

**First Amendment to Ordinance Providing for Georgia State Minimum
Standard Codes for Construction Together with Procedures for
Administration and Enforcement of the Building Codes of Towns County as Adopted on
September 21, 2006 and Effective January 1, 2007.**

WHEREAS, on September 21, 2006, Towns County, Georgia adopted an Ordinance providing for Georgia State Minimum Standard Codes for Construction together with procedures for administration and enforcement of same (Building Codes of Towns County) which became effective on January 1, 2007; and

WHEREAS, a study of Lake Chatuge shows a decline from good to poor of the ecological health and the water quality which, to a large extent, can be attributed to unfiltered storm water discharge into the Lake containing pollutants and an excess of Nutrients and Phosphorus resulting in poor water quality and a significant increase of Algae growth in the Lake; and

WHEREAS, during the administration and enforcement of the Building Codes of Towns County, it has become apparent that a standardized setback building requirements for construction within the unincorporated areas of Towns County are required for establishing uniform guidelines and are in the best interest of the citizens of Towns County; and

WHEREAS, Towns County adopted a Mountain Protection Ordinance for Towns County in 2006 and established initial enforcement and regulations of said Ordinance with the Planning Commission of Towns County. It is now apparent that it is necessary to include administration and enforcement of said Ordinance with the Building Code of Towns County to insure the mountain protection and original intent of the Ordinance are followed during construction of dwellings and other improvements in the protected areas.

THEREFORE, it is in the best interest of the citizens of Towns County that the Building Codes of Towns County be amended in accordance with the following terms:

1.

The Mountain Protection Ordinance for Towns County is hereby incorporated by reference to the Towns County, Georgia Ordinance providing for Georgia State Minimum Standard Codes for construction together with procedures for administration and enforcement of same (Building Codes of Towns County.) Said Ordinance is amended to include the following:

**SECTION 3.11 RULES FOR CONSTRUCTION OF IMPROVEMENTS ON LOTS,
ACREAGE OR LAND AREA WITHIN THE AREAS GOVERNED BY THE MOUNTAIN
PROTECTION ORDINANCE FOR TOWNS COUNTY:**

- a) All site preparation, landscaping, water management, soil erosion and sedimentation devices, and construction of any improvements on lots, acreage, or any land area 2200

feet or more above mean sea level that has a percentage slope of 25 percent or greater for at least 500 feet horizontally and /or any crests, summits and ridge tops which lie at elevations of 2200 feet or more, regardless of percentage slope, within the unincorporated areas of Towns County shall be installed and constructed in accordance with the Mountain Protection Ordinance for Towns County.

- b) Upon application for a Building Permit for land **above the 2200 ft. above sea level** governed by the Mountain Protection Ordinance for Towns County, applicant shall submit a plat approved by the Towns County Planning Commission which references the lots, acreage or land area subject to the Mountain Protection Ordinance for Towns County. (**a hand drawing will suffice for a single family dwelling when the house is being built on property that does not have a subdivision plat approved by the Planning Commission**). These requirements are in addition to all other existing requirements for building permits.
- c) Prior to issuance of a Building Permit for land **above the 2200 ft above sea level** governed by the Mountain Protection Ordinance for Towns County, applicant shall provide a site plan and survey which shows the proposed location of improvements as provided in Sections 4.4 (for single family dwellings), 4.5 (for multi-family dwellings, 4.6 (for commercial structures), 5.2 (height limitations as apply to single family dwellings or multi-family and commercial structures), 7 (for any and all construction of any type) and 8.1 (for any and all construction of any type) of the Mountain Protection Ordinance. (**Hand drawing showing the location of the building for single family dwelling will suffice.**)
- d) **Prior to issuance of a Building Permit and prior to site development for the construction of the building, the Building Inspector will do an onsite inspection i.e., to determine that marked trees to be removed do not exceed 50% of the existing trees which exceeds 8 inches in diameter as measured at a point on the tree 4.5 ft. above the surface of the ground (unless application filed includes an acceptable plan of reforestation developed by a registered forester) and that there IS and Will Be sufficient storm water control apparatuses i.e., silt fences, rip-rap or surge stone.**
- e) The Towns County Building Department shall have the duty and authority to over see and enforce the requirements of this 1st Amendment and all applicable terms of the Mountain Protection Ordinance for Towns County. The Towns County Building Department shall have the authority to issue stop work orders and issue citations for violations of the referenced Ordinance as provided therein.

APPEALS PROCESS: The builder/owner has the right to appeal any decision or disagreement on decisions made by the Building Department. Appeals shall be made in the following order: Towns County Building Appeals Board, Towns County Governing Authority, and Courts

2.

The Towns County, Georgia Ordinance providing for Georgia State Minimum Standard Codes for Construction together with procedures for administration and enforcement of same is amended by adding the following language to Section 1:

SECTION 1.3.6 GENERAL SETBACKS: **No building**, structure or other improvements which constitute an enclosed and/or sheltered area or a swimming pool may be constructed within 20 feet to the back line of a lot or tract of land, within 10 feet of any side line or within 20 feet of any front line. The front line shall be that portion of all lot or tract of land, which joins a public or private street or right of way, **which may be used for parking**. In the event a lot or tract of land is platted to the center or edge of a road, said setbacks shall be measured from the right of way of the road. If a lot or tract of land does not front a road or if a lot or tract of land adjoins a road at more than one line, then the front line shall be designated by the landowner; thereafter, all other lines are designated in the proper relation and designation to the front line. Exempted from these setback requirements are the installation of landscaping and other improvements which do not constitute a dwelling or enclosed structures.

