

STATE OF GEORGIA  
CITY OF RINCON

ORDINANCE

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF RINCON REPEALING THE CODE OF THE CITY OF RINCON, GEORGIA AT CHAPTER 90 (ZONING AND GROWTH MANAGEMENT), ARTICLE II (ADMINISTRATION), ARTICLE VII (LAND DEVELOPMENT AND LAND-DISTURBING REGULATIONS), ARTICLE VIII (LAND DEVELOPMENT AND LAND SUBDIVISION COMPLETION PERFORMANCE BOND REQUIREMENTS), ARTICLE IX (FEES REQUIRED FOR SPECIFIED CITY SERVICES), ARTICLE X (CONSTRUCTION, INSPECTIONS, "RECORD DRAWING" AND "AS-BUILT" CERTIFICATIONS REQUIRED), ARTICLE XI (SUBDIVISION REGULATIONS), ARTICLE XII (INFRASTRUCTURE AND CONSTRUCTION STANDARDS) AND ARTICLE XIII (PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT); TO BE REPLACED WITH CHAPTER 90 (ZONING AND GROWTH MANAGEMENT), SECTION 90-91 (ACTIONS REQUIRED BY THIS CHAPTER THROUGH 90-141 (RESERVED) AND SECTION 90-281 (GENERAL) THROUGH SECTION 90-307 (RESERVED); TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

**WHEREAS**, the duly elected governing authority of the City of Rincon, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

**WHEREAS**, the Mayor and Council have authority to amend the City's ordinances from time to time and where necessary to maintain adequate regulations, and;

**NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF RINCON HEREBY ORDAINS**, in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

**Sec 90.91 – Actions required by this chapter**

The following are applications that may be required depending on the construction and particular land use district for which it will take place. Each land development permit applicant shall be solely responsible for submitting complete documentation for official evaluation to the Planning and Development Department, the Soil and Water Conservation District and to all other City, County, State and Federal Regulatory Agencies possessing proper jurisdiction, and for obtaining all necessary approvals, authorizations and certifications from those agencies and entities for all proposals and plans required by this chapter.

- (1) *Conditional use*. There are specific uses permitted in certain zoning districts only after a determination that the use is appropriate based on certain criteria. Any

qualified applicant may file a petition to the Planning and Zoning Board for authorization to establish a conditional use, but only if such use complies with all the requirements of the UDO and with all other applicable City, County, State and Federal Requirements. Any action taken by the Planning and Zoning Board will serve as a recommendation to City Council, which shall make the final decision on the request.

- (2) *Administrative site plan.* For land development activities other than single family and duplex structures, that are affecting more than 10% of the current square footage or by 5,000 square feet, whichever is less, an administrative site plan application may be submitted. The requirements for submittal shall be the same as required in Sec. 90-95.
- (3) *Site plan approval.*
  - (A) All land development activities other than single family and duplex structures, regardless of the zoning district, must present a site plan of such development to the Planning and Development Department. The site plan shall include conceptual building and site layout including access, buffers, landscaping, parking, utilities and stormwater areas to be reviewed by the Planning and Zoning Board for a recommendation and by City Council for approval. Once the site plan is approved, the full development plans will be submitted and reviewed by the Director of Planning and Development, the Building Inspector, the City Engineer, the Fire Chief, and the Public Works Director. The Director of Planning and Development must grant approval prior to the issuance of any land development permits.
  - (B) Sketch Plan option: an applicant who seeks to solicit feedback from City Council prior to submitting a site plan for review may submit a sketch (conceptual) plan. This plan will be reviewed by City Council only and they will provide recommendations rather than an approval or denial.
- (4) *Zoning variance.* Where strict enforcement of the UDO regarding setbacks, lot size, acreage, lot width, or other dimensional requirements, or landscaping requirements may present an unnecessary hardship upon a lot or parcel of land, the owner may apply for a zoning variance. Such action requires a public meeting by the Planning and Zoning Board for a recommendation. The City Council will then hold a public hearing on the application. After the public hearing, the application will be scheduled for a determination at City Council. The Planning and Zoning Board is the decision-making board for single-family and duplex variances. Any appeals of the Board's decision would be heard by the City Council.
- (5) *Administrative variance.* Where strict enforcement of the UDO may present an unnecessary hardship upon a lot or parcel of land of no more than 10% of the required standard, the owner may apply to staff for an administrative variance. Any appeals of Staff's decision would be heard by the Planning and Zoning Board.
- (6) *Amendment to the zoning map (rezoning).* An amendment to the zoning map is considered to be an amendment to the zoning ordinance. Such action requires a public meeting by the Planning and Zoning Board for a recommendation to City

Council. The application can then be scheduled for a first reading and public hearing by the City Council. The Council will vote on the application for adoption or denial during the second reading of the application. Any qualified applicant may file a petition for amendment of the Official Zoning Map based on the following:

- (A) Official evaluation and action required: Each Petition for map amendment shall be officially evaluated and acted upon by the Planning and Zoning Board and by all other official administrative officials and agencies in the manner further prescribed in the UDO;
  - (B) Official recommendation of approval or disapproval required: The Planning and Zoning Board shall forward every petition for a map amendment to the Mayor and Council accompanied by an official recommendation of approval or disapproval.
- (7) *Amendment to the text of this chapter.* Such action requires a public meeting by the Planning and Zoning Board for a recommendation to City Council. The application can then be scheduled for a first reading and public hearing by the City Council. The Council will vote on the application for adoption or denial during the second reading of the application. Any qualified applicant may file a petition for amendment of any text or table or list of standards or numerical standard requirement, and/or for amendment of the List of Uses in zoning districts of the UDO.
- (A) Official evaluation and action required: Each Petition for ordinance amendment shall be officially evaluated and acted upon by the Planning and Zoning Board and by all other official administrative officials and agencies in the manner further prescribed in the UDO;
  - (B) Official recommendation of approval or disapproval required: The Planning and Zoning Board shall forward every petition for ordinance amendment to the Mayor and Council accompanied by an official recommendation of approval or disapproval which shall clearly state the effect the proposed amendment will have on all other requirements or elements of the UDO and on all other applicable City, County, State and Federal Laws, Rules, Regulations and Requirements;
- (8) *Permits required in conjunction with permits in this chapter.* The following are permits required by other government entities that may be applicable to a development project in Rincon.
- (9) *Land-disturbing activity permit.* Under the Georgia Soil Erosion and Sedimentation Act, any disturbance of land of over 1 1/10 of an acre requires a land disturbance permit from the Planning and Development Department.
- (10) *Construction in wetlands.* In conjunction with Georgia Department of Natural Resources, the United States Army Corps of Engineers maintains the authority to delineate the location of wetlands and is responsible for permitting any land-disturbing activity in them under Federal Clean Water Act.

