Detail accordingly.
- c. In consideration of the work to be performed by the Detail under this Agreement, the Agency shall pay to Spalding County the following:
 - i. An amount equal to the salary, including fringe benefits, of one (1) Correctional Officer. Spalding County will provide the Agency with a schedule of said salary and fringe benefits. Spalding County will provide the Agency with a monthly invoice for this cost, which shall name the Correctional Officer in question and the salary, including fringe benefits. Invoices will be mailed to:

City of Griffin
Post Office Box T
Griffin, Georgia 30224

- d. The Agency shall be solely responsible for, and shall hold harmless SCCI, Spalding County, its elected officials, officers, agents, employees and representatives from any and all damages or injuries caused to person or property and from suits, claims or damages of any nature whatsoever resulting from the execution of this contract, unless said suit or claim arises solely out of the negligence of Spalding County.

3. TERM; RENEWAL; TERMINATION.

- a. This Agreement shall be for a term beginning the 1st day of July 2004, and ending the 30th day of June 2005, unless earlier terminated in accordance with Section 3.
- b. This Agreement shall automatically renew for additional terms of one (1) year unless one party notifies the other in writing (given pursuant to Section 4.a herein) of their intent to terminate the Agreement. Said notice must be provided no less than thirty (30) days prior to the scheduled termination of the Agreement.
- c. Either party may terminate this Agreement upon ten (10) days' written notice (given pursuant to Section 4.a herein) for the default of the other party.
- d. Either party may terminate this Agreement without cause upon sixty days' written notice (given pursuant to Section 4.a herein) to the other party.

4. MISCELLANEOUS.

- a. All notices, demands, and request which may or are required to be given hereunder shall be in writing and shall be deemed to have been properly given when sent postage pre-paid by registered or certified mail (with return receipt requested) addressed as follows:

If intended for Spalding County:

Spalding County Board of Commissioners
P.O. Box 1087
Griffin, Georgia 30224

If intended for SCCI:

Spalding County Correctional Institution
Warden Arsene Massac
295 Justice Boulevard
Griffin, Georgia 30224

If intended for the Agency:

Board of Commissioners of City of Griffin
Post Office Box T
Griffin, Georgia 30224

Either party may change the address and name of addressee to which subsequent notices are to be sent by notice to the other given as aforesaid.

b. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of Georgia.

c. Entire Agreement; Amendment. This Agreement contains the entire agreement of the parties, and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect. No failure of either party to exercise any power given it hereunder, or to insist upon strict compliance by either party of any obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of either party's right to demand exact compliance with the terms hereof. This Agreement may not be amended except by a writing signed by both parties.

WHEREFORE, the parties have set their hands and seals as of the date first above written.

THE AGENCY:

By: (L.S.) Kenny L. Smith, City Manager

By: (L.S.) Cynthia Reid Ward, Mayor

SCCI WARDEN:

By: (L.S.) Arsene C. Massac

SPALDING COUNTY

By: (L.S.) M. Michael Kendall, Chairman

10. Consider approval of Agreement between Spalding County and the City of Thomaston for the use of inmate work details. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Agreement was unanimously approved by a vote of 5-0.*

**AGREEMENT BETWEEN
SPALDING COUNTY, GEORGIA AND BOARD OF COMMISSIONERS OF THE CITY OF
THOMASTON FOR USE OF INMATE WORK DETAILS**

THIS AGREEMENT is entered into this 7th day of June ,2004, by and between SPALDING COUNTY, a political subdivision of the State of Georgia, (hereinafter referred to as the "Spalding County"), and BOARD OF COMMISSIONERS OF CITY OF THOMASTON, a department, agency or subdivision of the State of Georgia, (hereinafter referred to as the "Agency"),

W ITNESSETH:

WHEREAS, the Agency wishes to utilize inmate work details ("Details") for services on public works projects of City of Thomaston.

WHEREAS, Spalding County is willing and able to provide the Details to the Agency, under the terms and conditions of this agreement.

NOW, THEREFORE, in consideration of these premises and the mutual promises and agreements hereinafter set forth, the parties hereby agree as follows:

I. OBLIGATION OF SPALDING COUNTY

- a. During the term of this Agreement, Spalding County shall supply the Agency, subject to the availability of State Inmates, with one (1) Detail, consisting of one (1) full-time Correctional Officer and not more than twelve (12) inmates.
- b. In performing the work called for under this agreement, the Detail shall work an eight (8) hour day, Monday through Friday, this including transportation to and from the work site from Spalding County Correctional Institution, hereinafter referred to as "SCCI". The Detail may work outside of such hours due to inclement weather or other emergency conditions, if the Agency requests and the Warden at SCCI agrees.
- c. Spalding County shall be solely responsible for the custody, discipline and productivity of the Detail, and for providing clothing and health care to the Detail.
- d. Spalding County shall be responsible for transporting the Detail between SCCI and designated work sites.

