

**SUBDIVISION
AND
LAND DEVELOPMENT REGULATIONS
OF WHITE COUNTY**

**Adopted 12/04/07
White County Board of Commissioners**

CONTENTS

ARTICLE 1 GENERAL PROVISIONS	5
Section 101.	Short Title.
Section 102.	Purpose and Intent.
Section 103.	Authority.
ARTICLE 2 REFERENCE TO OTHER REGULATIONS	6
Section 201.	Soil Erosion and Sedimentation Control.
Section 202.	Access and County Road Access Permit.
Section 203.	Flood Protection.
Section 204.	Utility Connections.
Section 205.	Reference to Environmental Regulations.
Section 206.	Reference to State and Federal Land Subdivision Laws.
ARTICLE 3 DEFINITIONS	7
Section 301.	Generally.
Section 302.	Definitions.
ARTICLE 4 GENERAL PROVISIONS	13
Section 401.	Delegation of Authority to Administrative Officer.
Section 402.	Delegation of Authority to Director of Public Works.
Section 403.	Planning Commission Authority.
Section 404.	Jurisdiction.
Section 405.	Land is One Tract Until Subdivided.
Section 406.	Subdivision of Land.
Section 407.	Development of Land.
Section 408.	Building and Other Permits.
Section 409.	Public Streets and Lands.
Section 410.	Preliminary Plat, Development Plans and Development Permit Required.
Section 411.	Recording of Subdivision Plats.
Section 412.	Exemptions from Plat Approval.
Section 413.	Exemption from Plan Approval.
ARTICLE 5 PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL	16
Section 501.	Pre-Application Conference.
Section 502.	Plan Review Committee
Section 503.	Application for Preliminary Plat Approval.
Section 504.	Preliminary Plat Specification Certificate.
Section 505.	Plat and Plan Specifications.
Section 506.	Application for Preliminary Plan Approval.
Section 507.	Review by the Planning Commission.
Section 508.	Duration of Preliminary Plat Approval.
Section 509.	Amendments to Preliminary Plat Approval.
Section 510.	Submittal of Development Plans.

Section 511.	Review and Approval of Development Plans.
Section 512.	Issuance of Development Permit.
Section 513.	Application for Final Plat Approval.
Section 514.	Final Plat Specifications and Certificates.
Section 515.	Action on the Final Plat.
Section 516.	Recording of Final Plats.
Section 517.	Dedications of Public Streets and Acceptance of Improvements.
Section 518.	Lot Combinations and Boundary Line Adjustments.

ARTICLE 6 DESIGN REQUIREMENTS FOR STREETS

26

Section 601.	Access.
Section 602.	Lot Frontage
Section 603.	Conformance to Adopted Major Thoroughfare and Other Plans.
Section 604.	Continuation of Existing Streets.
Section 605.	Tract Plan for Future Streets and Phases.
Section 606.	Street Names.
Section 607.	Street Alignment, Intersections, and Jogs.
Section 608.	Development Along Arterial Street or Limited Access Highway.
Section 609.	Alleys.
Section 610.	Street Right-of-Way and Pavement Widths.
Section 611.	Turnarounds.
Section 612.	Street Grades.
Section 613.	Horizontal Curvature.
Section 614.	Tangents.
Section 615.	Vertical Alignment.
Section 616.	Curb-Line Radius.
Section 617.	Bridges.
Section 618.	Right-of-Way Clearance.
Section 619.	Grading of Streets.
Section 620.	Street Paving and Base.
Section 621.	Curb and Gutter.
Section 622.	Street Signs.
Section 623.	Street Right-of-Way Improvements.
Section 624.	Street Trees.
Section 625.	Sidewalks.
Section 626.	Street Lights.
Section 627.	Deceleration Lanes.
Section 628.	Improvements to Abutting Streets.
Section 629.	Residential Driveways.
Section 630.	Non-Residential Driveways.

ARTICLE 7 PRIVATE STREETS

36

Section 701.	Private Streets Permitted.
Section 702.	Engineering Plans Required.
Section 703.	Standards for Private Streets.
Section 704.	Street Names and Signs.
Section 705.	Rights-of-ways.
Section 706.	Maintenance.
Section 707.	Specifications for Final Plats Involving Private Streets.

ARTICLE 8 DESIGN REQUIREMENTS FOR BLOCKS AND LOTS	38
Section 801.	Block Lengths and Widths.
Section 802.	Lot Width and Size.
Section 803.	Lot Lines.
Section 804.	Building Lines.
Section 805.	Flag Lots.
Section 806.	Lot Remnants Not Permitted.
Section 807.	Monuments.
ARTICLE 9 STORM DRAINAGE AND UTILITIES	41
Section 901.	Easements.
Section 902.	Storm Drainage System.
Section 903.	Water System.
Section 904.	Fire Hydrants.
Section 905.	Sanitary Sewerage System.
Section 906.	Utilities.
ARTICLE 10 CONSERVATION SUBDIVISIONS	44
Section 1001.	Purpose and Intent.
Section 1002.	Definitions.
Section 1003.	Relationship to Subdivision Regulations.
Section 1004.	Primary Conservation Areas.
Section 1005.	Secondary Conservation Areas.
Section 1006.	Required Open Space Specifications.
Section 1007.	Conservation Easement Required.
Section 1008.	Guidelines for Drafting Conservation Easements.
Section 1009.	Homeowners Association.
Section 1010.	Application.
Section 1011.	Consideration.
Section 1012.	Justifiable Grounds for Denial.
ARTICLE 11 CONDOMINIUMS AND TOWNHOUSES	52
Section Reserved.	
ARTICLE 12 ADMINISTRATIVE AND LEGAL STATUS PROVISIONS	53
Section 1201.	Administration and Interpretation.
Section 1202.	Fees.
Section 1203.	Additional Specifications.
Section 1204.	Variances.
Section 1205.	Enforcement, Violations and Penalties.
Section 1206.	Inspection.
Section 1207.	Intra-Family Land Transfer.
Section 1208.	Amendment.
Section 1209.	Miscellaneous Provisions.

**ARTICLE 1
GENERAL PROVISIONS**

Section 101.	Short Title.
Section 102.	Purpose and Intent.
Section 103.	Authority.

Section 101. Short Title.

This Resolution is known and may be cited as the "Subdivision and Land Development Regulations of White County, Georgia."

Section 102. Purpose and Intent.

This Resolution and its rules and regulations are intended to serve the following purposes, among others:

1. To protect and promote the health, safety and general welfare of the residents of the County;
2. To encourage economically sound and stable land development;
3. To assure the provision of required streets, utilities, and other facilities and services to new land developments in conformance with public improvement standards of the County;
4. To assure adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments to assure adequate access for fire fighting equipment and other emergency and service vehicles;
5. To assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of land for recreational, and other public purposes;
6. To assure the adequate provision of water supply, storm water drainage, sanitation, lighting, and other necessary improvements;
7. To assure equitable handling of all subdivision plans by providing uniform procedures and standards for the subdivider, land developer, and staff to follow;
8. To assure, in general, the wise development of new land areas, in harmony with the comprehensive plan of the community;
9. To assure the accurate description of property and adequate and proper identification of property in public records;
10. To help conserve and protect the natural, economic and scenic resources of the community;
11. To help eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration given to various public purposes;

12. To protect lot purchasers who generally lack the specialized knowledge to evaluate subdivision improvements and design.

Section 103. Authority.

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

**ARTICLE 2
REFERENCE TO OTHER REGULATIONS**

Section 201.	Soil Erosion and Sedimentation Control.
Section 202.	Access and County Road Access Permit.
Section 203.	Flood Protection.
Section 204.	Utility Connections.
Section 205.	Reference to Environmental Regulations.
Section 206.	Reference to State and Federal Land Subdivision Laws.
Section 207.	Special Review of Subdivisions along State Routes.

Section 201. Soil Erosion and Sedimentation Control.

No land shall be platted and no land shall be developed except in accordance with the Soil Erosion and Sedimentation Control Resolution of the County, as it now exists or is hereafter adopted or amended, codified as Chapter 30, Article II of the White County Code. Compliance with said Soil Erosion and Sedimentation Control Resolution of the County shall be coordinated by the applicant and county staff for subdivision or land development approval with the land development and improvement requirements of this Resolution.

Section 202. Access and County Road Access Permit.

No driveway shall hereafter be installed as a part of any development except in compliance with Sec. 14-78.,"County Road Access Permit," of the White County Code, if applicable, or unless consistent with access requirements established in this Resolution, as it now exists or as is hereafter adopted or amended. Shared driveways shall have a minimum width of nine (9) feet of pavement or gravel. Paving is required for all shared driveways over Twenty percent (20%) in grade.

Section 203. Flood Protection.

No land shall be platted and no land shall be developed except in accordance with Chapter 30, Article IV, "Flood Damage Prevention," of the White County Code, as it now exists or as is hereafter adopted or amended.

Section 204. Utility Connections.

No connections to public water or sewer systems shall be permitted except in compliance with relevant provisions of the White County Code, any specifications adopted by the White County Water and Sewer Authority, and/or municipal water or sewer connection specifications (in the case the subdivision or land development served by municipal water and/or sewer) for such connections, as applicable.

Section 205. Reference to Environmental Regulations.

All subdivisions and land developments shall comply as required with the environmental regulations of the White County Code, including but not limited to resolutions adopting protection measures for wetlands, water supply watersheds, groundwater recharge areas, protected river corridors, mountain protection, and hillside development, as they now exist or as hereafter adopted or amended.

Section 206. Reference to State and Federal Land Subdivision Laws.

The subdivision of land within White County shall comply, as applicable, with the Interstate Land Sales Full Disclosure Act (15 U.S.C.A. Section 1701 et seq.) and with the Georgia Land Sales Act (O.C.G.A. Section 44-3-1 et seq.). All subdivision plats shall also comply with applicable state laws regarding accuracy and content of all such subdivision plats.

**ARTICLE 3
DEFINITIONS**

Section 301. Generally.
Section 302. Definitions.

Section 301. Generally.

Except as specifically defined herein, all words used in this Resolution have their customary dictionary definition. Words used in the present tense include the future; words in the singular include the plural and words in the plural include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory. The word "may" is permissive.

Section 302. Definitions.

Access easement: An easement devoted to vehicular access which affords a principal means of access to abutting property or properties, but which is not necessarily open to the general public and which is not necessarily improved to standards of the County.

Administrative appeal: A request for a review of an Administrative Officer's interpretation of any provision of this Resolution, or an action taken by the Administrative Officer or the Director of Public Works in the application or enforcement of this Resolution.

Administrative Officer: The Community Development Director of White County, or his or her authorized representative, including the Planning Director.

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

Block: A piece or parcel of land entirely surrounded by public streets.

County: White County, Georgia.

County Attorney: The Attorney of White County.

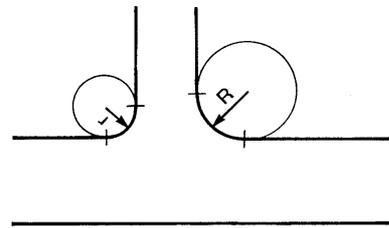
Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the White County Board of Commissioners for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Cul-de-sac: A street having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

Cul-de-sac, temporary: A non-permanent vehicular turn-around located at the termination of a street.

Curb Cut: A provision for vehicular ingress and/or egress between property and an abutting street.

Curb radius: The curved edge joining the intersecting street curbs at a street corner, also known as curb-return radius and intersection curb radius.



Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the Director of Public Works (and in the case of a state route, by Georgia Department of Transportation), which permits vehicles to slow down and leave the main vehicle stream.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Development: Any man-made change of improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development permit: Approval by the Administrative Officer to proceed with development.

Development plan: Any plan containing substantial information required to be filed by this Resolution, which shows how the property to be affected by the development will be changed and improved in a specific manner, including the installation of streets and utilities and the erection of buildings and structures, among other specific requirements.

Director of Public Works: The Director of Public Works of White County, or his or her authorized representative, which may include a consulting engineering firm approved by the County.

Driveway: The Primary access to the public street or subdivision street, which may be shared by up to two residential structures, and which lies wholly on the lot or lots of the structures that utilize it.

Easement: A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

Escrow account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the Director of Public Works to cover the costs of required improvements.

Home owners association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Intra-family land transfer: Conveyance by warranty or quit claim deed with consideration recited in the deed as "love and affection," where the grantor and grantee are related as: parent and child; brother and brother, sister and sister and/or brother and sister; grandparent and grandchild; or aunt/uncle and niece/nephew. The purpose of the conveyance is not to subdivide property for sale or resale to persons not listed in this definition or to otherwise circumvent the provisions of this resolution, and the applicant so states by sworn verification.