- (11) *Entrances on state and federal highways (curb cuts)*. If the development of a lot, tract, or parcel requires an entrance onto a State or Federal Highway, a permit is required by the Georgia Department of Transportation. Deceleration lanes are required at all entrances on high traffic roadways within the city limits.
- (12) *Shallow wells for irrigation only*. If a property owner decides to use a shallow well for the irrigation of landscaping, a shallow well permit must be obtained from the Planning and Development Department, and the pump installation and design must meet the plumbing codes set forth by International Building Code and the laws of the state.
- (13) *Special Use*. There are specific uses permitted in certain zoning districts only after staff has determined that the use is appropriate based on certain criteria. These uses and the criteria are listed in Chapter 3.
- (14) *Administrative applications*. The following are applications that are reviewed and approved by the City Manager or designee in accordance with the regulations of the UDO.
- (A) Administrative variance, as described in 90-100
  - (B) Minor Plat, as described in 90-282 (C)
  - (C) Major Subdivision Plats – Final, as described in Sec. 90-282(B)
  - (D) Administrative Site Plan, as described in 90-95 (B)
  - (E) Special Use applications, as described in 90-96 (B)
  - (F) A recombination of land or a lot line, as described in Sec. 90-283 (D)
- (15) *Appeals from ordinance administration*. Any qualified applicant or aggrieved person who alleges an official error in the administration of this chapter or who alleges loss of a real property right, or whose legal right in or to any real property has allegedly been invaded, or whose monetary interest has allegedly been otherwise adversely affected by any official order, requirement, interpretation, determination or decision by the City Manager or designee, may file an appeal to City Council.
- (16) *Development of Regional Impact*. Whenever an official evaluation of any land development plan or subdivision plat indicates that the project size, type of development, traffic volumes generated, or other proposed features probably will have a significant effect on the region beyond the territorial limits of the City and meets the criteria in the Georgia State Statutes for a Development of Regional Impact (DRI), a DRI application shall be completed and submitted to all applicable agencies.

## **Sec. 90-92. – Planning and Zoning Board.**

### **(1) Responsibilities.**

The Planning and Zoning Board (Board) shall be an administrative agency of the city which is appointed by the Mayor and City Council, and which shall have the following described duties and responsibilities:

- (A) Conducting research and analyses of existing and future probable economic, social and physical conditions bearing on the growth and development of the city;

- (B) Preparing and recommending to the Mayor and City Council public objectives, policies, procedures and plans for city growth management;
  - (C) Evaluating each matter of public concern referred to the Board by the Mayor and City Council and development alternative recommendations for action;
  - (D) Generally interpreting and administering this chapter, when such interpretation does not conflict with any opinion rendered by the City Attorney, and when such administration does not encroach upon the advisory, administrative or legislative jurisdiction or authority delegated and reserved by this chapter to Mayor, City Council, or any other City, County, State or Federal Official or Agency possessing proper jurisdiction in any manner;
  - (E) Evaluating and rendering recommendations of approval or disapproval on each Rezoning, Variance (except for administrative variances or single-family residential or duplex variances), UDO Text Amendment, Site Plan, Conditional Use Permit, and Preliminary Land Subdivision Plat presented to the Board;
  - (F) Rendering formal recommendations of approval or disapproval on each petition or appeal presented to the Board; and
  - (G) Conducting all public meetings required by this chapter or by any City, County, State or Federal Law or Regulation governing the proper transaction of official business and other public matters within the jurisdiction of the Commission.
  - (H) Render a decision on a single-family residential or duplex variance application.
- (2) Membership.
- (A) The Board shall comprise of seven Rincon residents; members to be appointed by City Council.
  - (B) Board members shall serve at the pleasure of City Council for a whole-year term of three (3) years. Board members may be reappointed for one three-year term. Terms shall be staggered in time so as to provide continuity. Once members have served two (2) consecutive terms, they shall not be eligible to reapply to serve for a minimum of five (5) years.
  - (C) Board terms as established by City Council begin January 1 and end December 31.
  - (D) New members shall promptly be appointed to fill any membership vacancies that occur for any reason and each new member's term shall be for the remainder of the unexpired term of the vacating member.
  - (E) A member of the City Council shall be appointed as an Ex-Officio member of the Board for a term not to exceed that member's remaining period of service on the City Council or the Council and Board shall meet together on a quarterly basis.
- (3) Organization and procedural rules.
- (A) The Board shall elect a Chairperson and a Vice Chairperson, by simple majority of the voting members at the first meeting in January of each year. The Board shall appoint a secretary who may be an employee of the City.

(B) The Board shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record.

(4) Disclosure of conflict of interest.

(A) Any member of the Board who has any property interest or financial interest, or who has a family member who holds such interest, in any real property which is the subject of any application, petition, appeal or other matter under official consideration by the Council or Board, shall immediately provide public disclosure of such interest to the Board, and shall recuse themselves from any vote on the matter;

(B) Any person who is an applicant or petitioner for any application, petition, appeal or other matter under official consideration by the Council or the Board, who has within the preceding two years made any political campaign contributions or gifts totaling more than \$100.01 to any member of the Council or Board, must immediately provide public disclosure of such contributions or gifts to the Council to be recorded in the minutes of the public meeting;

(C) All disclosures of any conflict of interest described in this chapter shall be a public record; and

(D) Any deliberate failure to disclose any conflict of interest described in the ordinance shall be a violation of this chapter and may be a violation of Georgia Law; violation of either provision is a misdemeanor and upon conviction for such public offense shall be punishable as provided by law.

(5) City services and support.

(A) It shall be the responsibility of the Mayor and Council to provide the Board with a meeting room of sufficient size to accommodate all public meetings which this chapter requires of the Board; and

(B) It shall be the responsibility of the Mayor and Council to provide the Board with clerical staff, office supplies and a cash expense allowance for the purchase of maps, document printing and related items.

(6) Deliberations.

The Board shall formally deliberate upon, evaluate, and make recommendations to City Council on the following specified appeals or petitions filed by any aggrieved person or any qualified applicant or petitioner:

(A) An appeal alleging an error, and a formal request for review of and decision on the substantive or procedural correctness of any official order, requirement, interpretation, determination or decision made by the City Manager or designee which was adverse to the petitioner;

(B) An appeal from an official interpretation and determination by the City Manager or designee that a proposed non-referenced use is not similar to others in the land use zoning district(s) in which it is proposed to be located and that such use should not be added as an "allowable use" to the List of Allowable or Prohibited Uses governing the district(s);

(7) Authority.

The Planning and Zoning Board has the authority to make recommendations on any appeal that may reverse or affirm or modify, in whole or in part, any official order, requirement, interpretation, determination or decision by the City Manager or designee that is the subject of the appeal. The decisions of the Planning and Zoning Board are solely for recommendations to City Council, except where stated in this Chapter.

(8) Interpretation of land use zoning district boundaries

The Planning and Zoning Board shall be authorized to make recommendations to City Council to resolve any dispute regarding the location of any zoning district boundary and interpretations of any district boundary location upon an appeal by a qualified applicant or petitioner or aggrieved person, or by its own initiative, or by request from the City Manager or designee, or the Mayor and Council.

**Sec 90.93 – Fees required for specified city services**

The various evaluations and reviews of land development plans and land development permit applications, land subdivision plats, land development performance bonds, development inspection services, and other services required in this chapter are necessary to protect the public health, safety and welfare, but impose extra costs on the city government. For that reason, specified fees shall be required to be paid by the responsible Applicant prior to the beginning of, or completion of, specified City services, based on the approved Fee Schedule.

**Sec 90.94 – Qualifications of applicant**

Every person applying for a land development application shall be required to be a qualified applicant. Qualification shall be based on proof of ownership or control of all land referenced in the application.

- (A) Qualification proof may include a showing of the applicant's name as owner(s) of record, or land deed(s) or lease(s); or notarized letter(s) of authorization or agency from the owner(s) of record, principal lessor(s), trustee(s), or other authorized person(s) stating the applicant is authorized to submit the application.

**Sec 90-95- Site Development Process**

**(A) Site plan approval**

The site plan approval process is intended to provide the general public, Planning and Zoning Board and City Council with information pertinent to how a new development will affect the surrounding area and the city as a whole. The Site Development Procedures are described in section C below.

The Planning and Development Department, Planning and Zoning Board, and the City Council shall be authorized to request additional pertinent information from an applicant for any application needed for evaluation.