2. RESPONSIBILITIES OF THE AGENCY.

- a. The Agency shall furnish all equipment, tools, safety equipment, and a transportation vehicle for the Detail between SCCI and designated work sites. The Agency shall further provide for or perform maintenance on all said equipment, tools and vehicle, and shall be solely responsible for replacement or repair of same. The agency shall provide, at its sole cost, automobile insurance for the transportation vehicle supplied to SCCI under this agreement. The vehicle shall be equipped with a mobile radio for the exclusive use of the Correction Officer, capable of communicating with law enforcement agencies and emergency medical personnel.
- b. The Agency shall provide general direction and supervision of the work to be performed under this Agreement, but no official or employee of the Agency shall exercise any immediate control, direction or supervision over any inmate of the Detail. The sole responsibility for directing, controlling and supervising said Detail shall be that of SCCI and its officials, Correctional Supervisors and employees. Directions as to work to be performed shall be communicated to the Correctional Officer for the Detail in question; who shall then direct the work of the Detail accordingly.
- c. In consideration of the work to be performed by the Detail under this Agreement, the Agency shall pay to Spalding County the following:
 - i. An amount equal to the salary, including fringe benefits, of one (1) Correctional Officer. Spalding County will provide the Agency with a schedule of said salary and fringe benefits. Spalding County will provide the Agency with a monthly invoice for this cost, which shall name the Correctional Officer in question and the salary, including fringe benefits. Invoices will be mailed to:

City of Thomaston
Post Office Box 672
Thomaston, GA 30286

- d. The Agency shall be solely responsible for, and shall hold harmless SCCI, Spalding County, its elected officials, officers, agents, employees and representatives from any and all damages or injuries caused to person or property and from suits, claims or damages of any nature whatsoever resulting from the execution of this contract, unless said suit or claim arises solely out of the negligence of Spalding County.

3. TERM; RENEWAL; TERMINATION.

a. This Agreement shall be for an a term beginning the 1st day of July, 2004, and ending the 30th day of June, 2005, unless earlier terminated in accordance with Section 3.

b. This Agreement shall automatically renew for additional terms of one (1) year unless one party notifies the other in writing (given pursuant to Section 4.a herein) of their intent to terminate the Agreement. Said notice must be provided no less that thirty (30) days prior to the scheduled termination of the Agreement.

c. Either party may terminate this Agreement upon ten (10) days, written notice (given pursuant to Section 4.a herein) for the default of the other party.

d. Either party may terminate this Agreement without cause upon sixty days' written notice (given pursuant to Section 4.a herein) to the other party.

4. MISCELLANEOUS.

a. All notices, demands, and request which may or are required to be given hereunder shall be in writing and shall be deemed to have been properly given when sent postage pre-paid by registered or certified mail (with return receipt requested) addressed as follows:

If intended for Spalding County:

Spalding County Board of Commissioners
P.O. Box 1087
Griffin, Georgia 30224

If intended for SCCI:

Spalding County Correctional Institution
Warden Arsene Massac
295 Justice Boulevard
Griffin, Georgia 30224

If intended for the Agency:

City of Thomaston
Patrick Comiskey, City Manager
P. O. Box 672
Thomaston, GA 30286

Either party may change the address and name of addressee to which subsequent notices are to be sent by notice to the other given as aforesaid.

b. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of Georgia.

c. Entire Agreement; Amendment. This Agreement contains the entire agreement of the parties, and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect. No failure of either party to exercise any power given it hereunder, or to insist upon strict compliance by either party of any obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of either party's right to demand exact compliance with the terms hereof. This Agreement may not be amended except by a writing signed by both parties.

WHEREFORE, the parties have set their hands and seals as of the date first above written.

THE AGENCY:

BY: (L.S.) Patrick C. Comiskey, City Manager

SCCI WARDEN:

By: (L.S.) Arsene C. Massac

SPALDING COUNTY

By: (L.S.) M. Michael Kendall, Chairman

11. Consider amending Appendix D, Section 3 (b) of the Personnel Ordinance to provide for an increase in the mileage allowance. *Motion made by Commissioner Davis to approve increase from \$.025/mile to the Standard IRS mileage rate, which is current \$0.375 to be effective immediately. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.*

12. Consider canceling the July 5, 2004 meeting due to observance of July 4th holiday. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel canceling of the July 5th meeting was unanimously approved by a vote of 5-0.* The only regular meetings held by the Board of Commissioners will be Extraordinary Session of July 19th and Zoning Public Hearing of July 22nd.

13. Chairman Kendall would like to discuss the proposed November SPLOST.

Commissioner Kendall asked each Commissioner what was their recommendation of projects for the SPLOST.