Land disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, not including agricultural practices exempt from the county's soil erosion and sedimentation control regulations.

Letter of credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the County. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

Lot: A portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public street or an approved private street. In determining the area and dimension of a lot, no part of the right-of-way may be included.

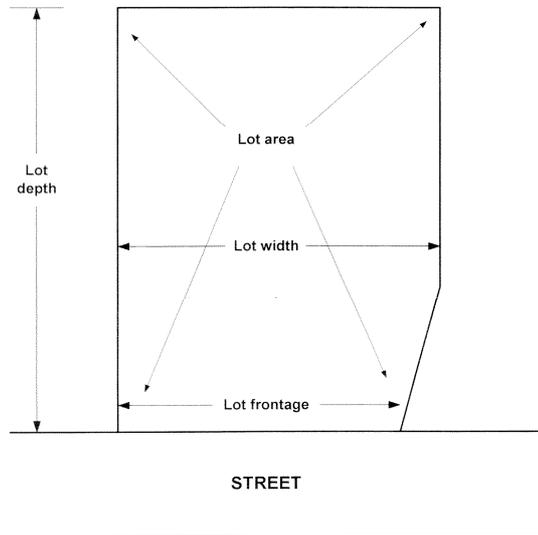
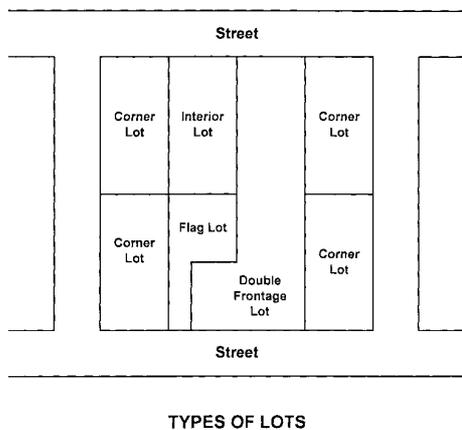
Lot of record: A parcel of land within the County which was legally platted and recorded in the Clerk of Superior Court of White County's Plat and Deed records prior to adoption of subdivision regulations in White County or which was lawfully subdivided in accordance with subdivision regulations of the County prior to or after the effective date of this Resolution.

Lot area: The total horizontal area within the lot lines of a lot, exclusive of public street right-of-ways or private road or access easements, where they exist.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot depth: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: A lot other than a corner lot which has frontage upon two or more streets that do not intersect at a point abutting the property.



Lot Definitions

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a public street or where existing, a private street, is less than the required minimum width for construction of a building or structure on that lot. Such lots have elongated access from the street and a conventionally proportioned building site at the rear of the lot.

Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any public street, or where it exists, a private street.

Lot width: The distance between side lot lines measured at the regulatory/required building line.

Metes and bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

Pavement width: The width of a given lane, street, or other road pavement width, measured from back-of-curb to back-of-curb, or to the edge of pavement where no curbs are required or exist.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the Director of Public Works to cover the costs of required improvements, and payable to the County. The County may call in the performance bond in the event the subdivider defaults on required improvements.

Plat, final: A finished drawing of a subdivision showing completely and accurately all legal and engineering information, certification, and all other elements and requirements set forth in this resolution and O.C.G.A. 15-6-7, prepared for filing for record with the Clerk of the White County Superior Court.

Plat, preliminary: A drawing which shows the proposed layout of a subdivision in sufficient detail to convey to the planning commission or others the concept and workability of a subdivision, but not complete in form or detail required for recording.

Private Shared Roadway: A paved or gravel roadway that may serve not more than 9 lots or dwellings units, abuts no more than 9 lots or dwelling units, and does not connect thoroughfares. Private shared roadways will not be accepted by the County for maintenance.

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

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Registered land surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Reservation: A method of holding land for future public use by showing proposed public areas on a subdivision plat.

Right-of-way, public: That area, distinguished from an easement or private street right-of-way, which is owned in fee-simple title by the White County Board of Commissioners or other government, for the present or future use of roads, streets and highways, together with its drainage facilities and other supporting uses and structures.

Right-of-way, private: That area, distinguished from an access easement or public right-of-way, dedicated to property owners of the subdivision involved or to other individuals, and which affords permanent access to abutting property or properties. A private right-of-way is distinguishable from a public street right-of-way in that maintenance and ownership of the street and accessory improvements is by private individuals or an association rather than the White County Board of Commissioners or another government.

Road, private: An improved street or road which affords a principal means of access to abutting property or properties.

Roadbed: The graded portion of a street with top and side slopes, prepared as a foundation for the pavement structure and shoulder.

Shade tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Shoulder: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public street or private street.

Street: A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property or properties. The term includes "road."

Street, arterial: Unless otherwise defined by the Comprehensive Plan of the County, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, Class I: a street with the right-of way dedicated to a property owners' association of the subdivision involved or reserved in the name of the developer and which would allow for further street development.

Street, collector: Unless otherwise defined by the comprehensive plan of the County, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A collector also may provide direct access to adjacent properties.

Street, half: A portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.

Street, private: A road or street that has not been accepted for maintenance by the county and that is not owned and maintained by a state, county, or another public entity.

Street, public: A dedicated and accepted public right-of-way, or one maintained by the White County Board of Commissioners, which affords the principal means of access to abutting properties.

Subdivision: The division of a tract or parcel of land into ten (10) or more lots, building sites, lease lots, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development. The term shall include the opening of a new street/road, or a change in existing streets; or divisions of land involving the extension of water, sewer, or gas lines and includes re-subdivision and where appropriate to the context, relates to the process of subdivision or to the land or area subdivided; provided, however, that 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 the County and no new roads or road location changes are involved.
2. The division of land into parcels of three acres or more where no new street/road is involved.

Subdivision, Minor: The division of a tract or parcel of land into nine (9) or less lots, building sites, lease lots, or other divisions for the purpose, whether immediate or future, of sale, lease legacy or building development. The term shall include the opening of a new street/road, or a change in existing streets; or divisions of land involving the extension of water, sewer, or gas lines and includes re-subdivision and where appropriate to the context, relates to the process of subdivision or to the land or area subdivided.

Variance: A minimal relaxation or modification of the strict terms of this Resolution as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

**ARTICLE 4
GENERAL PROVISIONS**

Section 401.	Delegation of Authority to Administrative Officer.
Section 402.	Delegation of Authority to Director of Public Works.
Section 403.	Planning Commission Authority.
Section 404.	Jurisdiction.
Section 405.	Land is One Tract Until Subdivided.
Section 406.	Subdivision of Land.
Section 407.	Development of Land.
Section 408.	Building and Other Permits.
Section 409.	Public Streets and Lands.
Section 410.	Preliminary Plat, Development Plans and Development Permit Required.
Section 411.	Recording of Subdivision Plats.
Section 412.	Exemptions from Plat Approval.
Section 413.	Exemption from Plan Approval.

Section 401. Delegation of Authority to Administrative Officer.

The White County Board of Commissioners hereby delegates to the Administrative Officer the authority to approve, conditionally approve, or disapprove final plats, lot combination plats, and boundary line adjustments, provided, however, such delegation does not authorize the Administrative Officer to accept public improvements for the White County Board of Commissioners. The Administrative Officer is vested with the authority to review, approve, conditionally approve, or disapprove development plans. No person shall refuse entry or access to the Administrative Officer upon request to enter onto property for purposes of inspection, upon the presentation of appropriate credentials, nor shall any person obstruct, hamper or interfere with any such Administrative Officer while in the process of carrying out his or her official duties.

Section 402. Delegation of Authority to Director of Public Works.

The Director of Public Works is vested with the authority to require and approve, conditionally approve, or deny approval of development applications and subdivision and land development improvements. The Director of Public Works shall require improvement guarantees for public improvements as specified in this Resolution. The Director of Public Works is further authorized to promulgate additional technical standards and construction specifications for land development improvements not already specified by this Resolution, including but not limited to water systems, sanitary sewer systems, streets, storm drainage systems, utilities, driveways, curb cuts, and parking lots. No person shall refuse entry or access to the Director of Public Works upon request to enter onto property for purposes of inspection, upon the presentation of appropriate credentials, nor shall any person obstruct, hamper or interfere with any the Director of Public Works while in the process of carrying out his or her official duties.

Section 403. Planning Commission Authority.

The planning commission shall be the official platting authority for White County. To this end, it shall be authorized and have the duty to review and act on applications for preliminary plat approval.

Section 404. Jurisdiction.

This Resolution shall apply to all unincorporated lands within the county boundaries of White County, Georgia.

Section 405. 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.

Section 406. Subdivision of Land.

No person shall subdivide land except in conformance with this Resolution. It shall hereafter be unlawful for any person, firm, corporation, owner, agent or subdivider, by deed or map, to sell, transfer, agree to sell, offer at public auction, negotiate to sell or subdivide any land until a preliminary plat, if required, and final plat have been approved and final plat recorded in accordance with this Resolution. Said restriction applies to lands subdivided for non-residential as well as residential uses. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from this resolution or from the penalties established herein. The County through its attorney or other designated official may enjoin such transfer of, sale, or agreement by appropriate action.

Section 407. Development of Land.

No person shall disturb or develop land or engage in development except in accordance with this Resolution. It shall hereafter be unlawful for any person, firm, corporation, owner, agent, developer or subdivider to disturb or develop any land until a development plan, if required, has been approved by the Administrative Officer in accordance with this Resolution. No person shall begin construction of any improvements on any lot, prior to the approval of a preliminary plat if required by this Resolution, nor prior to approval of development plans for said improvements as required by this Resolution.

The Administrative Officer shall not authorize or permit the clearance of trees and vegetative materials, except for grubbing, outside approved construction limits.

Section 408. Building and Other Permits.

No building permit shall be issued for any lot in any subdivision for which there is no approved and recorded final plat. As a single exception, builders, who are also the developer/sub-divider may be granted permit for one model per subdivision after preliminary plat approval.

Section 409. Public Streets and Lands.

No land dedicated as a public street or other public purpose shall be opened, extended or accepted as a public street or for any other purpose improvements unless such dedication is constructed in accordance with the specifications of this Resolution and accepted by the White County Board of Commissioners.

Section 410. Preliminary Plat, Development Plans and Development Permit Required.

No person shall begin development, land-disturbing activity, or construction of any improvements on any lot or land except in compliance with this Resolution. No development permit shall be issued for land disturbance or the installation of improvements, prior to the approval of a preliminary plat of such land, if required by this Resolution, and the approval of a development permit nor prior to approval by the Administrative Officer of engineered plans for land disturbance and installation of improvements.

Section 411. Recording of Subdivision Plats.

No subdivision plat, nor part thereof, shall be recorded with the Clerk of Superior Court of White County unless such plat has been approved for recording by the Administrative Officer. The Clerk of the Superior Court of White County shall not record a plat of a subdivision, whether evidenced as a plat or as an attachment to a deed, unless such plat is a final plat approved by the Administrative Officer and contains the Administrative Officer's signature thereon.

Section 412. Exemption from Plat Approval.

The following types of land subdivision, transfer, and sale are specifically exempted from the plat approval requirements of this Resolution; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this Resolution: Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the County to issue permits if the resulting lots or parcels fail to meet any applicable Resolution provisions regarding lot size, lot width, and other dimensional requirements.

Section 413. Exemption from Plan Approval.

The land development plan requirements specified in this Resolution shall not apply to any individual lot which was platted in accordance with the requirements of this Resolution or which lawfully existed (see definition of lot of record) that is developed or is proposed to be developed for a detached, single-family dwelling or manufactured home. A development permit, and the submission of development plans pursuant to this Resolution, shall not be required for detached, single-family dwellings including manufactured homes; provided, however, such development of individual lots for a detached, single-family dwelling or manufactured home shall comply as required with building codes and other resolutions as applicable (see Article 2 of this Resolution).

**ARTICLE 5
PROCEDURES AND REQUIREMENTS
FOR PLAT AND PLAN APPROVAL**

Section 501.	Pre-Application Conference.
Section 502.	Plan Review Committee
Section 503	Application for Preliminary Plat Approval.
Section 504.	Preliminary Plat Specification Certificates.
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Section 518.	Lot Combinations and Boundary Line Adjustments.

Section 501. Pre-Application Conference.

