

627

DOOLY COUNTY SUBDIVISION ORDINANCE

ARTICLE I. IN GENERAL

SEC. 18-1 Purpose

Pursuant to the authority conferred by the Georgia Planning Act of 1957 , this chapter is enacted for the following purpose, among others:

- (1) Encouraging the development of an economically sound and stable community;
- (2) Assuring the provision of required streets, utilities and other facilities and services to new land developments;
- (3) Assuring the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
- (4) Assuring the provision of needed public open spaces and building sites in new land development through the dedication or reservation of land for recreational, educational and other public purposes; and
- (5) Assuring, in general, the wise development of new areas in the county.

SEC. 18-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory means a use or building subordinate to the principal building on a lot used for purposes customarily identical to the main or principal use or building located on the same lot.

Alley means a secondary way that affords vehicular service access to the side or rear of abutting property.

Building means a structure completely enclosed by a roof and by exterior walls, which is movable or permanently affixed to a lot and used or intended for the shelter, support or enclosure of persons, animals or property of any kind.

Building line means that line which represents the distance a building or structure must be set back from a lot boundary or street right-of-way line according to the terms of this chapter. In all cases the building lines of a lot shall be determined to run parallel to and set back an appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines, or other lot boundary lines.

Building, principal means a building in which is conducted the principal use of the lot on which the building is situated.

Conditional use means a use (sometimes called a special exception, but not to be confused with a variance) that would not be appropriate generally or without restriction but which, if controlled as to number, area, location, or relation to the neighborhood, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, or general welfare.

Cul-de-sac A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

District means various geographical areas for purposes of interpreting the provisions of this chapter. The term “district” and “zoning district” are synonymous and are used interchangeably throughout this chapter.

Dwelling means a building or portion of a building arranged or designed to provide living quarters for one or more families. The terms “dwelling,” “dwelling units” and “residence” are synonymous.

Dwelling, one-family, means a detached dwelling designed for or occupied exclusively by one family on a single lot.

Dwelling, two-family, means a dwelling arranged or designed to be occupied by two families in separate dwelling units living independently of each other on a single lot.

Dwelling, group, means a building or portion of building occupied or intended for occupancy by a number of unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term “group dwelling” includes but is not limited to roominghouse, apartment, hotel, retirement home, nursing home, fraternity or sorority home, Y.M.C.A, Y.W.C.A, and similar organizational or institutional group. A transient hotel, motel, or tourist home shall not be deemed to be group dwelling.

Dwelling, multiple-family, means a building or series of buildings on the same lot or portions thereof used or designed and rented as dwellings for three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms “multiple-family” and “multifamily” are synonymous.

Dwelling unit means one or more rooms connected together and constituting a separate, independent housekeeping establishment for use on basis involving owner occupancy or rental-lease on a weekly, monthly or longer basis, with provisions for cooking, eating and sleeping, and physically set apart from any other dwelling units in the same structure.

Family means one or more persons with the generic character of a family unit occupying a single dwelling unit and using common cooking facilities, provided that servants and agricultural employees employed on the premises may be housed on the premises.

Final plat is the final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the Dooly County Superior Court, and containing all elements and requirements set forth in this Ordinance.

Land subdivision means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development; and includes all divisions of land involving a new street, a change in existing street(s), extension of water, sewage or gas lines, or installation of septic tanks, and includes resubdivision or where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; however, the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter.
- (2) The division of land into parcels of 50 acres or more where no new street is involved.

Lot means an area designed as a separate and distinct parcel of land or a legally recorded subdivision plot of land in a legally recorded deed as filed in the official county records.

Lot, corner, means a lot located at the intersection of two or more streets.

Lot, double-frontage, means a lot with frontage on more than one street; however, no corner lot shall qualify as a double-frontage lot unless the corner lot has frontage on three or more streets.

Lot of record, is a lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded of the Clerk of the Dooly County Superior Court; or a parcel of land, the deed of which was lawfully recorded in the same office prior to _____

Lot width means the distance between side lot lines measured at the front building line.