Commissioner Morrow stated that he would like to see the projects of Industrial Development Land Acquisition, the 800 MHz Radio System and the \$4M for the start-up of a four year college with the rest split 60/40 County/City for their own projects. He does not feel that sewer should be part of the County's SPLOST as he feels it will kill the SPLOST.

Commissioner Goss stated that he would like to see the 800 MHz Radio System and was for the \$4M for the start-up of a four year college but was not in favor of the industrial project, only because of the location recommendation of Wallace Road. He said that he had a lot of calls stating they would not support the SPLOST with this location on the ballot. He said that there seems to be no indication from the Development Authority to look at alternate sites. Mr. Morrow commented that the Development Authority had tried to get other contracts but to no avail and this was the only contract that they were able to get. They could not reach any kind of agreement on the Crouch property adjacent to the existing industrial park. Commissioner Goss was in favor of looking at sewage countywide, starting with the northeast side of Spalding County.

Commissioner Davis stated that he agreed with Mr. Morrow's proposal with the three projects he stated and the difference split 60/40 County/City to take care of our projects with the Senior Citizens Center, paving our roads and the City having some money to help with their infrastructure. He said that his only problem with sewer is that it is usually done with bonded indebtedness where the user pays for the service.

Commissioner McDaniel stated that he was in agreement with Mr. Morrow and Mr. Davis with the three projects. He was disappointed with the response from the City with the caveat of the County providing sewer in northeast Spalding County with their portion of the additional money from the SPLOST. He said that he did not see the County putting this caveat in their portion. Hopefully there can be an opportunity for us to help do something for the Seniors in providing an addition to their building with the 60/40 split.

Commissioner Kendall stated that he feels that we are at such a philosophical crossroads that he is not going to be able to agree but feels compelled to work against the sales tax if the priority is \$4M for the renovation of the Stuckey building. He said with the \$64M debt on the new City reservoir and with private developers investing \$10M in our infrastructure, he feels these are higher priorities. With all the development going on in the north corridor we need to have infrastructure needs met. His priority list included money for the renovation of the Senior Citizens Center and the sewer project and this is the position he is going to be taking on this matter.

With a majority of the Board recommending the projects of Industrial Development Land Acquisition, the 800 MHz Radio System, the \$4M for the start-up a four year college with a 60/40 split County/City of the difference and the County's portion to be used for possible Senior Center expansion and road paving, road resurfacing and intersection improvements, County Manager Wilson was directed to draft a new proposal for their review and consideration and County Attorney Fortune to draft an Intergovernmental Agreement between the City and County with the above-mentioned proposal.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson announced that there would be a retirement reception held for Judge Ronald Cook in the Courthouse Annex Meeting Room on Tuesday, June 15, 2004 from 1:00 p.m. - 3:00 p.m.

County Manager Wilson made the Board aware that the County's life insurance had been re-bid and the County was going with Mutual of Omaha for a savings of \$17,000 for the County in premiums.

County Manager Wilson announced that he and Ms. Jinna Garrison would be attending a workshop sponsored by ACCG in Fort Valley, GA Tuesday, June 8th on the new SPLOST law and also the Public Defender law, which become effective July 1, 2004.

County Manager Wilson stated that Community Development Director Chuck Taylor has requested a date for a Comprehensive Plan workshop to make finishing touches to the Plan before submission to the State. The consensus of the Board was to have this workshop on Monday, June 14th at 6:00 p.m. in the Courthouse Annex Meeting Room.

XIII. REPORT OF COMMISSIONERS

Commissioner Morrow stated that he would be attending the TAQC meeting this Thursday at the Atlanta Region and invited any of the members of the Board to attend with him. He said there were also some transportation workshops coming up if anyone would be interested in attending them.

Commissioner Goss had no comments.

Commissioner Davis thanked the news delegation for attending the meeting tonight and stated this was a very progressive, active and efficient meeting tonight.

Commissioner McDaniel made comments regarding the day session of the last zoning public hearing. He stated there was an article in the *Griffin Daily News* about the meeting where the headline was extremely, blatantly misleading as the caption was "Commission Bends Zoning for Subdivision" with the article having his picture and Commissioner Morrow's picture beneath the headlines. He said the fact is nothing was bent; everything was done according to the zoning ordinance and according to all the conditions of the zoning ordinance and then some additional conditions added to the approval. He notified the editor and on Saturday, May 29th, there was a correction on page 3. Commissioner McDaniel stated that Mr. Gutlon's article was factual but the headline was dead wrong.

Commissioner Kendall had no comments.

XIV. CLOSED MEETING n/a

XV. ADJOURNMENT

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meeting was unanimously adjourned at 7:12 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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