**(B) Administrative site plan approval**

For land development activities other than single family and duplex structures, that are affecting more than 10% of the current square footage or by 5,000 square feet, whichever is less, an administrative site plan application may be submitted.

- (1) *Process.* The site plan is reviewed by the Department of Planning and Development then forwarded to any other applicable city department. Once city staff have submitted comments to the Planning and Development Department and the applicant addresses all of staff's comments, the site plan can be approved by the Planning and Development Director.
- (2) *Zoning actions.* Once a site plan has met the application and process requirements the land development, engineering, and building permit processes may begin.

### **(C) Site Development Procedures**

The following is the process for a site development application.

#### **Site plan submittal**

- Preliminary plan is submitted to Planning & Development. The Planning and Development Department will review the site plan for noticeable discrepancies and determine if there is a need to apply for other zoning actions for review. The application will then be scheduled for the next available Planning & Zoning Board meeting.

#### **Planning and Zoning Board**

- Site plan reviewed by the Board and a recommendation is provided to City Council.

#### **City Council**

- City Council reviews the site plan.

#### **City Council approves site plan**

- If City Council approves the site plan, the full development plans can be submitted for administrative review. If City Council does not approve the plan, the plans must be revised to meet the requirements within the UDO in order to be considered.

#### **Development plan review**

- The full site plan and civil plans are submitted to the Department of Planning and Development for review by the Director of Planning & Development, the Building Inspector, the City Engineer, the Fire Chief, and the Public Works Director.

#### **Approval**

- If all disciplines find the application meets the requirements of the UDO and all applicable standards, the Director of Planning and Development may approve the application.



### Submit land development permit

- Each land development plan or land subdivision plat submitted for official evaluation shall be accompanied by all related information and exhibits, which shall depict all relevant existing conditions on the project development area and the locations of all improvements and features proposed to be constructed or established.

### Engineering fees

- All required engineering and land development plan fees shall be paid prior to issuance of a building permit.

### Building permit

- The building permit can be applied for and may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by City Council.

## Sec 90.96 – Conditional Use Applications

### (A) Conditional Use Process

Land uses described in the use table of Chapter 3 that are permitted as conditional uses shall follow the procedure below:

- (1) *Review criteria.* The Planning and Zoning Board shall hear and make recommendations upon such uses in a district that are permitted as conditional uses. The application to establish such use shall be approved by the City Council on a finding that:
  - a) The proposed use will not be contrary to the purpose of the UDO,
  - b) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood or adversely affect the health and safety of residents and workers,
  - c) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement acquainted with the use, noise or fumes generated by or as a result of the use, or type of physical activity associated with the land use,
  - d) The proposed use will not be affected adversely by the existing uses of adjacent properties,
  - e) The proposed use will be placed on a lot which is of sufficient size to satisfy the space requirements of said use,
  - f) The parking and all development standards set forth for each particular use for which a permit may be granted will be met, and
  - g) The action will not adversely impact adjacent or nearby properties in terms of property values, by rendering such properties less suitable and

therefore less marketable for the type of development to which they are committed or restricted in order to promote the public welfare and protect the established development pattern.

- (2) *Additional mitigation requirements.* The Planning and Zoning Board may suggest and the City Council may impose or require such additional restrictions and standards (e.g., increased setbacks, buffer strips, screening, etc.):
  - (1) As may be necessary to protect the health and safety of workers and residents in the community;
  - (2) To protect the value and use of property in the general neighborhood; and
  - (3) To provide continuity and consistency in the character, architectural design, and physical layout of an area.
- (3) *Adherence to requirements.* Provided that wherever the City Council shall find in the case of any permit granted pursuant to the provisions of these regulations, noncompliance of any term, condition, or restrictions upon which such permit was granted, the City Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.
- (4) *Permit longevity.* Conditional use permission granted by the City Council shall be valid for a period of 12 months from the date the associated site plan is granted approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by City Council.

#### **(B) Conditional Use and Special Use Application Requirements**

All applications for uses permitted in a zoning district for conditional use or special use must include the following minimum information:

- (1) Name, address and signature of applicant. (All applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property, the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then said agent shall file, simultaneously with said petition, a notarized form signed by the owner, authorizing said agent to file on his or her behalf),
- (2) A detailed description of the activities, number of units (if applicable), and hours of operation of the proposed conditional use,
- (3) A Campaign Contribution Disclosure Form, and
- (4) A preliminary site plan (1 digital and 1 – 11 X 17)

#### **Sec 90.97 – Variance Application Requirements**

- (A) Applications for a zoning variance shall be submitted to the Planning and Development Department. All applications for a zoning variance must include the following minimum information:

- (1) Name, address and signature of applicant and property owner. (All applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property, the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then said agent shall file, simultaneously with said petition, a notarized form signed by the owner, authorizing said agent to file on his behalf),
  - (2) Site plan and/or architectural rendering of the proposed development depicting the exact location of lot restrictions (1 digital and 1 – 11 X 17),
  - (3) Address and location of the subject property for which such land development activity shall take place,
  - (4) Survey of the property signed and stamped by a State of Georgia Certified Land Surveyor (1 digital and 1 – 11 X1 7),
  - (6) Need for variance (to include unique physical circumstances/conditions of property and hardship, and
  - (7) A Campaign Contribution Disclosure Form.
- (B) No application for a variance request, which has been previously denied, shall be accepted by the Planning and Development Department until the expiration of at least six months immediately following the defeat by the City Council of such request. However, if the request is for a lesser relaxation of the standards or for a different request, then an application and revised site plan may be submitted.

**Sec 90.98 – General Variances other than Single Family or Two-Family**

(A) *Standards.* After an application has been submitted to the Planning and Development Director, reviewed by the Planning and Zoning Board, and a public hearing has been held by the City Council, the City Council may grant a variance from the strict application of the dimensional requirements of the UDO, including setbacks, height, lot width, parking, acreage, and landscape requirements only if at least two of the following findings are made:

- (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property,
- (2) That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the zoning ordinance, without undue hardship to the property,
- (3) That granting the variance will not result in authorization of a use not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.

(B) *Permit longevity.* After a variance has been granted by the City Council, the applicant shall have a period of 12 months from date of approval to apply for the subsequent permits for development. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate

approval by City Council.

(C) Variances shall not be permitted for use or density.

### **90-99. Single-Family or Two-Family Variance Standards**

(A) *Standards.* The Planning and Zoning Board may grant a variance from the strict application of the dimensional requirements of the UDO, including setbacks, height, lot width, parking, acreage, and landscape requirements in the UDO if at least two of the following findings are made:

- (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property,
- (2) That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the zoning ordinance, without undue hardship to the property,
- (3) That granting the variance will not result in authorization of a use not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.

(B) *Height variances.* For residential height variances the petitioner shall be required to add two feet to each side yard setback for each one foot above 35 feet in height and have safeguards consisting of sprinkler systems, smoke detectors and any other fire protection equipment deemed necessary by the Planning and Development Director or designee. Where a rear yard abuts a side yard of the adjacent lot, the petitioner shall be required to add two feet to the rear setback for each foot above the 35 feet height, and have safeguards consisting of sprinkler systems, smoke detectors, and any other fire protection deemed necessary by the Planning and Development Director or designee for approval.

(C) *Permit longevity.* After a variance has been granted by the Planning and Zoning Board, the applicant shall have a period of 12 months from date of approval to apply for the subsequent permits for development. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the Planning and Zoning Board.