Parking space means a space not less than 9 x 18 feet plus maneuvering space within a parking lot or on a single-family dwelling lot expressly provided for purpose of parking an automobile or other vehicle.

Preliminary plat is a tentative drawing or map of a proposed major subdivision. A preliminary plat is the basis for the approval or disapproval of the general layout of a land subdivision.

Professional engineer is an engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional surveyor is a surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Street means a dedicated and accepted public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

Structure means anything constructed or erected, the use of which requires a fixed location on the ground or which is attached to something having a fixed location on the ground.

Subdivision is a division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new street or a change in existing streets. The word "subdivision" includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

Subdivision, major is a subdivision that requires the construction of any new public streets. All major subdivisions shall require preliminary plat approval and final plat approval from the Dooly County Board of Commissioners.

Subdivision, minor is a subdivision, which does not involve the construction of a new public street. Because minor subdivisions do not involve the construction of a new public street, they are processed Administratively by the Director as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road, as may be required to comply with this Ordinance, shall be done according to plans and permit requirements of this Ordinance, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this Ordinance.

Tract means the same as "Lot."

Variance means a modification of the strict terms of this chapter granted by the planning commission where such modification will not be contrary to the public good, such as irregular lot size, topographic or other characteristics of the land, and not as the result of any action on the part of the property owner, and where a literal enforcement of this chapter would result in unnecessary and undue hardship.

Wetlands means a lowland area, such as a marsh or swamp, that is saturated with moisture, when thought of as the natural habitat of wildlife.

Yard means the required space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments of accessory buildings and other structures are expressly permitted.

Yard, front means a yard situated between the front building line and the front lot line and extending the full width of the lot.

Yard, rear means a yard situated between the rear building line and the rear lot line and extending the full width of the lot.

Yard, side means a yard situated between a side building line and the front yard to the rear yard.

AUTHORITY AND DELEGATION

Authority. These regulations are adopted pursuant to powers vested in counties by the State of Georgia Constitution, home rule powers, state administrative rules for the adoption and implementation of Comprehensive Plans, and the protection of vital areas of the State.

Delegation of Powers to Planning Commission. The Planning Commission is vested with the authority to review and disapprove preliminary plats of major subdivisions, and to grant variances from the requirements of this Ordinance. Final Plats of major subdivisions must be approved by the Dooly County Board of Commission.

Delegation of Powers to Director. The Director is vested with the authority to review, approve, conditionally approve or disapprove final plats of minor subdivisions and minor re-subdivisions, lot combination plats, lot line adjustments, dedication plats, and construction plans. The Director shall also be authorized to review major subdivisions and major re-subdivisions for conformity to the requirements of this Ordinance, and to make reports and recommendations to the Planning Commission on major subdivisions and major re-subdivisions, and to administer, interpret, and enforce the provisions of this Ordinance.

APPLICABILITY AND GENERAL PROVISIONS

Applicability. These regulations shall apply to all real property within unincorporated Dooly County.

Land is One Tract Until Subdivided. Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

All Land Subdivisions to Comply. No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided under the requirements of this Ordinance. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of land subdivision that has not been approved and recorded in accordance with the requirements of this Ordinance. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of Dooly County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this Ordinance.

Preliminary Plat and Plans Required Prior to Construction. No person shall commence construction of any improvements on any lot, prior to the approval of preliminary engineering plans for said improvements are approved as required by this Ordinance.

Building and Other Permits. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land that does not comply with this ordinance.

Public Streets and Lands. No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this Ordinance and said land and/or improvements are formally approved and accepted as public improvements by the Board of Commissioners in accordance with procedures established in this Ordinance.

SEC. 18-3 Right-of-Way Easements

Right-of-way easements for streets and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.

SEC. 18-4 Public Street Frontage

No building shall be erected on a lot that does not abut at least 150 feet on a public street, except when the public street is a cul-de-sac, and shall have a minimum frontage of 50 feet on the cul-de-sac.

SEC. 18-5 One Principal Building on a Lot

Only one principal building and its customary accessory buildings may be erected on any one lot.