Whenever the subdivision of a tract of land, or a land development, is proposed to be made, the subdivider or land developer is required to have a pre-development meeting with the Administrative Officer. The subdivider or land developer may submit sketch plans and data showing existing conditions within the site and its vicinity, and the proposed layout and development of the subdivision or land development, as required by the Development Guide. This pre-development meeting is intended to permit an early evaluation of the subdivider's or land developer's intentions and coordination with development requirements the County, and to provide the subdivider or land developer with the necessary regulations in order to properly accomplish the proposed project. A pre-application form is given to the subdivider during the Pre-Application Conference.

Section 502. Plan Review Committee.

Prior to submittal of preliminary plat approval a subdivision shall be reviewed by the Plan Review Committee. This is made of different departments within White County's developmental approval process. The Plan Review Committee must approve plan(s) before application can be made for preliminary plats are submitted for review by the Planning Commission.

Section 503. Application For Preliminary Plat Approval.

The purpose of this section is to ensure compliance with the basic design concepts and improvement requirements of subdivisions through the submittal of a preliminary plat. Any subdivision involving the dedication of a public street or public land, and any subdivision involving a new private street, shall require the submission of a preliminary plat to the Plan Review Committee, and review and approval by the Planning Commission.

Applications for preliminary plat approval shall meet the requirements of Table 5.1

**TABLE 5.1
APPLICATION REQUIREMENTS**

REQUIREMENT	PRELIMINARY PLAT	DEVELOPMENT PLANS	FINAL PLAT
Pre-application review (first step)	Required	Required	
Pre-application form completed	Required	Required	Required
Letter requesting approval with name, address, and phone of applicant	Required	Required	Required
Number of copies of plat/plans	7 Copies	3 Copies	4 Copies
Filing fee	Required	Required	Required
Description of type of water supply and sewerage system and utilities to be provided	Required	Required	Required
Soil test for each lot proposed for on-site septic tank and drainfield			Required
Data on existing conditions	Required		
Hydrological or other engineering study		May be required	
Note placed on drawing designating if land lies within Mountain Protection area of the County	Required	Required	Required
Written approval from electric utility company regarding installation of service points and street lights			Required
Reproducible original			Required
As-built drawings of public improvements		Required	
Subdivision improvement guarantee			Required
Plat Certificates	Required		Required

Section 504. Preliminary Plat Specification Certificates.

A Certificate of tentative approval of the preliminary plat by the Planning Commission shall be inscribed on the plat as follows:

"Pursuant to the Land Subdivision Regulations of White County, Georgia, all the requirements of tentative approval having been fulfilled, this preliminary plat was given tentative approval by the White County Planning Commission on _____, 20 ____.

This tentative approval does not constitute approval of a final plat. This certificate of tentative approval shall expire and be null and void one year from date.

Date

Chairman
White County Planning Commission

Section 505. Plat and Plan Specifications.

Preliminary plats, development plans, and final plats shall meet the specifications of Table 5.2.

**TABLE 5.2
PLAT AND PLAN SPECIFICATIONS**

INFORMATION REQUIRED	PRELIM- INARY PLAT	DEVELOPMENT PLANS	FINAL PLAT
Scale (minimum)	1"=100 feet	1"=100 feet	1"=100 feet
Sheet size (maximum)	24" x 36"	24" x 36"	18" X 24"
North arrow and graphic engineering scale	Required	Required	Required
Proposed name of subdivision or project and phases, if any	Required	Required	Required
Vicinity map	Required	Required	Required
Total acreage of the property being subdivided or developed	Required	Required	Required
Name, address, and telephone of owner of record	Required	Required	Required
Name, address and telephone of subdivider or land developer	Required	Required	Required
Name, address and telephone of preparer of plat or plans	Required	Required	Required
Date of plat or plan drawing and revision date(s) if any	Required	Required	Required
Exact boundaries of the tract to be subdivided or developed by bearings and distances, tied to one or more benchmarks	Required	Required	Required
Names of owners of record of all abutting land	Required	Required	Required
Municipal, County and land lot lines inside the property or within 500 feet.	Required	Required	Required
Existing buildings and structures on or encroaching on the tract to be subdivided or developed	Required	Required	Required
Existing streets, utilities and easements on and adjacent to the tract	Required	Required	Required
Environmental conditions (streams, wetlands, watershed supply watersheds, groundwater recharge areas, flood hazard areas, river corridor protection boundaries, mountain and hillside protection areas, etc.)	Required	Required	Required
Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition	Required		Required

REQUIREMENT	PRELIMINARY PLAT	DEVELOPMENT PLANS	FINAL PLAT
Dimensions and acreage of all lots	Approximate	Approximate	Exact
Locations of streets, alleys, lots, open spaces, and any public use reservations and/or common areas	Required	Required	Required
Right-of-way widths and pavement widths for abutting streets and existing and proposed streets within the subdivision or development		Required	Required
Locations, widths and purposes of easements	Required	Required	Required
Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data		Required	Required
Acreage to be dedicated to the public			Required
Locations of culverts or drainage structures, including sizes, (ie: diameter & length of culvert) & drainage design calculations		Required	Required
Street names (as proposed)		Required	Required
Street profiles & cross-sections	Required	Required	
Topography as required by this Resolution (see footnote 1)	Required	Required	Not Shown
Minimum building setback/yard lines for all lots drawn on plat or plan	Required	Required	Required
Location and description of all monuments			Required
Certificate of ownership and dedication			Required
Land surveyor's stamp, certificate, signature, including field survey and closure statement	Required	Required	Required
Statement of and reference to private covenants, if any			Required

Footnote 1: Contour intervals ten (10) feet for hilly terrain (slopes greater than 10 percent), Five (5) feet for rolling terrain (2-10 percent) two (2) foot for flat terrain (slopes less than 2 percent). Contour lines shall be based on field surveys or photogrammetric methods for aerial photographs. The basis for the topographic contour shall be specified. Topographic data based on geological survey maps which have been adjusted by field survey data may be accepted by the County if it determines that such data will be adequate to evaluate the layout of lots and streets, drainage and other service requirements.

Section 506. Application for Preliminary Plan Approval.

The Administrative Officer shall transmit for review and comment a copy of the preliminary plat to the White County Plan Review Committee as required.

The subdivider shall submit to the Planning Department, or its designated representative the following information for review and approval by the Planning Department, within the procedures established by the department.

- a. A letter requesting review within the procedures established by that department.
- b. Seven (7) copies of the preliminary plan and other documents, as specified.
- c. A preliminary plat fee of \$100.00 plus \$5.00 per lot.

Section 507. Review by the Planning Commission.

Upon receipt of a complete preliminary plat and plat application, the Administrative Officer shall schedule the application for the next public meeting before the Planning Commission and forward all pertinent materials in the application to the Planning Commission for review. An application for preliminary plat approval must be submitted to the Administrative Officer for review and approval by the Planning Department within the procedures established by the Department. The applicant or his or her authorized representative shall attend the Planning Commission meeting at which preliminary plat approval is sought. No action will be taken by the Planning Commission on a preliminary plat approval unless the subdivider or his or her authorized representative is present. The failure of an applicant to attend the meeting at which a preliminary plat application is scheduled for consideration by the Planning Commission shall delay the time limitations posed in this Section.

Meetings of the Planning Commission during which a preliminary plat is considered shall be open to the public, but the Planning Commission shall not be required to provide notice to adjacent or nearby property owners of the application and shall not be required to convene a public hearing on the matter. This shall not preclude the Planning Commission from recognizing and hearing from any member of the public, when in its judgment it may be advantageous to do so.

The Planning Commission shall have thirty (30) days from the date it is first considers a preliminary plat application at a public meeting of the Commission to approve, conditionally approve, or deny the application. The basis of the Planning Commission's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Resolution and other applicable laws.

If action on a preliminary plat is not taken by the Planning Commission within sixty (60) days of the meeting date on which the application was first considered by the Planning Commission, the preliminary plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant may waive this requirement and consent to an extension of time.

Section 508. Duration of Preliminary Plat Approval.

Approval of a preliminary plat shall be valid for a period of one (1) year, during which time a complete application for development plan approval must be submitted. If a completed application for development plan approval is not submitted within two years after preliminary plat approval, said approval shall expire and be null and void. Phased subdivisions are allowed to have two (2), twelve (12) month extensions.

Section 509. Amendments to Preliminary Plat Approval.

The Administrative Officer, in consultation with the Director of Public Works when engineering considerations are involved, is authorized to approve minor amendments to preliminary plats. The application requirements and procedures for amending preliminary plats, unless minor in nature, shall be the same as for preliminary plat applications. The Administrative Office shall have the discretion to determine the nature of a minor amendment.

Section 510. Submittal of Development Plans

Following approval of the preliminary plat for a land subdivision, or if subdivision is not proposed, upon proposing a land development, the subdivider or land developer shall submit an application for development plan approval per the requirements of Table 5.1 for development plans. The development plans shall at minimum include information specified in Table 5.2 for development plans. Said plans shall consist of the following:

- a. Utility plans providing information regarding the location, size, length and type of all water, sanitary sewer and storm drainage improvements showing their minor structures, appendages and connections with existing systems, and the approximate location of service lines from the lots to the proposed utility lines.
- b. Street plans, whether for public or private streets, providing information as follows: street profiles and cross sections as required by the Director of Public Works, type of sub-base, type of paving base, type of curb and gutter if required, drainage design calculations, and type of street paving and type of improvements within the street right-of-way outside of the paved area.
- c. Grading plans and soil sedimentation and erosion control plans.
- d. In addition to utility, street, grading and erosion control plans, the Administrative Officer and/or Director of Public Works may require a hydrological study or other engineering studies as may be necessary, depending upon the scope and extent of the development project.

Section 511. Review and Approval of Development Plans.

Upon receipt of the completed development plans by the Administrative Officer, he or she shall submit to the Plan Review Committee for review and approval as specified in the White County Development Guide.

Section 512. Issuance of Development Permit.

Upon approval or conditional approval of a development plan, the Administrative Officer shall issue a development permit. Issuance of a development permit shall constitute authorization for the applicant to begin land-disturbing activities and the construction of improvements.

Section 513. Application For Final Plat Approval.

In the case of a subdivision, after approval of a preliminary plat and upon completion of required improvements, the subdivider may then submit an application for final plat approval. Said application shall meet the requirements for final plat applications as specified in Table 5.1, and the final plat shall meet the specifications for final plats shown in Table 5.2. In addition, the applicant for final plat shall submit to the Administrative Office the following:

- a. Approval from the Plan Review Committee.
- b. One time-stable reproducible film copy or original of the plat.
- c. A letter from the applicable electricity service company may be required indicating that service points for individual lots and street lights, if required, have been installed;
- d. A performance bond for those required improvements not yet completed (e.g., pavement topping), if such delay in completion of required improvements is permitted by the Director of Public Works. Said performance bond shall be:
 1. Conditioned upon the faithful performance by the subdivider or developer of all work required within a specified time;
 2. Payable to, and for the indemnification of, the County;
 3. In an amount equal to the cost of construction of the required improvements not yet completed, plus an additional ten (10) percent of said costs, as calculated by the Director of Public Works;
 4. With surety by a company entered and licensed to do business in the State of Georgia; and
 5. Approved as to form and content by the County Attorney.
- e. A maintenance bond, cash deposit, escrow account or other guarantee/instrument of financial security as approved by the County Attorney to ensure maintenance of required improvements in the subdivision for a period of one (1) year, payable to the County and in the amount of ten (10) percent of the Director of Public Works's estimate of actual construction cost. If, upon being notified of failure of required improvements, the subdivider does not correct the deficiency or commence work within ten (10) days of notice, it shall be deemed to be a failure on the bond, and the County shall have the right to make the necessary repairs, either by public work or by private contract, and the bond or instrument of financial security shall be liable for the full amount of the cost of said repairs, as determined by the Director of Public Works.

Section 514. Final Plat Specifications and Certificates.

The final plat shall be drawn to comply with the specifications in Table 5.2 for final plats. Certificates shall be included on the final plat, as follows:

1. Final Surveyor's Certificate:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist and their location, size, type and material are correctly shown; and that this plat meets all requirements of the White County Subdivision and Land Development Regulations.

By _____ Georgia Registered Land Surveyor No. ____.

Date _____

2. Owner's Certification:

"Owner's Certificate"

State of Georgia, County of White.

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies under oath that this plat was made from an actual survey, that all State and County taxes or other assessments now due on this land have been paid, and that all State of Georgia statutory and regulatory requirements for water supply and sewage management have been met.