### **90- 100. Administrative Variances**

Where strict enforcement of the UDO may present an unnecessary hardship upon a lot or parcel of land of no more than 10% of the required standard, the owner may apply for a zoning variance. Any appeals of Staff's decision would be heard by the Planning and Zoning Board.

(A) *Standards.* Staff may approve an administrative variance if at least two of the following findings are made:

- (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the

lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property,

- (2) That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the zoning ordinance, without undue hardship to the property,
- (3) That granting the variance will not result in authorization of a use not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.

*(B) Permit longevity.* Administrative variances granted by the Director of Planning and Development shall be valid for a period of 12 months from date the associated site plan is granted approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate review by the Director of Planning and Development or designee to determine if additional actions or applications will be required.

#### **Sec 90.101 – Zoning Text or Map Application Requirements**

*(A) Application requirements for a zoning text or map amendment.* Applications for amendment of these regulations may be in the form of proposals to amend the text of these regulations or proposals to amend the zoning map. Applications for amendment shall be submitted to the Planning and Development Department. No application for a zoning change requesting the same zoning district classification and affecting the same parcel of property or part thereof shall be accepted by the Planning and Development Department until the expiration of at least six months immediately following the defeat of the rezoning request by the City Council. However, if the request is for a different land use classification than the previous request, an application will be accepted. All applications for zoning map or text amendments must include the following minimum information:

- (1) Name, address and signature of applicant. (All applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property, the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then said agent shall file, simultaneously with said petition, a notarized form signed by the owner, authorizing said agent to file on his behalf),
- (2) Brief description of the need for a rezoning and a narrative addressing the criteria in (A)-(I) of Section 90-102, and
- (3) A Campaign Contribution Disclosure Form.

*(B) Text amendment.* In the case of a text amendment, the application shall also set forth the new text to be added and the existing text to be deleted.

*(C) Map amendment.* An application for a map amendment shall also include the following information:

- (1) Address and location of the subject property for which such land development activity shall take place,

- (2) A legal description of the land by lot, block, and subdivision designations, or if none, by metes and bounds,
- (3) The present and proposed land uses of all adjoining properties if under the same ownership, and
- (4) A scaled map or plat, which shall show the property referred to in the application and all adjoining lots or parcels of land which are also under the same ownership (1 digital and 1 – 11 X 17)

**Sec 90.102 - Standards for zoning map amendment**

In order to promote the public health, safety, and general welfare of the City of Rincon against the unrestricted use of property, the following standards and any other factors relevant to balancing the above stated public interest will be considered, when deemed appropriate, by the City Council in making any zoning map amendment decision:

- (A) Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
- (B) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
- (C) Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards?
- (E) Will this request place irreversible limitations on the area as it is or on future plans for it?
- (F) Will the proposed use substantially conflict with existing density patterns in the zone or neighborhood?
- (G) Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?
- (H) Will the action adversely impact adjacent or nearby properties in terms of:
  - 1. Environmental quality or livability resulting from the introduction of uses or activities which would create traffic, noise, odor or visual hazards or the reduction of light and air that is incompatible with the established development pattern.
  - 2. Property values, by rendering such properties less suitable and therefore less marketable for the type of development to which they are committed or restricted in order to promote the public welfare and protect the established development pattern.
- (I) Will the action result in public service requirements such as provision of utilities or safety services which, because of the location or scale of the development, cannot be provided on an economic basis and therefore would create an actual burden to the public?

### **Sec 90.103 – Public Notice**

After a completed application has been filed, the next step in the approval process for a conditional use, variance, rezoning or text amendment that is not considered administrative by this chapter is to set a date for a public hearing on the matter and render proper notice to the public. Proper public hearing notice procedures are as follows:

- (A) *Legal notice.* Notice of public meetings before the Planning and Zoning Board and public hearings before City Council as required by this section shall be published within a newspaper of general circulation within the city in which are carried the legal advertisements of the City and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district or proposed zoning action of said property. Such notice for the official public hearing before the City Council shall be published at least 15 days but not more than 45 days prior to the date of the hearing except for text amendments which shall be published at least 30 days prior to the date of the hearing.
- (B) *Signs posted.* Where a zoning action of property is initiated, a designated official of the city shall post a sign at least 15 days prior to the City Council public hearing, in a conspicuous place on the property for which an application for a proposed zoning action has been submitted. The sign or signs will contain information as to the current zoning district, the proposed zoning district or zoning action, and the date, time and location of the public meetings before the Planning and Zoning Board and the public hearing before City Council.
- (C) *Notification to adjacent property owners.* At least 10 days prior, but not more than 45 days before the date of the public meeting a notice setting forth the date, time and place for such public meeting shall be sent by mail by the applicant and all owners of property located within 300 feet from the property being proposed for rezoning. The notice shall also include the location of the property, its present zoning classification and the proposed zoning classification. The mailed notices to such properties shall be sent by the applicant and an affidavit confirming the notification shall be provided by the applicant to the City; provided, however, where a map amendment is initiated by the Planning and Zoning Board such names and addresses of owners of property located adjacent to or across a public right-of-way from property being proposed for rezoning shall be provided by the Planning and Development Department. Failure to send notices or failure of the property owner to receive notification shall not affect the validity of any zoning action initiated by the City of Rincon. This procedure exists as a supplement to the legally required notification procedures. The notice shall include both the Planning and Zoning Board meeting and the City Council hearing dates.

### **Sec 90.104 – Public hearing requirements**

Whenever a zoning action that is not considered administrative by this Chapter takes place, a hearing must be held before the public. When an applicant requires more than one zoning action, a separate Public Hearing must be held for each procedure or action. A public meeting is held by the Planning and Zoning Board and a public hearing is held before City Council. The public hearing before the City Council is by record the official

public hearing. The purpose of each public hearing is to discuss information pertinent to the particular action or procedure. During the hearing the following rules and actions shall be followed:

- (A) *General rules of conduct.* Whenever a public hearing is required by this chapter or by state law prior to approving a zoning action, such public hearing shall be conducted in accordance with the following procedures:
- (1) The public hearing shall be called to order by the presiding officer.
  - (2) The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.
  - (3) If the subject of the hearing is initiated by an applicant other than the City Council, the petitioner requesting such zoning decision, or the applicant's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor or in opposition of the proposed zoning decision.
  - (4) If the request is initiated by the City Council, all members of the City Council shall be allowed to speak as they are recognized by the mayor or presiding officer, regardless of whether such City Council member speaks in favor of or in opposition to the proposed zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor or in opposition of the proposed zoning decision.
  - (5) When any person wishes to speak at a public hearing, he shall raise his hand and, after being recognized by the presiding officer, shall stand and give his name, address, and make any comment appropriate to the proposed zoning decision. If within two years immediately preceding the filing of the applicant's application for a zoning action, the speaker has made campaign contributions aggregating to more than \$100.01 to any member of the City Council or any member of the City Planning and Zoning Board, it shall be the duty of the speaker to disclose the following information five days prior to the official public hearing:
    - a. The name of the local government official to whom the campaign contribution or gift was made;
    - b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the map amendment and the date of each contribution; and
    - c. An enumeration and description of each gift having a value of \$100.01 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning action.