SEC. 18-6 Vision Clearance

In all subdivisions no fence, wall shrubbery or other obstruction to vision between the heights of 2 ½ feet and ten feet above the finished grade of streets shall be erected, permitted or maintained within 20 feet of the intersection of the right-of-way lines of street and railroads.

SEC. 18-7 Corner Lots

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to half the regulated distance on the portion of the lot fronting on the street or streets of lesser importance. However, in no case shall the setback be reduced to less than 20 feet. The minimum front yard for the portion of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this chapter for the district in which the lot is located.

SEC. 18-8 Double-frontage Lot

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this chapter. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this chapter on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets.

SEC. 18-9 Amendments

- (a) This chapter may be amended from time to time by the county government, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Board of Commissioners for review and recommendation.
- (b) Before the Board of Commissioners enacts an amendment to this chapter, the board shall hold public hearing thereon, at least 15 days' notice of the time

and date of which shall be published in a newspaper of general circulation in the county.

ARTICLE II. PLATS

SEC. 18-10 Platting Authority

The Board of Commissioners shall be the platting authority.

SEC. 18-11 Preliminary Plat Approval Required Prior to Initiation of Construction.

No construction work shall be undertaken on a proposed major land subdivision until a final plat has been approved by the Board of Commissioners.

No construction work shall be undertaken on a proposed minor land subdivision until a final plat has been approved by the Director.

SEC. 18-12 Erection of Buildings

No building shall be erected on any lot unless the street giving access to it has been accepted as a public street as having been constructed in conformity with the county standards in accordance with this chapter, or unless such street has attained the legal status of a public street prior to _____, or has been accepted as a public street by the Board of Commissioners.

SEC. 18-13 Pre-application Procedures

Before proceeding with a proposed land subdivision, developers are invited and encouraged to discuss their proposed development with the county inspector. A very preliminary sketch of the proposed subdivision together with a map of the area showing its principal features will be helpful in this discussion.

Division 2. Preliminary Plat

SEC. 18-14 Application for Preliminary Plat Approval

Purpose. The purpose of this section is to ensure compliance with the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of a tentative map of all major subdivisions for review and approval by the Board of Commissioners.

When Required. All major subdivisions, and any subdivision involving the dedication of a public street, shall require the submission of a preliminary plat to the Director for review and approval by the Board of Commissioners. Prior to the issuance of any permit for land disturbance, or the installation of any improvements, the Board of Commissioners must approve the preliminary plat, if required.

The subdivider shall submit to the office of the county inspector, at least 20 days prior to the next regular meeting of the Board of Commissioners, the following:

- (1) A letter requesting review and approval of a preliminary plat, giving the name and address of the person to whom the notice of the hearing by the Board of Commissioners on the preliminary plat shall be sent.
- (2) Three copies of the preliminary plat and other documents, as specified in this division.
- (3) A preliminary plat filing fee as set forth in the schedule of fees and charges, plus the cost of publishing the public notice.

Sec. 18-15 Review of Preliminary Plat

- (a) The county inspector shall check the plat for conformance to the regulations of this chapter; and if the preliminary plat is found to be in compliance, the county inspector will schedule the consideration of the preliminary plat for the next planning commission meeting, if it is found to be deficient, the consideration of the preliminary plat will not be placed on the agenda for the next planning commission meeting; and the county inspector will notify the developer in writing of the deficiencies. The developer will have an opportunity to correct the deficiencies and resubmit the plat to the county inspector. If the plat has been resubmitted to the county inspector at least five days prior to the next meeting of the planning commission, the consideration of the preliminary plat will be placed on the agenda for its consideration by the planning commission. If the plat is resubmitted less than five days prior to the next meeting of the planning commission, the consideration of the plat will be placed on the agenda at the next following meeting.
- (b) The Board of Commissioners shall approve or disapprove the preliminary plat. A notation of the action shall be made on two copies of the preliminary plat, including a statement of the reasons for disapproval if the preliminary plat is disapproved. One copy shall be returned to the subdividor or his agent and one copy added to the records of the county inspector.
- (c) Approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to preparation of the final plat. Preliminary plat approval shall expire and be null and void after

a period of one year unless an extension of time is approved by the county inspector.