Owner _____ Date _____

Agent _____ Date _____

Subscribed and sworn to in my presence this _____ day of _____, 20 ____.

Notary Public
Commission exp.: _____"

3. Certificate of Dedication:

A certificate by the owner setting forth the description of the areas and improvements to be dedicated to the public and the extent of the title dedicated attached to the plat.

4. FINAL PLAT APPROVAL:

"Pursuant to the Land Subdivision Regulations of White County, Georgia, all the requirements of approval having been fulfilled, this final plat was given final approval by the White County Planning Commission on _____, 20 _____.

Chairman
White County Planning Commission

Date

Section 515. Action on the Final Plat.

Upon receipt of a complete final plat application, the Administrative Officer may transmit for review and comment a copy of the plat to applicable review agencies. The Administrative Officer shall have ten (10) working days to approve or disapprove of the plat. The Administrative Officer may grant final plat approval if the following conditions, as applicable, are met:

- a. A preliminary plat of the proposed subdivision, if required, has been previously approved by the Planning Commission.
- b. Where new improvements are involved in the subdivision, development plans have been approved by the Plan Review Committee.
- c. The final plat meets all applicable requirements of this Resolution.
- d. A complete final plat application has been submitted, including all supporting materials required by this Resolution for final plats.

Final plats and applications that meet the above-referenced conditions shall be considered a ministerial action by the Administrative Officer. Denial of a final plat shall be permitted only upon specific findings that one or more of the above-referenced conditions have not been met.

If said plat is in conformance with the preliminary plat and is approved by the Administrative Officer, the signatures of the Administrative Officer shall be placed on the reproducible film copy or original plat.

Section 516. Recording of Final Plats.

Upon approval and without undue delay, the Administrative Officer shall have approved final plats recorded in the records of the Clerk of the Superior Court of White County, and a time-stable reproducible film copy or original shall be filed in the Office of the Administrative Officer. Recording fees shall be included in the fee charged for final plats and therefore paid by the County. The Clerk of the Superior Court shall indicate on the filed copy, as well as the time-stable reproducible film copy or original, the book and page number in the White County Records where the final plat is recorded. Recordation of a final plat constitutes approval to begin the sale or transfer of subdivision lots.

Section 517. Dedications of Public Streets and Acceptance of Improvements.

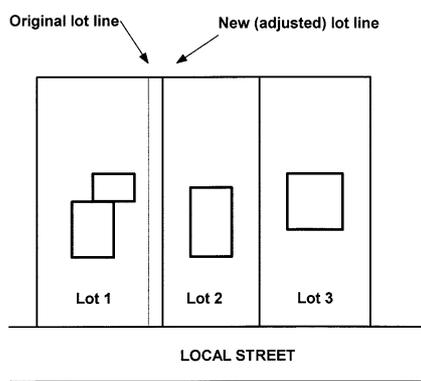
In accordance with applicable provisions of the White County Code, the subdivider may petition in writing to the Administrative Officer for the White County Board of Commissioners by Resolution to accept public streets and other dedications, in whole or in part, within the

subdivision. Said improvements shall not be accepted for maintenance until approved by Resolution by the White County Board of Commissioners.

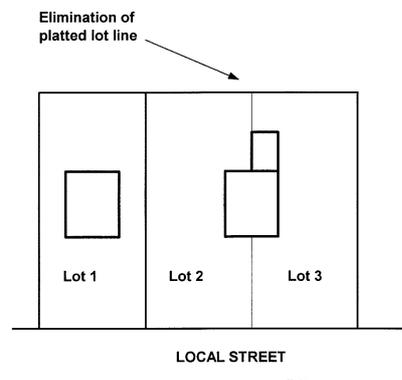
Section 518. Lot Combinations and Boundary Line Adjustments.

Boundary Line Adjustments- One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots may be adjusted through a final plat revision process that requires the approval of the Administrative Officer and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the Administrative Officer and recorded. Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots.

Lot Combinations- An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged, by the developer, to form one building lot may be removed or eliminated through a final plat revision process which conforms to the final plat requirements of this Resolution. Where separate parcels or lots of land are proposed to be combined, they shall be submitted to the Administrative Officer as a final plat for review, approval and recording. In the case where no recorded final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Administrative Officer and recorded as a final plat. Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots.



Boundary Line Adjustment



Lot Combination

**ARTICLE 6
DESIGN REQUIREMENTS FOR STREETS**

Section 601.	Access.
Section 602	Lot frontage
Section 603	Conformance to Adopted Major Thoroughfare and Other Plans.
Section 604.	Continuation of Existing Streets.
Section 605.	Tract Plan for Future Streets and Phases.
Section 606.	Street Names.
Section 607.	Street Alignment, Intersections, and Jogs.
Section 608.	Development Along Arterial Street or Limited Access Highway.
Section 609.	Alleys.
Section 610.	Street Right-of-Way and Pavement Widths.
Section 611.	Turnarounds.
Section 612.	Street Grades.
Section 613.	Horizontal Curvature.
Section 614	Tangents.
Section 615.	Vertical Alignment.
Section 616.	Curb-Line Radius.
Section 617.	Bridges.
Section 618.	Right-of-Way Clearance.
Section 619.	Grading of Streets.
Section 620.	Street Paving and Base.
Section 621	Curb and Gutter.
Section 622.	Street Signs.
Section 623.	Street Right-of-Way Improvements.
Section 624.	Street Trees.
Section 625	Sidewalks.
Section 626.	Street Lights.
Section 627.	Deceleration Lanes.
Section 628.	Improvements to Abutting Streets.
Section 629.	Residential Driveways.
Section 630.	Non-Residential Driveways.

Section 601. Access

Every subdivision shall be accessed by a public street, or Class I street, or a previously approved access of at least a 30 foot easement (a private street). This may include the extension of previously approved subdivision streets.

If the Planning Commission or Administrative Official finds that inadequate access exists, the subdivider's remedy is to pursue the proper access to the subdivision by upgrading the access road to the subdivision. This shall require improving the access to current county road standards. In such cases of inadequate access, street or access improvements are required. A preliminary plat for the subdivision shall be required, regardless of the number of lots.

Where existing streets serving the subdivision are inadequate to serve the additional traffic, the Planning Commission or Administrative Officer shall not approve the subdivision unless adequate access improvements are provided by the subdivider, which shall require improvements to County standards.

Section 602. Lot Frontage

Each lot shall abut upon a public street or an approved subdivision street and at a minimum, have sixty (60) feet of lot frontage. In the case of a lot fronting on and accessed by a, cul-de-sac, the minimum lot frontage may be reduced to thirty-five (35) feet. Double or reverse frontage lots are required to have proper frontage on all sides that could be used as access.

Section 603. Conformance to Adopted Major Thoroughfare and Other Plans.

All streets and other features of the adopted comprehensive plan shall be platted by the subdivider in the location and if any, to the dimensions indicated on the Major Thoroughfare Plan or transportation element of the comprehensive plan adopted by the White County Board of Commissioners.

Section 604. Continuation of Existing Streets.

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

Section 605. Tract Plan for Future Streets and Phases.

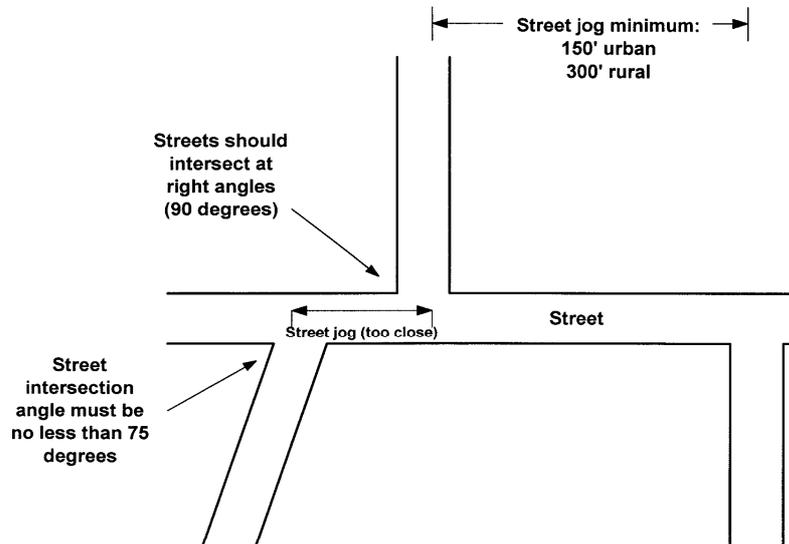
Where the land proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision or land development consideration shall be required by the Administrative Officer. When such tentative plan is required, it shall be prepared and submitted by the subdivider or land developer at the time of submission of an application for preliminary plat or development plan approval, whichever occurs first.

Section 606. Street Names.

Street names shall be reviewed for correct usage and reasonable meanings consistent with the language used and are subject to the approval of the GIS/Mapping Department.

Section 607. Street Alignment, Intersections, and Jogs.

Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 300 feet.



Intersection Angles and Street Jogs

Section 608. Development Along Arterial Street or Limited Access Highway.

Where a subdivision abuts or contains an arterial street or a limited access highway, the Administrative Officer or Planning Commission may require a street approximately parallel to and on each side of such right-of-way as a marginal access street, from which the lots shall be accessed instead of the arterial street or limited access highway. In such cases, the Administrative Officer or Planning Commission shall require a ten-foot-wide, no-access easement planted to prohibit travel across it.

Section 609. Alleys.

Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments. Alleys may be provided in one or two-family residential developments.

Section 610. Street Right-of-way and Pavement Widths.

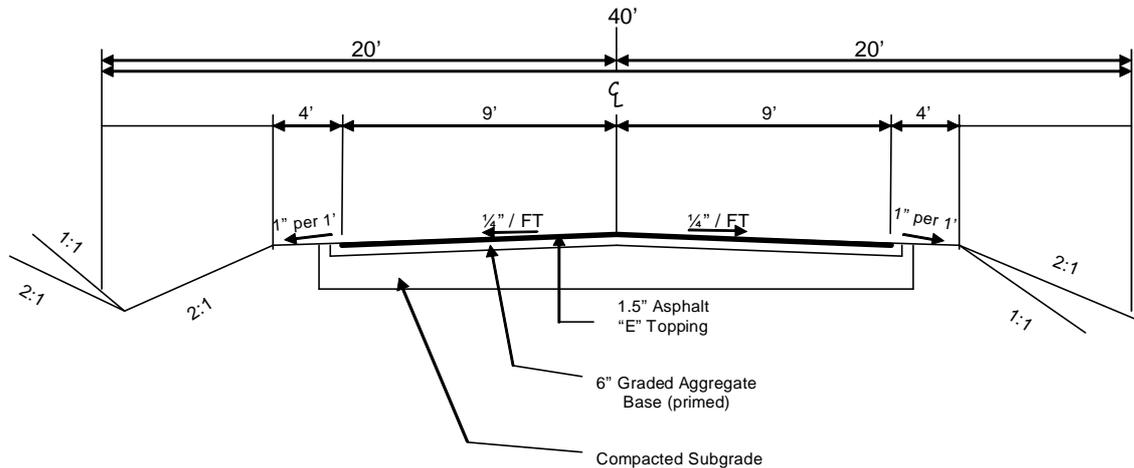
Street right-of-way and pavement widths shall at minimum meet the following:

Street Right-of-Way, Pavement, and Improvement Requirements

Street Type	Service Standard	Minimum Right-Of-Way Width (Feet)	Minimum Pavement Width (Feet)	Drainage	Sidewalk
Local street (rural cross-section)	Rural Residential	40	18	Drainage ditches on both sides	
Private Shared Roadway	Rural and Residential	30	18		
Collector street (County to County or State To State Hwys)	Non-residential subdivision; primary subdivision access with 50 or more lots	60	24	Drainage ditches on both sides	
Major arterial street	All uses	Per transportation element of comprehensive plan	Per transportation element of comprehensive plan	Drainage ditches on both sides	

Smaller right of ways and roadways may be approved by the Planning Commission in mountain and hillside protection areas to reduce the amount of clearing and land disturbance.

Local Rural Street Typical Section – 40' r-o-w



Note: 1:1 cut or fill slopes require prior approval of Public Works Director.

If approved by the Public Works Director, pavement (E or F mix) can be compacted to 2" instead of the required 1.5" compacted and prime may be omitted.

Roads shall be crowned, or pitched, to promote drainage of surface water from the road into roadside ditches to minimize the detrimental effects of water.