- (6) A time limit may be imposed upon any person speaking at a public hearing, but all speakers are urged to make their comments brief and avoid repeating other comments.
  - (7) The applicant shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.
  - (8) Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed, and the City Council or the Planning and Zoning Board, as the case may be, shall immediately and openly discuss the proposed zoning decision and vote on action which they are authorized to take.
- (B) *Actions specific to the Planning and Zoning Board during a public meeting:*
- (1) All proposed zoning actions not considered administrative by this Chapter shall be reviewed by the Planning and Zoning Board in a public meeting in accordance with the procedures set in this chapter.
  - (2) The Planning and Zoning Board shall review and consider a recommendation to the City Council with respect to the application for a zoning action, except single-family and duplex variances whereby the Planning and Zoning Board has decision making authority. The Planning and Zoning Board may decide to make no recommendation, or it may make any of the following recommendations with respect to an application for a zoning action: approval, denial, reduction of the land area for which the application is made, change of the zoning district requested, or imposition of zoning conditions; and
  - (3) The Planning and Zoning Board shall submit its recommendation on a zoning action application to the City Council prior to the scheduled Public Hearing in which the City Council will consider the application for a zoning decision. If the Planning and Zoning Board fails to submit a recommendation prior to the public hearing, the Planning and Zoning Board's recommendation shall be deemed one of approval.
- (C) *Actions specific to the City Council during a public hearing.*
- (1) So that the purpose of this zoning ordinance will be served and so that health, public safety and general welfare will be secured, the City Council may in its legislative discretion:
    - a. Approve or deny the proposed zoning action as submitted;
    - b. Reduce the land area for which the application is made;
    - c. Change the zoning district to one other than that requested; or
    - d. Add or delete zoning conditions as the City Council deems appropriate.
  - (2) An action to defer a decision on the proposed amendment shall include a specific meeting date to which the proposed amendment is deferred. The City Council may also approve a withdrawal of an application, and if so stipulated

by the City Council in its decision to approve withdrawal, the 12-month limitation on re-filing of the application for the same property shall not apply.

- (D) *Public hearings records standards.* The City Clerk or an agent of the City Clerk shall mechanically record the proceedings of all zoning public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the City Council for its records. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning action's file.

## **90-105 – 90-110 Reserved**

### **Sec. 90-111 – Installation of culverts.**

- (a) *Permit required.* No person shall install a culvert in a roadside ditch or drainage ditch until a permit has been issued in accordance with subsection (b) of this section by the city manager.
- (b) *Application for permit; drainage plan; inspection.*
- (1) Any person desiring to install a culvert in any drainage ditch or roadside ditch shall first make application for a permit to the city for permission to install the culvert. The application shall be accompanied by a drawing showing the location, grade, size of pipe, other drainage structures and the angle of the culvert to be installed. The maximum length of culvert to be installed in any drainage ditch or roadside ditch shall not exceed 400 feet.
- (2) All drainage plans are to be prepared and certified by an engineer licensed to perform engineering work in the state. The engineer shall certify on the plans that the drainage structures shall have no adverse effect upon any property or any improvements lying upstream or downstream from the proposed culvert and drainage structures and shall further certify that the drainage structures shall not cause flooding or ponding of water upon any property lying upstream or downstream from such proposed culvert and drainage structure.
- (3) All drainage plans submitted by a licensed engineer must be approved by the city prior to any improvements being made. It is the responsibility of the applicant to include in the drainage plan sufficient information for the city to properly evaluate the plan and to inspect the work while being performed.
- (4) Upon issuance of a permit, the person having the culvert installed must notify the city prior to covering the culvert and shall not cover the culvert until the work has been inspected by the city.
- (5) Any person desiring to install a culvert in a driveway with a length equal to or less than 29 feet shall not be required to submit a plan as provided in subsection (b)(2) of this section. The driveway culvert shall be 15 inches in diameter, constructed of reinforced concrete, and inspected and approved by the Public Works Director.
- (6) Property owners may request the city to install the driveway culvert. The cost for the installation shall be \$20.00 per linear foot determined by the City and paid in accordance with preapproved arrangements with the City, not to exceed 12 months.

*Exception:* There will be no installation charge for senior citizens aged 65 and over, disabled American veterans, or handicapped people who are unable to work.

**Sec. 90-112 – Land Disturbing Activity Application/permit process.**

(a) *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority (LIA) shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

(b) *Application requirements.*

(1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Rincon without first obtaining a permit from the City of Rincon to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.

(2) The application for a permit shall be submitted to the Planning and Development Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Sec. 90-309(B) of Chapter 9 of the UDO. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Sec. 90-309(B) of Chapter 9 of the UDO will be met. Applications for a permit will not be accepted unless accompanied by a copy of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

(3) In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

(4) Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by Sec. 90-91(4) has been obtained, all fees have been paid, and

bonding, if required as Sec 90.113 have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

(5) If a permit applicant has had two or more violations of previous permits, this article section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.

(6) The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

(c) *Plan requirements.*

(1) Plans must be prepared to meet the minimum requirements as contained in Sec. 90-309(B) of Chapter 9 of the UDO, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(2) Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

(d) *Permits.*

(1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under

which the activity may be undertaken.

(2) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this article, any variances required by Sec.90-91(4) are obtained, bonding requirements, if necessary, as per Sec. 90-113 met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(3) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

(4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(5) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(6) The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

**Sec 90.113 – When land development guarantee or surety performance bond required**

A one-year land development guarantee, irrevocable letter of credit, or surety performance bond shall be required to assure the completion of the construction and installation of all proposed improvements referenced in any land development permit, whenever the developer may be, or is, unable to satisfactory perform.

- (A) A performance bond may also be required to assure the continued or long-term maintenance of infrastructure;
- (B) No proposed development guarantee, irrevocable letter of credit or surety performance bond shall be accepted by the Mayor and Council unless all terms and conditions of the proposal have been reviewed and approved by the City Manager or designee, City Attorney, and the Public Works Director.
- (C) Must be issued by a State of Georgia approved bond company.

**Sec. 90.114 – Construction inspections requirement**

The "as-built" physical locations and dimensions of all improvements and features depicted on any approved land development permit or final land development plan or final land subdivision plat and on any related construction drawings submitted in conjunction with any such permit, plan or plat, shall be subject to interim and post-construction inspections by the Planning and Development Department, and City Engineer by request, and may be subject to such inspections conducted by Registered Engineers, Architects,

Landscape Architects, Surveyors or any other person employed by any mortgagee or performance bond surety or guarantor who holds a financial interest in the developed property or subdivision referenced by the permit, plan or plat.

- (A) All such referenced persons may enter upon the described premises during any working day, for the purpose of conducting construction inspections.

**Sec 90.115 Final “record drawings” and “as-built” certification required**

The "as-built", surveyed, physical locations and dimensions of all roadways and streets, water and sewer system features, buildings and structures, grading features, stormwater drainage or soil erosion control structures, energy and communication utility system features, and all other improvements and features constructed and installed in any project development area which has been referenced in any land development permit, shall be depicted as "record drawings" prepared on reproducible copies of each related final land development plan or final land subdivision plat and each plan or construction drawing directly relating to the constructed or installed features of such plan or plat, and shall be submitted to the Planning and Development Director for acceptance, after all construction activities for the land development or land subdivision are completed.

- (A) The "as-built" accuracy of each final land development plan or final land subdivision plat and all plans or construction drawings directly related to such plan or plat "record drawing" shall be certified by the applicable Engineer or Architect who was responsible for the construction and installation of each improvement or feature shown on each related plan or plat;
- (B) All deviations from the original approved preliminary land development plan or preliminary land subdivision plat or from any related construction drawings or plans approved with that plan or plat, must be approved by the City and shall be described in a written narrative certified by the applicable Engineer or Architect who was responsible for the construction and installation of each improvement or feature shown on each related plan or plat, and shall accompany the "as-built" "record drawing;"
- (C) Issuance of any occupancy permit for any building, structure or land, or for any other feature of any land development or land subdivision, before all final "record drawings" and "as-built" certifications are accepted by the Planning and Development Department shall be strictly prohibited; and
- (D) "Small Land Developments" and "Agricultural Uses" which have been granted a partial exemption from the full terms and conditions of this chapter, shall not be exempt from compliance with the "as-built record drawing" certification requirements of this section.