SEC. 18-16 Scale

The preliminary plat of major subdivisions shall be clearly and legibly drawn at a scale not smaller than 200 feet to the inch.

SEC. 18-17 Information to be Provided in Preliminary Plat For Major Subdivisions

The preliminary plat shall contain the following information:

- (1) Name and address of the owner of record and of the subdivider.
- (2) Proposed name of the subdivision and its gross acreage.
- (3) North arrow, graphic scale and date.
- (4) Vicinity map showing the location of the subdivision and developments in its vicinity.
- (5) Exact boundary lines of the tract by bearings and distances from a referenced P.O.B.
- (6) Names of owners of record of adjoining land.
- (7) Existing streets, utilities and easements on the land adjacent to the tract.
- (8) Contour lines at intervals of not more than two feet.
- (9) Proposed layout, including streets and alleys if the subdivision contains alleys, with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than single-family dwellings.
- (10) Lots, consecutively numbered so that no two lots have the same lot number.
- (11) Provisions for water supply, sewerage and drainage.
- (12) Minimum building front yard setback lines.
- (13) Present and proposed wells, watercourses, floodplains and wetland areas, water systems, sewage systems, structures and easements on the property and within 100 feet of the perimeter of the property.

SEC. 18-18 Certificate of Approval

A certificate of approval of the preliminary plat by the Board of Commissioners shall be inscribed on the plat as follows:

Pursuant to the Land Subdivision Regulations of Dooly County, Georgia, all the requirements of approval have been fulfilled. This approval of the preliminary plat does not constitute approval of the final plat.

Date

Zoning Administrator
Dooly County

Division 3. Final Plat

SEC. 18-19 Application for Final Plat Approval For Major Subdivisions

After the preliminary plat of a proposed land subdivision has been approved by the Board of Commissioners, the sub-divider may, within one year from approval, submit to the county inspector:

- (1) A letter requesting review and approval of the final plat, giving the name and address of the person(s) to whom the notice of the hearing by the board of commissioners on the final plat shall be sent.
- (2) Three copies of the final plat and other documents, the original of which shall be drawn in permanent ink on reproducible sepia paper or reproducible format, and in conformity with the provisions of O.C.G.A.
- (3) The subdivider shall be responsible for paying the recording fees as specified by the clerk of the superior court of the county.

SEC. 18-20 Review of Final Plat For Major Subdivisions

The county inspector shall check the final plat for the following requirements:

- (1) The county inspector shall check the plat for conformance to the regulations of this chapter; and if the final plat is found to be in compliance, the county inspector will schedule the consideration of the final plat on the agenda at the next Board of Commissioners' meeting. However, if the final plat is found to be deficient, the consideration of the

final plat will not be placed on the agenda for the next board of commissioners' meeting; and the county inspector will notify the developer in writing of the deficiencies and give the developer an opportunity to correct the deficiencies. The consideration of the final plat shall be placed on the Board of Commissioners' agenda at the second meeting that occurs after the final plat has been submitted.

- (2) The Board of Commissioners shall approve or disapprove the final plat. A notation of that action shall be made on the original tracing and two prints of the final plat; including a statement of the reasons there for if the final plat is disapproved.

SEC. 18-21 Approval of Final Plat

Upon approval of the final plat, the county inspector will notify the subdivider; and the subdivider may, within one year, proceed to build the roads and lay the utility, storm water and sanitary sewer lines.