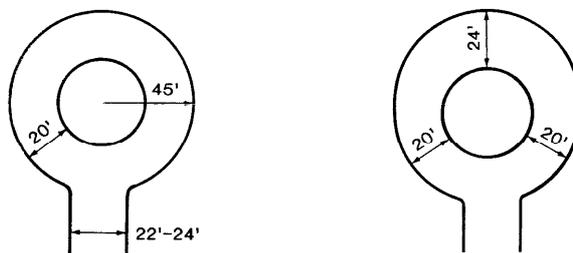
For all rural cross-section streets, public or private, ditches are essential for proper drainage and shall be designed and provided to handle total volume and velocity of water for the particular road location, as approved by the Director of Public Works

Section 611. Turnarounds.

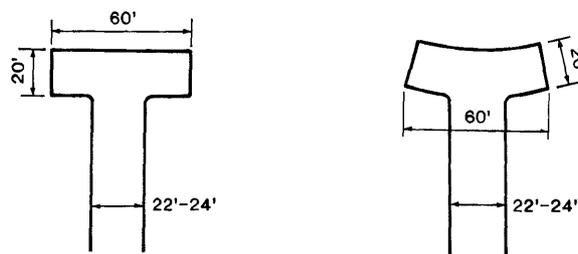
Streets that dead-end shall terminate in a cul-de-sac or other approved turn-around. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Director of Public Works.

Alleys, lanes, and local streets that dead-end and which require a turnaround may be equipped with one of the following types of turnarounds, subject to the approval of the Director of Public Works

Type of Turnaround	Required Pavement (Feet)	Required Right-of-Way (Feet)
Cul-de-sac, no center island	35' radius	40' radius
Cul-de-sac, no center island	40' radius	50' radius
Cul-de-sac with center island	45' radius, 20' travel way except 24' at end of circle opposite the street connection	55' radius
"T-shaped"	60' length by 20' width	70' length by 30' width
"Y-shaped"	60' length by 20' width	70' length by 30' width



Specifications for Cul-de-sac With Center Island



Specifications for "Hammerheads"

Section 612. Street Grades.

Maximum and minimum street grades shall be as follows:

- a. Local streets and dead-end streets and alleys, not in excess of fifteen percent (15%).
- b. No street grade shall be less than one percent (1%).

Section 613. Horizontal Curvature.

The minimum radii of centerline curvature shall be as follows:

- a. Secondary streets, 200 feet.
- b. Local streets and dead-end streets and alleys, 100 feet.

Section 614. Tangents.

Between reverse curves, there shall be a tangent having a length not less than the following:

- a. Collector streets, 100 feet.
- b. Minor streets and dead-end streets and alleys, 50 feet.

Section 615. Vertical Alignment.

Vertical alignment shall be such as per specifications of the Public Works Department

Section 616. Curb-Line Radius.

The curb-line radius at street intersections shall be at least 30 feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required. For commercial and industrial subdivision streets, a minimum 40 foot curb-line radius shall be provided.

Section 617. Bridges.

Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards, or as may be approved by the Director of Public Works.

Section 618. Right-of-Way Clearance.

All trees, brush, stumps, rocks, or other debris shall be cleared from the road bed, including shoulders, or as may be required by the Director of Public Works; provided, however, that the Administrative Officer may recommend preservation of trees and major rock outcroppings within the right of-way as may be appropriate to preserve the rural character of the subdivision or land development. This work shall conform to the requirements of Section 201, Georgia Department of Standard Specifications, 2001 Edition (or later).

Section 619. Grading of Streets.

All streets shall be graded to the lines, grades, and cross-sections as shown on approved the plans and in accordance with Section 205, Section 208, and Section 209 of the Georgia Department Standard Specifications, 2001 Edition (or later).

Section 620. Street Paving and Base.

Base and sub-base shall be installed on public and private streets and for driveways connecting to public streets in compliance with Section 300, Section 310, of the Georgia Department of Transportation Standard Specifications, 2001 Edition (or later).

All boulders, organic material, soft clay, spongy material or similar problematic material shall be removed from the street subgrade and replaced with approved material.

The base course shall consist of graded aggregate of a minimum compacted thickness of six inches compacted to 95 percent and in conformity with the lines, grades and typical cross-sections as shown on the drawings approved by the Director of Public Works. Engineers can submit alternative pavement designs for approval by the Director of Public Works. All base course material shall be deposited and spread by means of spreader boxes, approved mechanical equipment, or from moving vehicles equipped to distribute the material in a uniform layer as approved by the Director of Public Works.

Rolling shall be accomplished with a smooth wheel power roller weighing seven to ten tons, or an equivalent equipment approved by the Director of Public Works. Rolling shall progress gradually from the sides to the center, parallel with the centerline of the street and lapping uniformly each preceding track one half the width of such track, and shall continue until all the surface has been rolled. No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.

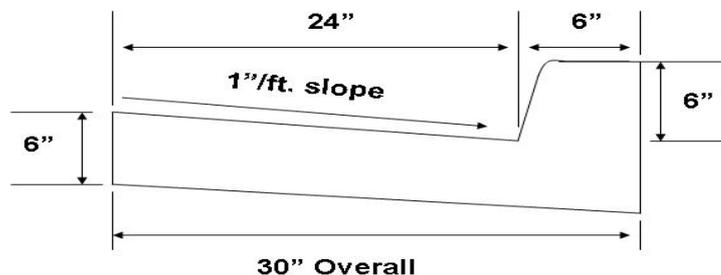
Pavement shall meet the requirements of Section 400, 412, and 413 of the Georgia Department of Transportation Standard Specifications, 2001 Edition (or later).

If approved by the Public Works Director, pavement (E or F mix) can be compacted to 2" instead of the required 1.5" compacted and prime may be omitted.

Section 621. Curb and Gutter.

Curb and gutter shall not be required except in Commercial and Industrial developments as provided in Section 609. If required, it shall be installed along both sides of all paving. Commercial and industrial subdivisions shall require curb and gutter regardless of proposed lot sizes and/or lot widths. All curb and gutter, valley, gutter, driveway aprons and sidewalks shall conform to GA DOT Standards 903B. Concrete shall be class "A" and have a minimum strength of 3,000 psi at 28 days. The typical minimum section of curb is shown in the Figure below.

Curb and Gutter per DOT Std. 9032B



Section 622. Street Signs.

Street signs shall be furnished and installed at all street intersections on the right-of way by the developer and shall meet specifications of the Director of Public Works which unless otherwise adopted shall be green (public street) or blue (private street) .080 aluminum 6" high by the appropriate width for the road name, with white reflective DOT grade letters 4" high mounted on 10 foot u-channel posts. Exact locations shall be approved by the Director of Public Works prior to installation. Subdividers shall also be responsible for installing all traffic control signs required by the Director of Public Works, including stop signs. Stop signs shall be DOT grade and a minimum of 30" and installed on 10 ft. u-channel posts. Alternate or thematic color signs that follow a specific subdivision theme may be allowed with the approval of the Director of Public Works and 911 Director. Signs shall be installed in accordance with the current revision of the U.S. Hwy. DOT Manual of Uniform Traffic Control Devices.

Section 623. Street Right-of-Way Improvements.

All street right-of-ways outside of the paved portions shall be graded to conform to the approved cross section and shall be soiled and grassed with a material acceptable to the Director of Public Works.

The Director of Public Works may require that drainage facilities be installed to provide a stable subsurface and base for fills and base course construction over wet weather springs, soft spots, and other unstable soils. The Director of Public Works may require the subdivider or land developer to submit a soil analysis and drainage design performed by an engineering firm.

Section 624. Street Trees.

Street tree planting is required along all new collector and arterial streets in White County and private streets within commercial and industrial subdivisions. Street trees are optional but recommended in all other subdivisions. Trees should not encroach upon right-of-way or interfere with future maintenance by White County should the road become a public street.

When required or where provided, the subdivider, owner of land to be dedicated as a public street, or the developer of a street shall at the time of preliminary plat approval submit a plan for the provision of street trees. It is the intent of this section that the subdivider carefully position street trees on the plan while taking into account future driveway and sidewalk locations, if provided. Suitable arrangements must be made for either the subdivider/developer or individual builders to install street trees according to a plan approved by the Public Works Department as a part of preliminary plat approval, prior to dedication or opening of said street, or by the Administrative Official if a preliminary plat is not required. It is the preference of the County that the subdivider shall install said street trees prior to the dedication or opening of the public or private street; however, the Planning Commission may accept an agreement where the responsibility for street tree planting is shifted to the owners or individual builders of the lots to be subdivided. Any such responsibility shall be legally transferred in a form acceptable to the County Attorney.

Street trees and other shrubbery that may be retained or planted shall be placed or retained so as not to obstruct sight distances at street intersections.

Section 625. Sidewalks.

Though not required, if sidewalks are employed in a subdivision they shall have a minimum width of four (4) feet and shall be provided under the following conditions:

- a. Sidewalks shall be installed, along the entire property frontage, or as may be otherwise specified by the Administrative Officer. Sidewalks shall not be less than two (2) feet from street curbs. The sidewalk location may be varied at the discretion of the Administrative Officer in order to go around trees or other obstructions.
- b. All driveway aprons over sidewalk areas shall be installed with concrete by the developer or builder.
- c. Sidewalks thickness and material shall be determined by the Public Works Department. Except as specified, alternative materials may be used, but must be approved by the Public Works Department.

Section 626. Street Lights.

Street lights are not required but may be provided in accordance with County specifications by the developer of a subdivision prior to the approval of a final plat; provided however, that within mountain and/or hillside development areas as designed by resolution of the Board of Commissioners, low level street lights shall allowed in key areas and intersections. Fixtures and standards/poles installed or used shall be approved by the utility company which will be responsible for the maintenance of the facilities and by the Director of Public Works. The fixtures shall be mounted no more than thirty (30) feet above the ground and shall have appropriate arm length or power to place light over the street. Post-top luminaries may be permitted when approved by the Director of Public Works. Fixtures shall be located no more than five hundred (500) feet apart, unless approved by the Director of Public Works, and when provided at least one light shall be located at each public or private street intersection within the subdivision or land development.

The developer, or homeowners' association, shall pay all costs for poles, fixtures and any other related items or materials necessary for the installation of street lights, as well as arrange an agreement with the utility company for complete maintenance of all installations.

Section 627. Deceleration Lanes.

For subdivisions or land developments accessing state routes, the Georgia Department of Transportation may require the installation of deceleration lanes.

The Director of Public Works may require the installation of a deceleration lane for a distance of 100 feet and a 50 foot taper from all project entrances serving commercial and industrial subdivisions, and residential subdivisions serving fifty (50) lots or more for accessing county roads. For all commercial properties, if an acceleration/ deceleration lane is not required, the subdivider or land developer may be required to construct a wide entrance according specifications of the Director of Public Works.

Section 628. Improvements to Abutting Streets.

For subdivisions and land developments that abut and access an abutting public street, the subdivider or land developer shall install road improvements according to standards and specifications of the Director of Public Works along all abutting streets.

When a subdivision or land development uses or proposes to use an unpaved public right-of-way for access, the subdivider or land developer shall dedicate right-of-way and improve that right-of-way to right-of-way and pavement widths consistent with County street design standards.

Section 629. Residential Driveways.

All entrances or exits of any driveway from or to any state or federal highway shall be subject to the approval of the Georgia Department of Transportation. Any driveway that will abut a public street must obtain a driveway permit from White County Public Works. Public Works will determine if the chosen driveway location is the best available for sight distance and will evaluate the correct size for the driveway culvert or give permission to omit the culvert.

Section 630. Non-Residential Driveways.

All entrances or exits of any driveway from or to any state or federal highway shall be subject to the approval of the Georgia Department of Transportation.

**ARTICLE 7
PRIVATE STREETS**

- Section 701. Private Streets Permitted.
- Section 702. Engineering Plans Required.
- Section 703. Standards for Private Streets.
- Section 704. Street Names and Signs.
- Section 705. Rights-of-ways.
- Section 706. Maintenance.
- Section 707. Specifications for Final Plats Involving Private Streets.

Section 701. Private Streets Permitted.

Private streets may, upon application, be permitted by the Planning Commission within subdivisions, subject to the requirements of this Article. Applications for approval of private streets shall be considered by the Planning Commission. Following a recommendation by the Administrative Officer and Director of Public Works, the Planning Commission shall consider the application and may impose conditions on the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets. No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this Article.

Section 702. Engineering Plans Required.

It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining approval of

development plans and securing a development permit from the Administrative Officer and approval by the Director of Public Works in accordance with the requirements of this Resolution.