**Sec 90.116 – Statement required on plans and plats**

The following statements must be depicted on each applicable reproducible version of each Preliminary and Final Land Development Plan, or Preliminary or Final Subdivision Plat submitted for official evaluation:

- (A) *Certificate of Survey Accuracy.*

- a. I certify this (Preliminary (or) Final Land Development Plan/or Preliminary (or) Final Subdivision Plat) depicts an accurate and true land survey which meets all the requirements of this chapter and the State of Georgia.
- b. This (Plan/Plat) was prepared from a land survey of the subject property which was made under my supervision.
- c. All Survey Monuments shown on this (Plan/Plat) have been located where shown.
- d. All Survey Monument which I have installed fully conform to all the "UDO" of Rincon, Georgia requirements.
- e. Registered Land Surveyor's/or/Registered Engineer's Signature and Printed Name of.
- f. Surveyor's/or/Engineer's Registration Number and Seal.
- g. Date.

(B) *"Record Drawings" and "As-Built" certification.*

- a. (I/or/We) certify that this (Final Development Plan/or/Final Land Subdivision Plat) and all plans and construction drawings accompanying this (Plan/or/Plat) represent "record drawings" which accurately depict the "as-built" locations and dimensions of all the public or private facilities, utilities services, buildings, roadways and all other improvements and features shown and that each improvement or feature has been constructed and/or installed in full compliance with all the conditions of official City approval for this project and with all provisions of the "UDO" of Rincon, Georgia.
- b. Any and all deviations from the original design or construction features depicted on the Preliminary (Development Plan/or/Subdivision Plat) for this project, or shown on any construction plans submitted with that (Plan/or/Plat), are explained and certified in the written narrative(s) and on the "record drawing(s)" accompanying this (Final Development Plan/or/Final Land Subdivision Plat).
- c. Owner(s)/or/Attorney(s)-as-Agent/or/Corporate Official(s) Signature, Printed Name of and Title.
- d. Principal Registered Engineer's Printed Name, Registration Number and Seal.
- e. Notary Public's Signature, Printed Name, Seal, and Expiration Date of Commission.
- f. Date of Notary Public's signing.

(C) *Certificate of ownership and dedication for public use.*

- a. (I/or/We) certify that (I am/or/We are) the (Owner(s)/or/Authorized Agent(s) of the Owner(s)) of all land depicted on this (Final Development Plan/or/Final Land Subdivision Plat).

- b. (I/or/We) hereby appropriate and dedicate for public use all roadways rights-of-way, easements and other land which have been designated for public use(s) on this (Final Development Plan/or/Final Land Subdivision Plat).
  - c. Owner(s)/or/Attorney(s)-as-Agent/or/Corporate Official(s) Signature, Printed Name of and Title.
  - d. Notary Public's Signature, Printed Name, Seal, and Expiration Date of Commission.
  - e. Date of Notary Public's signing.
- (D) *Certificate of approval and authorization for recording major land subdivision completed by the applicant.*
- Staff Approval.*

- a. All land which is depicted on this (Final Development Plan/or/Final Major Subdivision Plat) as dedicated for public use was accepted by Resolution of the City Council of Rincon, Georgia.
- c. City Manager Signature and Printed Name.
- d. Planning & Development Director Signature and Printed Name.
- e. Date accepted by the City Council.

**Sec 90.117 – Expiration of permits**

- (A) If development referenced in any land development or disturbance permit is not initiated within 180 days from the date the permit was issued, the permit shall automatically expire.
- (B) If development referenced in any land development or disturbance permit is not completed within 730 days (two years) from the date the permit was issued, the permit must be renewed.
- (C) Upon revocation of the permit for failure to comply, the parcel of property shall not be developed for a period of 12 months regardless of ownership.

**Sec 90.118 – Approved and certified water supply and sanitary sewerage system required**

All development units located in all new land developments or land subdivisions shall be serviced by approved and certified public water supply, treatment and distribution systems including fire hydrants, and approved and certified public sanitary sewerage collection, treatment and disposal systems, when such public services are immediately available to, and accessible from, the project development area of any land development or land subdivision:

- (A) Whenever public water supply or sanitary sewerage and disposal services are not immediately available to, or accessible from, any land development or subdivision, equivalent approved and certified services shall be provided;
- (B) Whenever a definite City-sponsored plan and construction schedule exists for provision of water supply and/or sewerage services to any land development or land subdivision, within 2 years from the expected date of completion of any



phase of that development or subdivision, then all features of all "equivalent" private water supply and sewerage services for that development or subdivision must be designed and installed to accommodate future connection to the public systems when available;

- (C) Whenever public water supply and/or sewerage services are not already installed at and connected to the location of any building referenced in any land development permit, an agreement for such services by and between the City and the responsible land developer referenced in the permit shall be approved and executed, or be pending, before such permit may be issued; and
- (D) A land development guarantee, irrevocable letter of credit or surety performance bond which conforms to the requirements of this chapter, may also be required to assure the completion of the construction and installation of all proposed water supply and sewerage improvements referenced in any land development permit, whenever the developer may be, or is, unable to satisfactorily perform.

#### **Sec 90.119 – Approval and certification of water supply and sanitary sewerage systems**

Official approval of all engineering designs and construction plans for every proposed public or private water supply and distribution method or system, including fire hydrants, and every proposed sanitary sewage collection, treatment and disposal method or system shall be required before any such system is constructed or installed, and official operating certification shall be required before any water system or sewerage system is used.

- (A) Design and construction drawings for each water supply system and sanitary sewerage system intended to serve more than one development unit must be approved and authorized by the Planning and Development Department, Public Works, the City Engineer, by all other City, County, State and Federal Regulatory Agencies possessing proper jurisdiction, prior to approval of, and issuance of any City land development permit for such method or system, or for any related land development; and
- (C) Whenever any responsible City agency or official, except the City Engineer, is required to make any determination in substantive matters concerning public health which are addressed by this chapter, that agency or official shall request technical assistance from the Effingham County Health Department.
- (D) All developments served by City of Rincon water and sewer shall install a system of purple pipe for the distribution of reclaimed water to be used for irrigation purposes as described in Rincon Code section 82-68.

#### **Sec 90.120 – Approval of stormwater drainage system plans**

Official approval of all engineering designs and construction plans for all proposed stormwater drainage methods or systems shall be required before any such system is constructed, installed or used.

- (A) Each system must be designed and constructed to accommodate stormwater runoff from the land area the system is intended to serve and shall consist of stormwater conduits such as lined channels and underground pipes;

- Approval can be granted for retention and detention ponds, swales, and open ditches for project development areas greater than two acres;
  - All retention and detention ponds shall be landscaped with one tree located every 25 feet around the perimeter of the pond; and
  - All swales and open ditches shall be landscaped with one tree or medium-sized shrubbery located every ten feet along the length of the diameter;
- (B) Each stormwater drainage system intended to serve more than one development unit shall be approved and authorized prior to approval of and issuance of the land development permit for such method or system, or for any related land development;
- (C) Written approval by the Ogeechee River Soil and Water Conservation District shall be mandatory for all plans and proposals for every stormwater drainage facility proposed to service any part of any land development or land subdivision referencing a project development area exceeding 1,000 square feet, or which proposes any non-residential use.
- (D) All stormwater drainage systems must be maintained in accordance with Section 90-317. A.5

**Sec 90.121 – Approval of design and construction plans for roadways and related features**

Approved paved public or private paved roadways, roadway curb and gutter, roadway lighting and roadway name sign systems shall be provided for all new or modified residential or non-residential land developments and land subdivisions:

- (A) All engineering design and construction plans for all roadway rights-of-way, paving, curb and gutter, roadway lighting, roadway name sign systems and all related features shall be submitted for official evaluation, and shall be approved and authorized by the Planning and Development Department, City Engineer, and by all applicable agencies possessing proper jurisdiction, prior to approval of and issuance of any City land development permit for such roadways and related features.