3.

The Towns County, Georgia Ordinance providing for Georgia State Minimum Standard Codes for Construction together with procedures for administration and enforcement of same is amended by adding the following language to Section 1:

SECTION 1.3.7 SETACK REQUIREMENTS FOR LOTS OR TRACTS OF LAND

ADJOINING LAKE CHATUGE: **Homes or buildings may not be constructed on any lot or tract of land within 50 ft. of the 1926 ft. elevation above mean sea level of Lake Chatuge. This 50 ft setback is not a horizontal offset, but it is to be measured 50 ft back perpendicular from the 1926 ft contour with the topography (slope) of the land, said 1926 ft. elevation being the full pool level of said Tennessee Valley Authority impoundment.** Said setback shall not be construed to limit boat docks, decks, walkways or other marina related construction as normally permitted by the Tennessee Valley Authority.

GRANDFATHER CLAUSE PERTAINING TO SECTION 1.3.6 GENERAL SETBACKS AND SECTION 1.3.7 LAKE CHATUGE SETBACKS:

Lots of record which were of record with the Clerk of Superior Court of Towns County before the present minimum lot size requirements are hereby exempt from the minimum dimensional requirements. Said exemption shall be applicable to both the owner of record at the time of recording of said lot and all subsequent owners of record.

This section shall not apply to buildings or other improvements which are in existence or for lots which are subject to a current valid building permit as of the date of the amendment. These buildings may be replaced with new buildings within the setback buffers, provided they are constructed on the same footprint of the building being replaced.

4.

The Towns County, Georgia Ordinance providing for Georgia State Minimum Standard Codes for Construction together with procedures for administration and enforcement of same is amended by adding the following language to Section 5:

SECTION 5.35 ESTABLISHMENT OF VARIANCES TO THE SETBACK REQUIREMENTS:

Following the filing of an application for a variance to the setback requirements as provided within the 1st Amendment to Ordinance providing for Georgia State Minimum Standard Code for Construction together with Procedures for Administration and Enforcement of Same. **Variance Applications will be heard by the Governing Authority of Towns County, who may appoint an advisory committee to review plans submitted for water filtration by porous surfaces.** The standard for review of variances to setbacks shall include:

- a) Was the lot or tract of land platted of record prior to the enactment of the Building Code of Towns County and/or the 1st Amendment of same?
- b) **Was the lot recorded before the present lot size requirement making it too small to construct a building behind a 50-ft setback?**
- c) **Does the setback application request for a variance include sufficient buffer vegetation or other buffer landscaping approved by an engineer or Commissioner's Advisory Committee to accomplish the intent of the setback to establish a porous surface to filter storm water and/or runoff water discharge into Lake Chatuge?**

5.

The Towns County, Georgia Ordinance providing for Georgia State Minimum Standards Codes for Construction together with procedures for administration and enforcement of same is amended by striking Section 7 in its entirety and inserting in its place the following:

SECTION 7: VIOLATION AND PENALTIES

Any person, firm, corporation or agent, who shall violate any provision of this amendment, the Technical Codes, or any portion of this Ordinance, shall be guilty of a misdemeanor which is punishable by up to 10 days in jail and a fine up to \$500.00 for each offense. Each person, firm, corporation or agent shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Ordinance is committed or continue.

6.

All other portions of the Ordinance providing for Georgia State Minimum Standard Codes for Construction together with Procedures for Administration and Enforcement of Same shall remain in full force and effect.

7.

Upon adoption, this 1st Amendment to Ordinance providing for Georgia State Minimum Standard Codes for Construction together with Procedures for Administration and Enforcement of same shall become effective on March 1, 2008.

8.

The Towns County Georgia Ordinance providing for Georgia State Minimum Standard Codes for Construction together with procedures of administration and enforcements of same is amended by striking Section 3.1.5 TIME LIMITATION and inserting in its place the following:

3.1.5 TIME LIMITATIONS. An application for construction or addition of improvements in accordance with this ordinance shall be valid for one (1) year following the date of issuance of the permit. The holder of a valid and current permit shall be entitled to extend the subject permit construction period for an additional one (1) year period at no cost so long as the extension is requested in writing prior to the expiration of the permit period and proof of a current and valid septic permit or sewerage connection permit is submitted with the request for extension. The holder of a valid and current permit may request and shall be entitled to a second (2nd) and final one (1) year extension of the construction period at no cost so long as the extension is requested in writing prior to the expiration of the permit period, proof of a current and valid septic permit or sewerage connection permit is submitted with the request for extension and a minimum of one approved inspection is conducted during the last one (1) year extension period.

SO ADOPTED this 21st day of February, 2008.

**Bill P. Kendall, Sole Commissioner
Towns County**

**Attest:
Linda Hedden, County Clerk**

COUNTY SEAL