Section 703. Standards for Private Streets.

All private streets shall be constructed to standards as specified in Section 610 of this Resolution.

Section 704. Street Names and Signs.

Private streets shall be named, subject to the approval of the Administrative Officer and the Mapping Department. The subdivider of land involving a private street shall install street signs as approved by the Director of Public Works. The sign signifying the private street may be required by the Director of Public Works to be a different color than that of street signs provided for public streets, or designated “private” in order to distinguish maintenance responsibilities in the field.

Section 705. Rights-of-ways.

Right-of-ways for private streets shall be designated on final plats as general purpose public access and utility rights-of-ways, along with the name of said private street. Said private right-of-way shall at minimum be of the same width as that required for the right-of-way of a public street for the type of public street (local, collector, etc.) most closely resembling the proposed private street. Right-of-ways for private streets shall not be included in any calculation of minimum lot size established by this Resolution or any other White County Resolution. In the cases of private streets, the right-of-way for the private street shall be drawn as its own discrete parcel to be dedicated to a private homeowners association (i.e., not shown to be a part of any lot).

Section 706. Maintenance.

The County shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements or any other appurtenances within rights-of-ways established for private streets. A private maintenance agreement recorded with the White County Clerk of the Superior Court shall be required for any private street and other improvements within rights-of-ways established for private streets.

Section 707. Specifications for Final Plats Involving Private Streets.

No final plat involving a private street shall be approved by the Administrative Officer for recording unless and until it shall contain the following on the face of the plat:

- a. Deed book and page reference to the recorded covenant required by this Article.
- b. “WARNING, White County has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the rights-of-ways for private streets shown on this plat.”

- c. If water and/or sewer lines are installed, the following certificate of dedication shall be required.

“Certificate of Dedication. All water and sewer lines installed within the rights-of-ways shown on this plat for private street(s) are hereby dedicated to the White County Water and Sewer Authority.

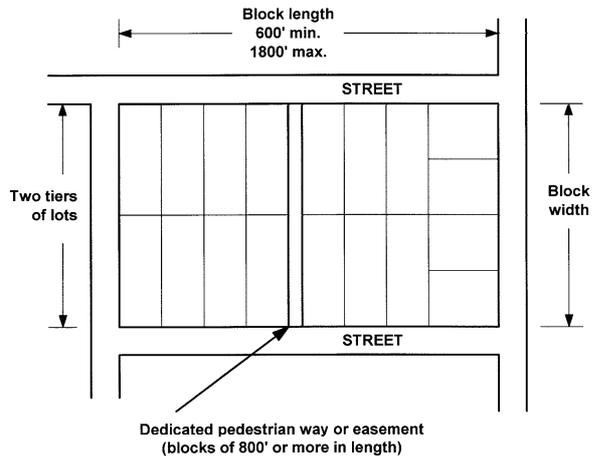
White County Water Authority

**ARTICLE 8
DESIGN REQUIREMENTS FOR BLOCKS AND LOTS**

- Section 801. Block Lengths and Widths.
- Section 802. Lot Width and Size.
- Section 803. Lot Lines.
- Section 804. Building Lines.
- Section 805. Flag Lots.
- Section 806. Lot Remnants Not Permitted.
- Section 807. Monuments.

Section 801. Block Lengths and Widths.

Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic and connectivity. Blocks in residential subdivisions should not exceed one thousand eight hundred (1800) feet nor be less than six hundred (600) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of blocks.



Block Length, Block Width, and Pedestrian Way

The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Section 802. Lot Width and Size.

Residential lots shall have a minimum depth of 100 feet and minimum width of 100 feet each. The minimum lot area for a residential lot shall be:

- a. 43,560 square feet; or
- b. a minimum of 21,780 square feet with public water, public sewer, and/or a waste water treatment facility approved by Georgia DNR, EPD (This does not include Community Septic Systems); after all stream buffers are withheld. A minimum of 5% of the total tract shall be withheld for common space when there is an absence of streams on site or the amount of stream buffer does not exceed 5%;
- c. 32,670 square feet with public water after all stream buffers are withheld. A minimum of 5% of the total tract shall be withheld for common space when there is an absence of streams on site or the amount of stream buffer does not exceed 5%;

provided, however, that where flood plain, water course, wetland, soil, slope and other conditions require it, and as further required by the County Health Department or any other applicable resolution of White County. No more than one single family dwelling per tract with density of one dwelling per acre with Planning Department approval. Single family exceptions may be allowed for intra-family and agricultural dwellings with the approval of the planning department. Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets. Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets.

Commercial and industrial or other non-residential lots shall be adequate to provide service areas and off-street parking suitable to use intended. The minimum lot size for such lots shall be 43,560 square feet without public sewer, or a minimum of 21,780 square feet with public sewer and public water, or greater where soil, slope or other conditions require it, and as further required by the health department. Where individual septic tanks are used, the White County Health Department shall approve minimum lot sizes to conform to health standards of the state of Georgia.

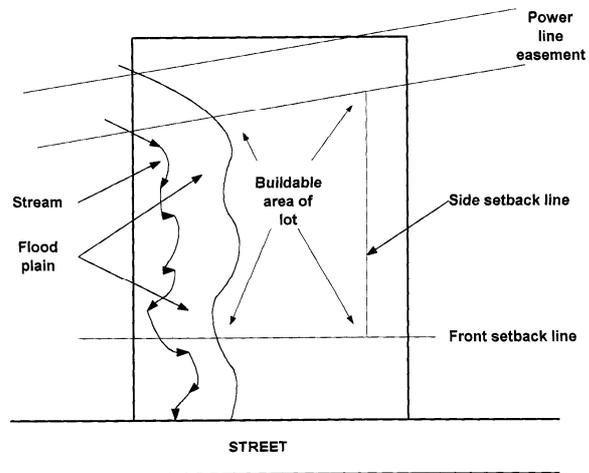
Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or required yards/ building setback lines.

Section 803. Lot Lines.

All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topographic or other features.

Section 804. Building Lines.

A building line shall be established on all lots. There shall be building setback lines for principal buildings of 15 feet from all property lines.



Adequate Building Area Required

Section 805. Flag Lots.

Intent. Flag lots, as defined in this Resolution, are strongly discouraged. However, subdivisions designed with one or more flag lots may be approved

Denial if reasonable alternative exists. The Administrative Officer in the case of minor subdivisions and the Planning Commission in the case of other subdivisions shall have due cause to deny any plat that proposes any flag lot, when a reasonable alternative to such lot pattern is possible.

- a. Panhandle (flag pole) length and width restriction. If permitted, no flag lot shall be allowed to be platted that has a "panhandle" portion of less than the required frontage for that lot. (i.e., portion that does not meet the required lot width) and that is more than 400 feet in length.

Section 806. Lot Remnants Not Permitted.

All remnants of lots below any minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Administrative Officer may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

Section 807. Monuments.

For all subdivisions, a Georgia registered land surveyor shall install permanent survey monuments at all property corners and land lot lines, prior to final plat approval. Lot corners shall be marked with metal rods not less than 1/2" in diameter and 18" in length and driven so as to be stabilized in the ground. Permanent survey monuments shall also be installed in accordance with the most recent edition of Section 180-7-.05 Monument of the Rules of State

Board of Registration for Professional Engineers & Land Surveyors and the Georgia Plat Act (O.C.G.A. 15-6-67).

**ARTICLE 9
STORM DRAINAGE AND UTILITIES**

Section 901.	Easements.
Section 902.	Storm Drainage System.
Section 903.	Water System.
Section 904.	Fire Hydrants.
Section 905.	Sanitary Sewerage System.
Section 906.	Utilities.

Section 901. Easements.

Where a subdivision or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater or drainage easement of minimum twenty (20) feet in width. Easements for storm pipes shall be at least ten (10) feet wide, and all easements shall be provided for all drainage facilities as approved by the Director of Public Works. Where easements are needed for utility locations, they shall be provided by the subdivider or land developer to the appropriate utility provider. Easements having a minimum width of fifteen (15) feet shall be provided, where required for utility lines and underground mains and cables. Where easements are needed for public water and/or sanitary sewer lines, they shall be provided as determined appropriate by the Director of Public Works but shall be no less than twenty (20) feet wide. All easements required pursuant to this Section shall be shown on the preliminary plat if required, final plat if required, and development plans.

Section 902. Storm Drainage System.

No land shall be platted and no land shall be developed except in accordance with stormwater management standards provided in this Resolution and additional specifications adopted by the Director of Public Works. At a minimum, storm drainage in subdivisions and land developments shall meet the following requirements.

The storm drains along with catch basins and manholes shall be installed in compliance with the plans and specifications, and as indicated herein.

1. Every subdivision or land development shall be served by storm drainage facilities, including drains, sewers, catch basins, culverts and other facilities as required by standards and specifications of the Director of Public Works.
2. All drainage facilities shall be so designed to serve the entire drainage area in which these facilities are located. All street drains serving lots in the subdivision shall be installed by the subdivider. A formula may be developed by the Director of Public Works to provide for a sharing of the cost of other drainage facilities needed to serve the subdivision when certain of the required drainage facilities are necessary to serve other subdivisions in the same drainage basin.
3. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Director of Public Works, and a copy of design computations shall be submitted along with required plans. Capacity for a 10-year storm or rain shall be provided for all street drainage structures such as catch basins, inlets

cross drains, etc. Capacity for a 100-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.

4. All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the Director of Public Works. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.
5. Whenever drainage ditches are used, such ditches shall retain natural design characteristics and be so designed that they do not present a hazard to life and safety or create erosion problems.
6. All drainage features shall be in accordance with standards and specifications of the Director of Public Works, and no extension shall be made from the street drainage through the abutting property without approval of the Director of Public Works.
7. When the construction of a proposed public road makes it necessary to cross a storm drain, the developer shall provide and install the required size and length of an acceptable grade of pipe.
 - a. In cases where the developer or subdivider chooses not to develop the land through which the drain runs, then the trench may be left open; provided, however, in such cases the plat must be so marked and an easement shown thereon, indicating that no building or driveway shall be built over or within forty (40) feet of the open drain.
 - b. Where the developer chooses to leave the drain open and same is crossed by a driveway, the size of pipe shall be determined by the Director of Public Works and no building permit will be approved unless the installation meets the requirements of the Director of Public Works.
 - c. Notwithstanding the above controls, the Chief Building Official may refuse to issue a building permit on any lot or lots where the land is subject to floods.

Section 903. Water System.

All water mains, where provided, shall be installed along with a service connection for each lot or land development and be in operating condition prior to final plat approval if required and paving installation. The water system shall be connected to the County Water Authority's water system unless another source approved by the White County Health Department is accepted by the Planning Commission. All pipes, valves, and other components shall conform to County Water Authority and County Health Department regulations and specifications of the Director of Public Works.

An applicant may propose and the Health Department and Planning Commission may approve water supply to be served by a community water system.

Section 904. Fire Hydrants.

Fire hydrants shall be located no more than 1,000 feet apart. Hydrants, fittings, valves and fire department connections shall be approved by the Fire Department. Fire department connections shall be not less than 18 inches or more than 36 inches above the level of the adjoining ground or paving. The thread of such connections shall be uniform with that used by the Fire Department. To eliminate repavement of streets, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Section 905. Sanitary Sewerage System.

When in the written opinion of the White County Health Department, public sanitary sewers are within reasonable access of the subdivision or land development, the subdivider or land developer shall provide sanitary sewer services to each lot within the bounds of the subdivision, or to the land development. All street sewers serving lots in the subdivision shall be installed by the subdivider.

When in the written opinion of the White County Health Department, a public sanitary sewer is not accessible; an alternate method of sewage disposal for each lot or the land development may be used when in compliance with the standards of the White County Health Department. If public sewerage is not available, but is expected to be available within a reasonable time period after completion of the subdivision or land development, an alternate method for sewage disposal for individual lots or the land development will be required on an interim basis. In this instance, unless otherwise determined by the Planning Commission, the developer will be required to construct a complete sanitary sewer system for the subdivision or land development, including outfall lines, street sewers, and service stubs to individual lots. All sewers will be plugged and otherwise protected to insure serviceability at the time of connection to the public system, and will conform to the specifications of the White County Water Authority and the Director of Public Works.

Section 906. Utilities.

The electric system and any other underground utility system, when it is provided in a subdivision or land development, shall be installed along with service connections before any paving of streets. All utility facilities, including but not limited to electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development.