SEC. 18-22 Final Plat Requirements For Major Subdivisions

The final plat shall conform to and meet the specifications of the preliminary plat and the following additional specifications. The original final plat shall be clearly and legibly drawn in permanent ink on reproducible copy paper or other reproducible media at a scale not smaller than 100 feet to the inch. Blue-lined copies of the original plat will be accepted. Original sheet sizes shall be 18 x 24 inches; and where more than one sheet is required, an index map shall be provided on the same size sheet. The final plat shall show:

- (1) Bearings and distances of the subdivision boundaries to the nearest existing street lines or other permanent monuments (not less than three) accurately described on the plat.
- (2) Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest tenth of a foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed 1:5,000.
- (3) Name of the subdivision and the exact location, widths and names of all streets and alleys within and immediately adjoining the plat.
- (4) Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents.
- (5) Lot lines with dimensions to the nearest tenth of a foot.

- (6) Lots numbered in numerical order.
- (7) Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
- (8) Accurate location, material and description of monuments and markers.
- (9) The actual location of all utility lines.
- (10) The following certifications:

- (a) An engineer's or surveyor's certification, directly on the final plat as follows:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist and their location, size, type and material are correctly shown; and that all engineering requirements of the Land Subdivision Regulations of Dooly County, Georgia, have been fully complied with.

By: _____ Registered C. E.
No. _____

or

By: _____ Registered Georgia Land Surveyor
No. _____

- (b) A certificate of approval of the final plat by the county commission, directly on the plat, as follows:

Pursuant to the Land Subdivision Regulations of Dooly County, Georgia, all the requirements of approval having been fulfilled, this final plat was approved by the Dooly County Commission.

Date

Zoning Administrator
Dooly County

ARTICLE III. DESIGN REQUIREMENTS

Division 1. Generally

SEC. 18-23 Suitability of Land

Land subject to flooding, improper drainage or erosion or land that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety or property destruction unless the hazards can be and are corrected. The Board of Commissioners shall seek advice from the Zoning Administrator and public health officials and others as deemed appropriate by the board of commissioners on the suitability of land for residential use.

SEC. 18-24 Access

Access to every subdivision shall be provided over a public street.

SEC. 18-25 Entrance Over Dam Prohibited

A subdivision will not be accepted or approved if the only entrance or access is over a dam. Primary access must be provided over a public street that does not traverse a dam.

SEC. 18-26 Reserved

SEC. 18-27 Dam Specifications

The county does not and will not accept title or responsibility for any dam or lake and will not accept title or responsibility for any street that traverses a dam, and the county does not and will not accept any responsibility for the maintenance of the dam or any street that traverses the dam.

SEC. 18-28 Required Improvements

- (a) Prior to the approval of the final plat, an agreement shall have been reached between subdivider or his agent and the county government with regard to the installation of street improvements and utilities called for on the subdivision plat.
- (b) The subdivider shall be required to have installed by the appropriate county agency at his expense or, with approval of the agency concerned, to himself install the following street improvements and utilities:

All street rights-of-way shall have ditches and tail ditches as required by the soil conservation requirements and by the county standard specifications for roads and streets.

- (c) All required street improvements, utilities and monuments shall be built to standards specified by the agency responsible for each. All utilities to be installed in the streets shall be placed and the soil shall be compacted prior to paving.

SEC. 18- 29 RESERVED

SEC. 18-30 Continuation of existing streets.

Existing streets in subdivisions shall be continued at the same or greater width, but in no case less than the required width.

SEC. 18-31 Street Names.

Streets in subdivisions that are obviously in alignment with streets existing and named shall be given the name of the existing street. Names of new streets shall not duplicate nor closely approximate those of existing streets.

SEC. 18-32 Cul-de-sac.

Except where topographic or other conditions make a greater length unavoidable, cul-de-sac, or dead-end streets, shall be no greater in length than 800 feet. They shall be provided at the closed end with a turnaround having a property line radius of at least 60 feet with an outside pavement radius of at least 50 feet.

SEC. 18-33 Alleys.

Alleys may be constructed at the rear of all lots, whether they are used for one-family, multifamily, commercial or industrial purposes. If the subdivision contains alleys, such alleys shall provide access to the lot and a location for certain utilities, and facilitate garbage collection.

SEC. 18-34 Street specifications.

All public streets shall be built, constructed and paved in conformity with the county standard.

Street right-of-way widths shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

- (1) All streets within a subdivision shall have a 60 feet right-of-way.