**Sec 90.122 – Approval of design and construction plans for energy and communications utility services**

Approved energy and communications utility services shall be provided for all new or modified residential or non-residential land developments and land subdivisions:

- (A) Minimum required utility services include electric power supply and telephone communication service lines connecting to the systems of any regulated public or private utility company offering service accessible from the land development or land subdivision; and all electric power and utility distribution and service lines shall be placed underground, to assure protection from storm damage and to assure more reliable service unless otherwise authorized by the City of Rincon;

- (B) Minimum required utility services also include manufactured or natural gas supply lines connecting to the mains of any regulated public or private utility company offering product distribution to the land development or land subdivision, when such service is available at any boundary line of the project development area; and
- (C) All proposed energy and communications utility service distribution plans and all related features shall be shown on each land development plan or land subdivision plat submitted for official evaluation, and shall be approved and authorized by the City Engineer, by the Director of Planning and Development, and by all City, County, State and Federal Regulatory Agencies possessing proper jurisdiction, prior to approval of, and issuance of, any City land development permit for such services and related features

**Sec 90.123 – Special engineering requirements**

Whenever any of the following conditions or circumstances occur during the evaluation of any land development plan or land subdivision plat, the City Manager or designee may determine the need for, and may require, the engineering design and construction drawings for that plan or plat to incorporate design and construction standards, materials and methods which are not included in, or which erred, the referenced standards or other requirements of this chapter and this Code:

- (A) Special or extraordinary design problems or project conditions are, or have been, encountered during the evaluation of the plan or plat; or
- (B) New applicable standards have been published and released by nationally recognized engineering or technical authorities; or
- (C) The applicant or applicant's engineer propose to use non-standard, untested, or uncertified methods or materials in the development or construction of the project development area described by the subject plan or plat

**Sec 90.124 – Permits required for construction**

The following is a list of permits needed for construction of a building or structure or the movement of a building or structure that may be needed for any type of land development in the City of Rincon, Georgia.

- (A) *Building permit.* A building permit issued by the Planning and Development Department is required in advance of the initiation of construction, erection, moving or alteration of any building or structure. All applications for building permits shall be accompanied by a plat or plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot, the number of dwelling units the design is to accommodate, and such other information as may be essential for determining whether the provisions of this chapter are being observed. A record of such application and plats or plans shall be kept by the Planning and Development Department. A building permit is also required for accessory structures on residential lots such as sheds, fences, in ground swimming pools, and shallow wells.

- (C) *Sign permit.* Prior to the erection of an on premises or off premises sign, the Planning and Development Department must first issue a permit in accordance with the sign regulations set forth in Chapter 5 Signs, in the UDO. Permits are required for both temporary signs as well as permanent signs, except where exempted.
- (D) *Demolition permit.* Prior to destruction of a building, structure, or sign, a demolition permit is required. Such permit may be attained from the Planning and Development Department.
- (E) *Electrical permit.* An electrical permit is needed before installing any electrical wiring or fixtures. This permit is not needed if a re-location permit or building permit has already been issued on the structure.
- (F) *Plumbing permit.* A plumbing permit is needed whenever a plumber installs a new plumbing system in an existing structure. This permit is not needed if a re-location permit or building permit has already been issued on the structure.
- (G) *Mechanical permit.* A mechanical permit is needed before a licensed installer may install any mechanical device such as a heating and/or cooling system for air or water. This permit is not needed if a re-location permit or building permit has already been issued on the structure.
- (H) *Subdivision of land.* Whenever a lot, parcel, or tract of land is divided into five or more parts, the owner must submit a preliminary subdivision plat to the Planning and Development Department. The preliminary plat shall be reviewed per the requirements in Chapter 8, Subdivision Regulations.

**Sec 90-125 – Street names**

(A) Changes:

The Planning and Zoning Board may recommend to the Mayor and Council the change of any name of any roadway or street whenever:

- 1) Duplicate or confusing names are discovered; or
- 2) A change may simplify marking or identification of streets; or
- 3) Public safety and welfare will be served by the proposed change.

(B) Proposed:

Proposed street names shall be included in the site development or major subdivision application. After approval of the application by the City Council, the City Manager or designee shall submit the proposed street names to the City Planner or designee.

(C) Unofficial Street Names:

Any person who names or renames any street or roadway on any plat or in any deed or instrument of conveyance, or who names or renames any street or roadway by the placement of any sign or any marking, except in full compliance with the UDO, shall be guilty of a misdemeanor and upon conviction for such public offense shall be punished as provided by law, and the City Council shall promptly prosecute all known or suspected instances of street or roadway naming or renaming prohibited by the UDO.

**Sec 90-126 – Public reference copies of code available**

The Planning and Development Department shall provide at least one copy of the UDO and all attendant maps for reference by the general public and shall make such copies available for review at the Planning and Development Department during office hours, and all shall comply with all applicable Georgia laws.

**Sec 90.127 – 90-141 Reserved**

**Sec. 90-281. –General**

**(A) Purpose.**

The stated purposes of this Chapter shall be declared public policies intended to accomplish beneficial objectives that include, but are not limited to, the following descriptions:

- (1) Assure all necessary roads and streets, water and sanitary sewerage facilities and other necessary features and services will be provided, or guaranteed to be installed, before land in any new subdivision is sold to the public.

**(B) Conveyance by land deed not exempted from subdivision regulations.**

No land deed or other legal instrument shall be used to subdivide any tract of land or land lot, nor shall any existing legally recorded land subdivision be recombined or re-subdivided, nor shall any tract of land or land lot be represented as subdivided, whether for immediate or future sale, lease, rent or other public or private purpose, nor shall any tract or lot be otherwise conveyed by any land deed or other instrument, unless such deed or instrument is:

- (1) Accompanied by, and directly referenced to, a land subdivision plat which fully complies with all the terms, condition and requirements of this chapter.

**(C) Technical standards for new major or minor land subdivisions, re-subdivision and re-combination.**

All new major or minor land subdivisions, and all re-subdivisions or re-combinations of recorded subdivisions, shall fully conform to all technical design, engineering, official evaluation and approval requirements provided in the UDO, before becoming eligible for recording in the public land records of Effingham County.

**(D) Naming of streets without official authorization**

- (1) Any person who names or renames any street or roadway on any plat or in any deed or instrument of conveyance, or who names or renames any street or roadway by the placement of any sign or any marking, except in full compliance with this chapter, shall be guilty of a misdemeanor and upon conviction for such public offense shall be punished as provided by law; and
- (2) The City Council shall promptly prosecute all known or suspected instances of street or roadway naming or renaming prohibited by this chapter.

**Sec. 90-282. - Subdivision Plats.**

**(1) Standards**

(1) A subdivision plat shall be required to be submitted for official evaluation whenever:

- a) Any land parcel is intended or proposed to be subdivided in two or more lots; or
- b) A preliminary land subdivision plat is submitted which depicts only a part of a larger undivided land parcel; or
- c) A preliminary land subdivision plat is submitted which shows a new street or other features representing a major subdivision.