**ARTICLE 10
CONSERVATION SUBDIVISIONS**

Section 1001.	Purpose and Intent.
Section 1002.	Definitions.
Section 1003.	Relationship to Subdivision Regulations.
Section 1004.	Primary Conservation Areas.
Section 1005.	Secondary Conservation Areas.
Section 1006.	Required Open Space Specifications.
Section 1007.	Conservation Easement Required.
Section 1008.	Guidelines for Drafting Conservation Easements.
Section 1009.	Homeowners Association.
Section 1010.	Application.
Section 1011.	Consideration.
Section 1012.	Justifiable Grounds for Denial.

Section 1001 Purpose and Intent.

Conservation subdivision is a tool for land use development. It is a subdivision that concentrates buildings in specific areas on the development site to allow the remaining land to be used for common open space. The purpose of a conservation subdivision is to protect farmland and natural resources. This method of design normally allows the maximum number of dwelling units permitted under the current subdivision regulations.

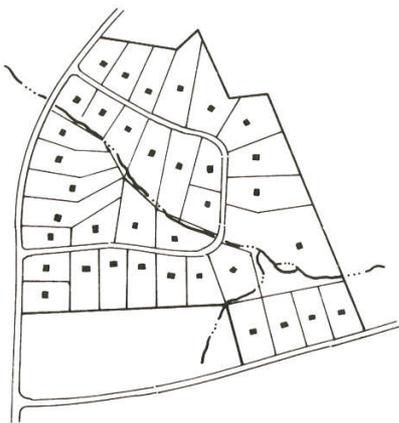
In conventional subdivisions, all the land is divided into residential lots and streets, with the only open space typically being un-buildable land such as wetlands, steep slopes, floodplains, and storm water management areas. In conservation subdivisions, the neighborhoods are more compact, with smaller lots. A higher percentage of the site is preserved as open space.

Public concern has grown over the loss of open space and rural character that seems to accompany development. One of the main purposes for adopting conservation subdivision design is to preserve open space.

This Article is intended to provide for residential subdivisions that are designed based first and foremost on the preservation of open space, but that accommodate the full extent of development that would otherwise be legally possible under conventional subdivision designs, and that:

- a. Minimize the environmental and visual impacts of new development on critical resources and historically, archeologically, and culturally significant sites and structures.
- b. Contribute to an interconnected network of permanent open space in the community and provide for undivided or relatively undivided open spaces within new developments.
- c. Create a greater diversity of living environments than is possible with conventional residential subdivision developments.

- d. Foster informal social interaction among neighborhood residents in common open spaces.
- e. Reduce the demand on public expenditures for open space, parkland, play fields, and other areas for active and passive recreation.
- f. Encourage compact patterns that reduce capital costs by requiring less linear footage distances of roads and utilities than conventional subdivision development.
- g. Offer greater opportunities to implement environmentally sensitive sewage treatment and disposal systems.
- h. Encourage pedestrian/bicycle traffic throughout the development whenever possible.
- i. Discourage non-local traffic through thoughtful road design.
- j. Encourage vegetative buffers.



Conventional Subdivision



Open Space Conservation Subdivision

Section 1002 Definitions.

Best management practices: A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control.

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, with content meeting requirements of Georgia law and in a form acceptable to the County Attorney and recorded in the office of the Clerk of Superior Court of White County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the White County Board of Commissioners and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

Conservation subdivision: A subdivision, as defined by this Article, where open/green space or common area is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as 1) actually containing naturally occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements.

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined in this Article, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as twenty five percent (25%) of the open space may be devoted to active recreational facilities, as defined. Easements for electric transmission lines or any other above-ground improvement shall not be considered open space except as may be otherwise provided by this Article.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in the county's Comprehensive Plan, or by other reasonable means.

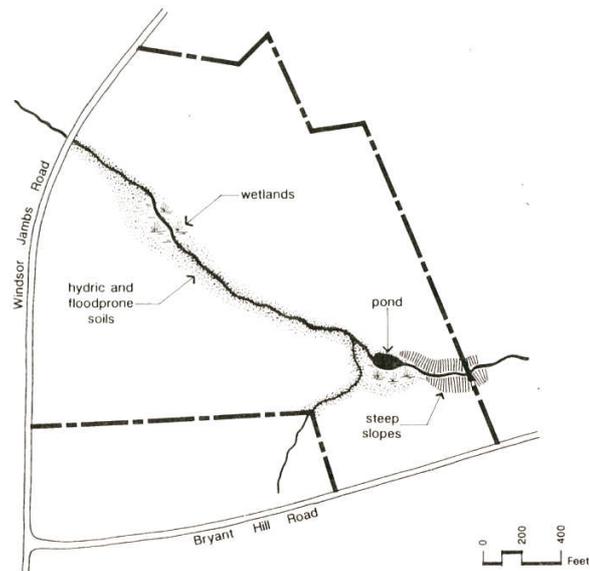
Sensitive natural areas: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms,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

Section 1003 Relationship to Subdivision Regulations.

Conservation subdivisions shall be considered and processed in accordance with preliminary and final plat requirements as specified in this Resolution, except that in addition the criteria for approval and grounds for disapproval as provided in this Article shall also apply to decisions on preliminary plats. Conservation subdivisions shall meet the improvement requirements of this Resolution. Where design considerations for lots and blocks are more specifically recommended in this Article, they shall be considered applicable recommendations in lieu of those found in other Articles of this Resolution which would otherwise be applied.

Section 1004 Primary Conservation Areas.

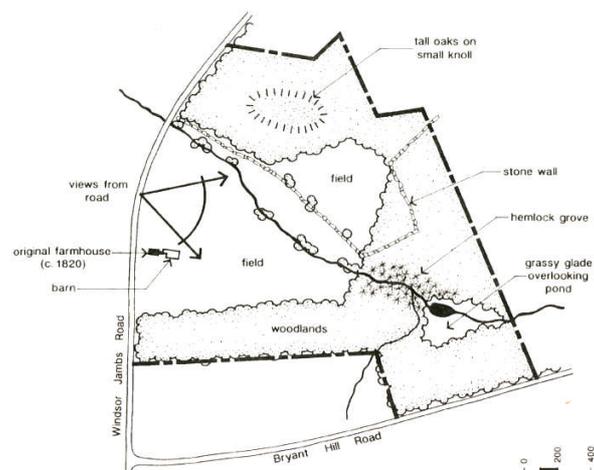
Primary conservation areas on lands in conventional subdivisions are permitted to be platted and included in adjacent residential lots. In contrast, a conservation subdivision incorporates, and shall include, all primary conservation areas into undivided or relatively undivided, permanent, open spaces. Primary conservation areas, as defined by this Article, include the following: habitats for endangered or threatened species, wetlands, groundwater recharge areas, flood plains, water bodies, shorelines, and adjacent riparian zones or upland buffers, historic, cultural, and archaeological sites, and steep slopes.



Primary Conservation Areas

Section 1005 Secondary Conservation Areas.

Secondary conservation areas on lands in conventional subdivisions are rarely identified and conserved. In contrast, a conservation subdivision identifies, and shall identify, secondary conservation areas and shall integrate all or a portion of them into undivided or relatively undivided, permanent, open spaces.



Secondary Conservation Areas

Section 1006 Required Open Space Specifications.

- a. **Minimum Percent of Site Area.** Each conservation subdivision shall provide a minimum of forty percent (40%) of its total land area as open space, as defined by this Article. Areas of above ground utility right-of-way and impervious surfaces must be excluded from the minimum.
- b. **Minimum Size.** The minimum amount of open space required to qualify for an open space conservation subdivision shall be one and one-half (1.5) contiguous acres. The purpose of this minimum open space acreage is to avoid development proposals that provide only small, scattered open spaces that would not functionally contribute to the overall open space network of the surrounding area.
- c. **Permitted Uses.** In the case of farmland conversion, part of the open space within a conservation subdivision may be permitted to be retained in the hands of the original farmer/landowner or leased to a farmer for agricultural, pasture, or horticulture uses, so long as the activity is undertaken using best management practices to reduce environmental impacts to the extent possible. Open space may not be used for golf courses, roadways, or water impoundments. No more than ten (10%) of the open space may be used for active recreation spaces. Uses not expressly authorized via the preliminary plat review and approval process are prohibited. Impoundments may not exceed fifty (50%) of the open space.
 1. Uses of Open Space may include the following:
 - a. Conservation of natural, archeological or historical resources;
 - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - c. Walking or bicycle trails, provided they are constructed of porous paving materials
 - d. Passive recreation areas (leisure activities that are facility orientated, such as swimming pools, tennis courts and ball fields);
 - e. Active recreation areas (leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves) provided that they are limited to no more than ten (10%) of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.
 - f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
 - g. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;

- h. Easements for drainage, access, and underground utility lines;
 - i. Other conservation-oriented uses compatible with the purposes of this ordinance.
 - j. Other appropriate uses that are compatible with the overall scale and character of the subdivision and that are specifically approved by the Planning Board.
- d. Prohibited Uses of Open Space
- 1. Golf courses;
 - 2. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
 - 3. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
 - 4. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.
- e. Open Spaces Shall Be Named. Each open space shall be given a name appropriate to its purpose and design. Acceptable identifying types of names for open spaces include but are not limited to “Common,” “Park,” “Green,” “Meadow,” “Woods,” “Farm,” and “Historic Site.”

Section 1007 Conservation Easement Required.

All primary conservation areas, and all secondary conservation areas shown on the preliminary plat and required or proposed to be retained as open space, shall be permanently protected from further subdivision, development, and unauthorized use by a conservation easement. A conservation easement, as defined, shall be approved by the County and 1) donated to a conservation organization or land trust; or 2) donated to a homeowners association; or 3) donated to the County if accepted by the County. In the case of farmland conversion, part of the open space within a conservation subdivision may be permitted to be retained in the hands of the original farmer/landowner if subject to a conservation easement meeting the requirements of this Article.

Section 1008 Guidelines for Drafting Conservation Easements.

The following guidelines are offered for drafting conservation easements and may be required by the White County Board of Commissioners:

- a. The easement agreement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. The easement agreement must include a map of the tract noting all significant features within the area. The easement agreement clearly identifies the owner of the property subject to the easement agreement, the holder of the easement agreement, and the responsibilities of the property owner, easement agreement holder.

- b. The easement agreement specifically and clearly identifies the boundaries of the property subject to the easement agreement, preferably by metes and bounds legal description and survey plat.
- c. The easement agreement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall include but may not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property.
- d. The easement agreement provides for the right of the easement holder and co-signer to inspect the property to assure observance of restrictions. It also provides for enforcement procedures.
- e. The easement agreement provides for the maintenance of property.
- f. The easement agreement contains provisions governing its amendment, including provisions that the easement agreement shall not be altered except with the express written permission of the easement holder, property owner, and any co-signers.

Section 1009. Homeowners Association.

Open spaces may be owned and managed in common by a homeowners association, subject to compliance with the provisions of this Article and the following requirements:

- a. The developer of the conservation subdivision shall provide to the Administrative Official for approval, prior to the approval of a preliminary plat, a description of the homeowners association, including bylaws and methods for maintaining open space. The developer of the open space conservation subdivision shall provide a property management plan or an estimate of the costs and staff requirements for the maintenance, operation, and insurance of the open space and any facilities it includes in the description of methods for maintaining the subdivision's open space.
- b. The homeowners association shall be established by the conservation subdivision developer prior to the approval of a final plat on the property involving a conservation subdivision.
- c. Homeowners association membership of each non-open space lot owner in the open space conservation subdivision shall be mandatory (required) and automatic.
- d. Unless Maintenance is assigned to a conservation organization or land trust, the homeowners association shall be responsible for maintenance, insurance, and taxes on the open space within the open space conservation subdivision. In such cases, the association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share the costs of open space maintenance as indicated in bylaws/covenants. The association shall be empowered with the legal ability to place liens on non-open space lot owners for failure to pay association dues.

Section 1010 Application.

As a part of the preliminary plat application, the applicant for a conservation subdivision shall in addition to the requirements for preliminary plats specified in this Resolution, submit an analysis of existing features on the site, which shall at minimum include the following:

- a. Significant wildlife habitats, if any. If information on habitats is not available, the wildlife potential of various soil types on the site shall be identified and examined.
- b. Soils, including analysis of suitability for septic tanks, erosion potential, prime farmland, and identification of hydric soils.
- c. Floodplains. Areas of 100-year flood plains as identified on flood hazard boundary maps or flood insurance rate maps developed by the Federal Emergency Management Agency.
- d. Wetlands.
- e. Steep slopes and protection mountain and hillside areas.
- f. Groundwater recharge areas.
- g. Protected river corridors.
- h. Water supply watersheds.
- i. Historic, archaeological, and cultural features.
- j. Tree cover/woodlands.
- k. Views into and out from the site, and any scenic qualities.
- l. Property boundaries.
- m. Existing roads and structures.
- n. Greenspaces and trails traversing or adjacent to the site.
- o. Planned boundaries of open space, passive and active use.