- (2) All cul-de-sacs shall have an 80 feet right-of-way in the turn-around area.

SEC. 18 – 35 STREET INTERSECTIONS

Street intersections shall be as nearly at right angles as possible. No street intersection shall intersect at an angle of less than 75 degrees unless required by unusual circumstances and approved by the County Road department.

SEC. 18-36 Curb line radius.

The curblin radius at street intersections shall be at least 25 feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.

SEC. 18-37 Street Paving Width.

Street paving widths shall be no less than the following, measured from edge of pavement:

- (1) All streets within a subdivision shall have at least 24 feet of pavement.
- (3) Cul-de-sacs shall have enough pavement for a turn around.

SEC. 18-38 Lot Sizes.

Residential lots shall conform to the following minimum dimension and area requirements:

- (1) The minimum lot size shall be one acre when the well and septic tank are located on the lot.
- (2) The minimum lot size shall be one-half acre when the lot is served by public water system, a private water system that has been approved by the environmental protection division, or a public sewage system.
- (3) There shall be no more than four lots located on a cul-de-sac.

SEC. 18-39 Driveway pipe

All lots shall require a driveway pipe that meets the requirements of the Dooly County Road Department. Fees for driveway pipes shall be the responsibility of the developer or owner. Amount of the fees shall be determined by the Road Department. All driveway pipes required by this Ordinance located on a State Highway shall be approved by the Department of Transportation. All driveway pipes shall be installed by the developer prior to final approval of major or minor subdivisions.

SEC. 18-40 Appeals

An appeal by a person, firm, or corporation may be taken to the Dooly County Board of Commissioners where it is alleged that there is an error in any order, requirement, decision or determination made by the director or Planning Commission in the enforcement and interpretation of this ordinance. Such appeals shall be made within 30 days of the administrative action by filing with the Dooly County Clerk of Commissioners a notice of appeal specifying the grounds thereof. If the notice is not filled within 30 days the only recourse shall be a court of record.

The Board of Commissioners shall fix a reasonable amount of time for the hearing of an appeal and shall give due notice to the parties concerned. Upon the hearing any party may appear in person or through their agent.

In the event the petitioner for an appeal remains discontented with Board of Commissioners decision on an appeal application, the petitioner shall have 30 days to appeal the action to Dooly County Superior Court.

SEC. 18-41 Fees

Fees for review and inspection of major subdivision plans shall be \$100.00 and is hereby established by the Board of Commissioners to cover the cost of inspections, and supervision resulting from the enforcement of this Ordinance.

SEC. 18-42 Violations and Penalties

- (1) Any person, firm, or corporation who violates the provision of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished for each violation according to the laws of the State of Georgia. Each day a violation continues shall be denied a separate offense.
- (2) The punishment imposed for any ordinance violation shall not exceed a fine Of \$500.00 or sixty days imprisonment or both, except as otherwise provided by general law, and shall not exceed the maximum punishment by this ordinance (Pursuant to Official Code of Georgia Annotated Sec. 15-10-60).
- (3) Prosecutions for violations of this ordinance, as with other county ordinance, Shall be pursuant to Article 4 of the Official Code of Georgia Annotated and shall be heard and brought in the Magistrate Court of Dooly County pursuant to O. C. G. A. Sec 15-20-2 (4).

SEC. 18-43 Validity

The ordinance and the various articles sections, paragraphs and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is

adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

SEC. 18-44 Effective Date

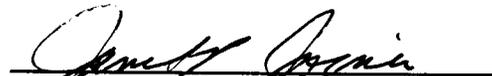
The provisions of this ordinance are hereby declared to be necessary for the preservation of the public peace, health, safety, and welfare of the people of Dooly County and are hereby ordered to be effective February 1, 2006.

Approved by the Dooly County Board of Commissioners in regular session this 5th day of January, 2006.

Chairman:


Wayne West

Attest:


Janet P. Joiner, Clerk

First Reading: December 1, 2005

Second Reading: December 15, 2005