**(A) Major Subdivision Plats – Preliminary.**

A preliminary major subdivision plat shall be required to be submitted, along with the application and fee, for official evaluation whenever any land parcel is proposed to be subdivided into five or more smaller parts or lots. A Site plan including all lots, access, and open space is required to be presented to the Planning and Zoning Board for review and recommendation and the City Council for review and approval, if appropriate.

- (1) The primary purpose of a preliminary major subdivision plat shall be to describe the proposed new boundary and lot line features of the subject land parcel and to describe proposed development and construction features.
- (2) A preliminary major subdivision plat shall NOT be eligible for recording in the land records of Effingham County; and
- (3) A preliminary major subdivision plat does not authorize any sale of any new lots described on the plat.

**(B) Major Subdivision Plats – Final.**

A final major subdivision plat shall be required to be submitted, along with the application and fee, for official evaluation whenever any land parcel is proposed to be subdivided into five or more smaller parts or lots and whenever an antecedent preliminary major subdivision plat for a land parcel has been submitted and approved.

- (1) A final major subdivision plat must show substantial conformance to the proposed features depicted on any required antecedent preliminary major subdivision plat.
- (2) A final major subdivision plat which complies with all requirements of this chapter, and which has received the preliminary major plat review from the Planning and Zoning Board and an approval of the City Council, shall be eligible for recording in the land records of Effingham County; and
- (3) A fully approved final major subdivision plat authorizes the sale of all new lots described on the plat.

The following is required to be submitted to the Department of Planning and Development for review and approval, if appropriate, from the City Manager and/or designee(s) after conceptual review of the plat by the Council.

- (a) Site plan including all lots and wetlands.
- (b) Full civil and construction plans, including all streets, landscaping utilities, and infrastructure.
- (c) Tree survey.
- (d) Environmental impact study.
- (e) Traffic counts, traffic flow and impact statement.
- (f) Type of development.
- (h) A certified land survey of all revised subdivision boundaries and lot lines, bearings and dimensions and revised topography of the subject land parcel and shall describe all installed development and construction features shown on the construction drawings used to obtain any land development permit for the project.

**(C) Minor Subdivision Plat.**

The subdivision of a land parcel into four or less smaller parts or individual and separate lots which is not referenced to any application for a land development permit or which does not require a new street or right-of-way dedication, does not require the extension of water or sewer lines, does not include the addition of a drainage structure or pump station, and has not been previously subdivided during the past three years may be authorized as a minor subdivision.

- (1) A land subdivision may be exempted from some requirements of this article and this chapter upon a determination by the City Manager or designee that such subdivision qualifies for exemption as a bona fide minor subdivision.
- (2) Minor subdivision shall only require submission, evaluation, approval and recording as a final land subdivision plat, under the special official evaluation and approval provision of this article.
- (3) A defined minor subdivision described on a final land subdivision plat must comply with all property description requirements and must meet all minimum lot area and lot dimension requirements, have adequate drainage, have required frontage, and have water and sewer available but shall be exempt from the requirements for a major subdivision or land development plan since no land development is contemplated concurrent with the land subdivision.
- (4) A minor subdivision plat that meets the requirements of this section may be reviewed administratively by the City Manager or designee.

**Sec. 90-283. - Resubdivision and recombination rules.**

No tract of land or land lot that has been referenced on any recorded subdivision plat or land survey map, may be resubdivided, recombined, or have lot lines adjusted unless such action fully complies with all the standards, requirements, terms and conditions of this chapter.

- (A) A final land subdivision plat shall be submitted for official evaluation and approval for any tract of land or land lot proposed to be resubdivided or recombined, and that plat shall depict all proposed resubdivision features superimposed on an outline of all significant features of the antecedent plat;
- (B) During evaluation of a preliminary major subdivision plat, the Planning and Zoning Board may recommend to the Mayor and Council, where appropriate, waiver of specific requirements of this chapter which affect any resubdivision of land depicted on any final plat; and
- (C) Any final plat depicting the resubdivision of any land tract or land lot must not show an increased total number of lots or a new roadway or street, but may show revised or additional easements, public or private land reservations and dedication of land for public purposes.
- (D) A recombination of land or a lot line adjustment that does not include any increase in total number lots or a new roadway or street may be reviewed administratively by the City Manager or designee.

**Sec. 90-284. - Violations and penalties.**

**(A) Recording of unapproved land development plan, land subdivision masterplan or plat**

The filing or recording of any unapproved land development plan or subdivision plat shall be a misdemeanor and, upon conviction for such public offense, shall be punishable as provided by law.

The Mayor and Council shall formally request the Clerk of the Superior Court for Effingham County not to accept, nor file or record any land development plan, minor subdivision plat, or preliminary or final major subdivision plat which references land within the territorial limits of the City, but which does not bear the approvals of the City of Rincon.

**(B) Penalty**

Any owner or agent of the owner of any land who conveys, or agrees to convey, or negotiates to convey such land by reference to or by exhibition of, or by other use of, any unapproved minor subdivision plat or preliminary or final major subdivision plat shall be guilty of a misdemeanor and, upon conviction for such public offense, shall be punished as provided by law.

- (1) The description of an unapproved subdivision lot by metes and bounds in a land deed or other instrument of conveyance shall not exempt the transaction from prosecution as a criminal or civil public offense; and
- (2) The Mayor and Council shall promptly prosecute all known conveyances of land prohibited by this chapter and may, with the advice and counsel of the City Attorney, institute proceedings to enjoin the transfer of lots in any unapproved land subdivision.



**(C) Development permits prohibited for structures in unapproved subdivisions.**

No land development permit, or equivalent building permit, shall be issued for land development or for construction of any building or structure in any unapproved subdivision.

**Sec. 90-285 Maintenance**

**(A) Minimum required improvements for all developments and land subdivision**

All land developments and land subdivisions established after the effective date of this chapter shall be designed and constructed to provide the following specified minimum improvements and features:

- (1) Approved and certified public or private water supply and distribution system;
  - a. Individual well systems are prohibited within the City of Rincon.
- (2) Approved and certified public or private sanitary sewage collection and disposal system;
  - a. Individual sewer systems are prohibited within the City of Rincon.
- (3) Approved public or private paved roadway, curb and gutter, on-site and street lighting and roadway name signs systems;
- (4) Approved stormwater drainage system;
- (5) Approved energy and communications utility services; and
- (6) Meet all City of Rincon and other applicable agencies construction standards.

**(B) Continuing maintenance of plan or plat features is permanent responsibility**

The proper and continuing maintenance of all privately-owned features shown on each land development plan or land subdivision plat officially evaluated and approved under the terms and provisions of this chapter, including but not limited to all, open spaces and stormwater drainage systems, shall be a permanent responsibility that shall run with title to all land referenced on such plan or plat.

**Sec. 90-286. – Drainage**

**(A) Easements**

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way, which shall conform substantially with the lines of such watercourse, drainage, channel or stream or shall be of such addition width or construction, or both, as will be adequate for the purpose.

**(B) Maintenance easements for drainage canals.**

Where a drainage canal is of such size that it requires mechanical means for cleaning, such as a dragline, there shall be a 12-foot access easement on either side of such canal for access purposes.

**Secs. 90-287—90-307. - Reserved.**

**Severability.** If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

**Effective Date.** This ordinance shall become effective immediately upon its adoption by the City Council.

**Repeal.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED this 25 day of November 2024.

CITY OF RINCON

ATTEST: Dulcia King  
Dulcia King, City Clerk

Kevin Exley  
Kevin Exley, Mayor