Section 1011 Consideration.

Approval or denial of a preliminary plat for a conservation subdivision shall, in addition to criteria specified elsewhere in this Resolution for consideration of preliminary plats, be based on the extent to which the plat meets the following criteria:

- a. All primary conservation areas are protected as permanent open space.
- b. A sufficient amount of secondary conservation areas are protected as permanent open space, as opposed to being devoted to lots and other uses.

- c. The configuration of the open space tract is contiguous and undivided, or open space is provided in relatively undivided tracts that cannot reasonably be reconfigured into one contiguous, undivided tract.
- d. Each conservation subdivision shall provide a minimum of forty percent (40%) of its total land area as open space, as defined by this Article.
- e. The conservation subdivision meets the regulations specified in this Article.

Section 1012 Justifiable Grounds for Denial.

Reasons for the denial of a preliminary plat of a conservation subdivision include but are not limited to the following:

- a. The application fails to fully identify primary and secondary conservation areas.
- b. The proposed method of sewage treatment is inappropriate for the site or found to be potentially dangerous to public health.
- c. One or more of the lots within the conservation subdivision are too small to be in character with residences on adjoining or nearby properties.
- d. One or more of the lots are significantly large or wide, such that their design contributes to an unnecessary decrease in the amount of open space retained on site.
- e. The street configuration does not provide for connectivity, or preserve natural features, or it is found to be inconsistent with the open space character of the subject property and its surroundings.
- f. The proposed open space network is divided, not functional, inconsistent with open space plans of the County, or does not provide for the protection of the most valuable secondary conservation areas on the site given the natural and scenic properties inherent on the site.
- g. The proposed open space network fails to maximize the length of the common boundary between conservation areas on site and conservation areas or parkland abutting the open space conservation subdivision site

**ARTICLE 11
CONDOMINIUMS AND TOWNHOUSES**

**NOTE:
THIS SECTION WILL BE ADDRESSED AT A FUTURE DATE**

This Section has been Reserved

ARTICLE 12
ADMINISTRATIVE AND LEGAL STATUS PROVISIONS

Section 1201.	Administration and Interpretation.
Section 1202.	Fees.
Section 1203.	Additional Specifications.
Section 1204.	Variances.
Section 1205.	Enforcement, Violations and Penalties
Section 1206.	Inspections
Section 1207.	Intra-Family Land Transfer
Section 1208.	Amendments
Section 1209.	Miscellaneous Provisions

Section. 1201 Administration and Interpretation.

The Administrative Officer shall administer and interpret the provisions of this Resolution.

Section. 1202 Fees.

The fees for various applications required by this Resolution shall be as follows:

Preliminary Plat:	\$100 plus \$5 per lot.
Final Plat:	\$100 plus \$5 per lot, plus \$8 per page recorded.
Development Plan:	Per soil erosion control fees.
Variance:	\$100.
Administrative Appeal:	\$100.

Section. 1203 Additional Specifications.

The Director of Public Works is hereby authorized to prepare and recommend standard drawings and constructions specifications for private and public improvements not specified in this Resolution. Upon their adoption by the White County Board of Commissioners, they shall become mandatory.

Section. 1204 Variances.

- a. Administration by the Community and Economic Development Department - The Community and Economic Development Department has the responsibility for administration of this chapter.
- b. Purpose - The purpose of a variance is to provide relief when the strict application of the statutes, codes or policies imposes unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the:
 1. Size, shape or dimensions of the site; or
 2. Locations of existing structures; or
 3. Geographic, topographic or other conditions on the site or in the immediate vicinity.

- c. Criteria for granting a variance:
 - 1. Based on the application, evidence submitted by the applicant, investigations by the Director of Community and Economic Development or Planning Commission or Board of Commissioners, all six (6) of the following findings shall exist in order to grant a variance:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography; and
 - b. The application of this chapter to the particular piece of property would create an unnecessary hardship; and
 - c. Relief, if granted, would not cause substantial detriment to the water quality of Turner Creek or the Chattahoochee River or impair the purposes and intent of this chapter; and
 - d. The special circumstances surrounding the request for a variance are not the result of acts by the applicant; and
 - e. The variance is not a request to permit a use of land, buildings or structures that are not permissible under other resolutions; and
 - f. The variance will not result in an increase of the impervious surface of the development beyond that prescribed in this article.
 - 2. Variances shall not be granted:
 - a. If the special circumstances on which the applicant relies are a result of the actions of the applicant, owner or previous owners; or
 - b. To allow the use of property in a manner or for a purpose not authorized by the statutes, codes or policies.
- d. Application requirements - The owner or duly authorized agent shall file an Application for Variances with the Community and Economic Development department on the prescribed form. A complete application shall consist of:
 - 1. Variance Request Form
 - 2. Copy of code section from which the variance is being requested
 - 3. Correspondence clearly stating the basis for the variance request
 - 4. Supporting documentation necessary to give the Director of Community and Economic Development a clear understanding of the request
- e. Submission to the Planning Commission
 - 1. The Request for Variance is reviewable by the Planning Commission if the Director of Community and Economic Development determines that the request for variance meets the criteria.

2. The Planning Commission shall review the request for variance upon receipt of the following within ten (10) days of the determination of the Director of Community and Economic Development.
 - a. Correspondence clearly stating the basis for the request for Planning Commission review
 - b. Director of Community and Economic Development recommendation
 - c. Supporting documentation necessary to give the Planning Commissioner a clear understanding of the appeal
 - d. A review fee of \$100.00

3. The Planning Commission shall review the application and staff investigation report and determine whether the evidence supports a finding that the required criteria has been met and approve with or without conditions or deny the application. However, the determination of the Director of Community and Economic Development shall remain in full force and effect pending such review.

- f. Appeal to the Board of Commissioners

Decisions or actions of the Planning Commission are subject to an appeal to the Board of Commissioners. However, the Planning Commission's action or decision shall remain in full force and effect pending such appeal.

- g. If an applicant desires to appeal a decision or action of the Planning Commission, the applicant shall notify the Board of Commissioners in writing within ten (10) days of the action or decision of the Planning Commission. Upon receipt of this notice, the Board of Commissioners shall establish a date and time to hear the appeal. The request shall include:
 1. Correspondence stating the basis for the appeal of the Planning Commission action or decision
 2. Applicable Planning Commission minutes
 3. Supporting documentation necessary to give the Board of Commissioners a clear understanding of the request
 4. Appeal fee of \$50.00.

- h. Conditions
 1. Reasonable conditions may be imposed in connection with the granting of a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this chapter.
 2. Guarantees and evidence shall be required that such conditions are and will continue to be in compliance.

- i. Compliance with conditions approval - Adherence to the approved plans and compliance with conditions imposed in the variance are required. Any departure from conditions of approval constitutes a violation of this chapter.
- j. Vested interest in approved variances - A valid variance supersedes conflicting provisions or amendments unless specifically provided by the provisions of this chapter or the conditions.
- k. Investigations and reports - The Director of Community and Economic Development shall make an investigation to provide necessary information to insure that the action on each application is consistent with the variance criteria. Any report of such investigation shall be included in the application file.
- l. Revocation - Variances shall become invalid if not exercised within one year of the date of approval or if there is a change in ownership not otherwise noted and approved at the time of the granting of the variance.
- m. Limitations on reapplication - The Planning Commission shall not hear denied applications for the same or substantially similar variance application until a period of six (6) months has elapsed.

Section 1205. Enforcement, Violations and Penalties.

- a. Stop work orders
 - 1. Any person failing to comply with the provisions of this chapter shall be subject to a stop work order. Such notice shall be in writing and state the conditions under which work may continue. Where an emergency exists, no written notice shall be required.
 - 2. The county staff member shall present the stop work order to the owner of the property, an authorized agent or the person in charge of activity on the property. Upon receipt of the stop work order, activities performed in violation of this chapter shall cease immediately.
- b. Revocation of occupation license or other authorization - Any person or entity failing to comply with the provisions of this chapter shall be subject to revocation of the occupation license, work permit, building permit or other authorization for the conduct of business and associated work activities within the unincorporated areas of the county.
- c. Enforcement in magistrate court - Any person who does anything prohibited by this chapter or who fails to do anything required by this chapter shall be guilty of a misdemeanor amenable to the process of the magistrate court. Upon conviction, the court shall assess the person(s) or entity with a penalty, which may include fine, confinement or both in an amount permitted for the violation of county ordinances. The court may deem each day that the violations exist as a separate offense.
- d. Civil penalties - Any person violating any provision of this chapter shall be liable for a civil penalty of not less than \$100.00 per day or more than \$500.00 per day. Each day the violation continues shall constitute a separate violation.

- e. Enforcement by injunction or mandamus - The Board of Commissioners of the County, through its staff or County Attorney shall in addition to other remedies, institute injunction, mandamus or other appropriate action to stop the violation.
- f. If a person or entity fails to comply within the time specified, a violation shall have occurred and in addition to other penalties, any applicable performance or surety bond shall be subject to forfeiture.

Section 1206. Inspection

- a. The staff, representatives or agents of the building inspection, code enforcement, community development, fire, public works as well as the emergency management agency shall have the power to conduct investigations necessary to carry out the duties and responsibilities required by this chapter. After providing proper credentials, these agencies and officials may enter any property, public or private, for the purpose of investigating and inspecting the premises.
- b. No person or entity shall refuse entry or access to the staff, representatives or agents of the building inspection, code enforcement, community development, fire and public works departments as well as the emergency management agency who request entry for purposes of inspection. Similarly, no person or entity shall obstruct, hamper or interfere with staff, representatives or agents who are in the process of performing official duties

Section 1207 Intra-family land transfer.

“Intra-family land transfer” means the division and conveyance of the ownership of land to a “family member”. The purpose of which is not to sell or resell to persons not defined as a family member or to circumvent the provisions of this appendix and the applicant so states by sworn affidavit.

“Family member” means a child, grandchild, parent, grandparent, brother, sister, aunt, uncle, niece or nephew.

“Division” means the splitting up of property into five or less parcels, which does not involve the construction of a public street to serve the parcels created.

Section. 1208. Amendment.

This Resolution may be amended. Before enacting such amendment, the Planning Commission shall provide a recommendation on the proposed amendment. The White County Board of Commissioners shall hold a public hearing thereon, notice of which shall be published at least fifteen (15) days prior to such hearing in a newspaper of general circulation in the County.

Section. 1209. Miscellaneous provisions

- a. Severability - If any paragraph, sub-paragraph, sentence, clause or phrase shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this chapter shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this chapter not held to be invalid. The intent of the board of commissioners is to provide for separable and divisible parts and the board of commissioners hereby adopts all parts held valid.
- b. Liability – Under the provisions of this chapter, the approval of a plan shall not relieve any person from the responsibility for damage to any person or property nor impose any liability upon the county for damage to any person or property.
- c. Repeal – The adoption of this chapter repeals all codes or parts of codes conflicting with the terms of this chapter. It is hereby provided that any code which may be applicable hereto and aid in carrying out or making effective the intent, purpose and provision hereof shall be literally construed to be in favor of the county and is hereby adopted as a part hereof.
- d. Conflict with other laws - Whenever the provisions of this chapter impose more restrictive standards than are required under any other statute, the requirements of this chapter shall govern.
- e. Effective date - The effective date of this chapter shall be upon the date of its adoption, the public welfare demanding it.”

Attested

Chairman, White County Board of Commissioners

Commissioner

Commissioner

Date of Adoption: _____

Revised by Committee 7-29-05

Revised by Committee 8-1-05 (section 1000 & 1100 only)

Revised by Committee 8-19-05

Revised by Work Session 1-23-06 (sections 707, 708)

Revised by Work Session 2-21-06 (reserve Article 10, 709,802, 806a,c,d,902c,903,1104, 1106

Revised by Work Session 6-19-06 (sections 601, 602)

Revised 4/10/07 to remove at red lines

Revised 4/12/2007

Revised 5/23/1007

Revised 07/27/07

08/14/07

08/23/07

08/24/07

09/05/07

11/30/07

01/02/08