

Land Development Ordinance Meeting

CHATTOOGA COUNTY, GEORGIA

SEPTEMBER 13TH, 2022



Land Development Ordinance Timeline

January 10th, 2022: Chattooga County Sole Commissioner Elsberry sent an email to **Scott Pippen, J.D., C.F.M.** with the Carl Vinson Institute of Government at The University of Georgia seeking input on Land Use Regulations due to concern from our citizens **“due to our lack of zoning”**. CCSC Elsberry made sure to point out that he did not want to call it Zoning because it is a **“hot button topic”**.

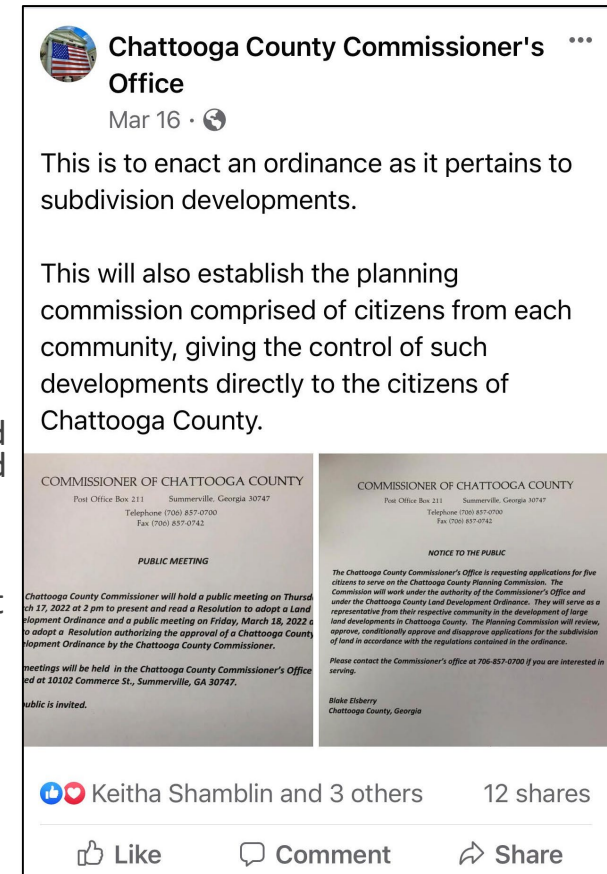
January 20th, 2022: CCSC Elsberry had a call with Mr. Pippen in regard to our county’s Zoning needs.

March 10th, 2022: CCSC Elsberry received an email from **Michael O’Quinn, County Consulting Services Associate with the ACCG** (basically the County Commissioner’s Association). CCSC Elsberry had asked him to review a draft of the Land Development Ordinance. Mr. O’Quinn started his email by stating he was **“not qualified address”** the details of the ordinance and recommended he pay for other people’s services that could better advise him. **The commissioner provided no documents where he ever sought out anyone else’s professional opinion.**

March 16th, 2022: CCSC Elsberry advertised he was having a meeting about Land Development

March 17th, 2022: CCSC Elsberry had his first public meeting regarding the ordinance

March 18th, 2022: CCSC Elsberry had his second public meeting and **Adopted the Ordinance**



Land Development Ordinance Timeline

March 21st, 2022: CCSC Elsberry advertised for volunteers to serve on the Planning Commission

April 28th, 2022: CCSC Elsberry appointed Myra Green, Eddy Willingham, Grey Winstead, Ansley Smith, and Aaron Reed to serve various length terms on the commission that governs the ordinance

May 12th, 2022: CCSC Elsberry held a **Closed Meeting** with the Planning Commission members

August 8th, 2022: CCSC Elsberry held a second **Closed Meeting** with the Planning Commission members

August 15th, 2022: First Planning Commission Public Meeting

What is a Land Development Ordinance?



Myths:

- Something that only deals with Residential Subdivisions
- Doesn't really impact me because I'm not a developer
- Only applies to "those other people"
- Doesn't impact farms or farmers

What is a Land Development Ordinance?

What it actually is = ZONING:

- **Jurisdiction:** It is the intent of these regulations to provide guidance and requirements for the development of lands within the unincorporated limits of the county, whether the developments involve the subdivision of land or the construction of buildings and/or other improvements on single or multiple parcels of land. (page 9)
- **Scope:** No person shall divide or subdivide, or cause a subdivision to be made, by any conveyance, deed, contract, or map, of any parcel of land located within the boundaries of the county as the same may, from time to time, be established according to law, except as provided for in this resolution and in applicable federal and state laws. (page 10)
- **Land Use:** Any use of the land within the county including, but not limited to, commercial, industrial, institutional, public or government, residential, agricultural, recreation, public utilities, forest management, or natural uses (page 4)
- **Subdivision:** All divisions of a tract or parcel of land (page 8)

3 main sections:

Types of Land Subdivisions, Commercial Properties, and Multi-Family Housing

Land Subdivision Summary

Subdivision Type	Parcel Limit	Road Frontage	Minimum Lot Size	Maximum Lot Size	Minimum Original Parcel	Water or Sewer	Greenspace	Paved, Curb, Gutter, Sidewalk	Flag Lots Allowed	Tree Survey
Class I	3	Existing	1 acre	None	None	Not Provided	None	Existing	-	No
Class II	9	Existing	1 acre	None	None	Not Provided	None	Existing	-	No
Class III	10+	New Road Required	1 acre	None	None	Not Provided	None	P	-	No
Class IV	None	New Road Required	0.585 acre	1 acre	10 acres	Water or Sewer	20%	P, C, G	No	Yes
Class V	None	New Road Required	1 acre per unit	None	20 acres	Water and Sewer	40%	P, C, G, S	No	Yes
Class VI (Mixed Use)	None	New Road Required	None	None	20 acres	-	-	-	-	-
Class VII (Farm)	None	New Road Required	3 acres	None	None	Not Provided	None	P	20% (500' max)	No
Class VIII (Commercial)	-	-	-	-	-	-	-	-	-	-
Minor	1	Private ROW or Easement	1 acre	-	None	-	-	-	-	-
Exempt	5	Existing	5 acres	None	None	Not Provided	None	Existing	-	No

* All access road shall be paved (page 26)

* No access via Private Right of Way or Easement (page 19) except Minor subdivisions (page 12)

* Any parcel divided in a minor subdivide can not be divided again for two years (page 12)

* Curb and Gutter optional if all lots sizes are greater than 1 acre

* Any cell with a - indicates that it hasn't been directly identified in the document

*** This is for informational use only and has not been reviewed. It is an attempt to grossly oversimplify a complex legal document and may not show all pertinent details.**

*** PLEASE READ THE ORDINANCE FOR YOURSELF**

What's Wrong with the Ordinance?

- To quote a member of the Planning Committee, it is an **“over-lawyered document”**. Simply put, it attempts to do too much in one document. It essentially **forces you to seek approval from the Planning Committee before you can divide and transfer ownership of your property** for any reason.
- It is **based on other counties’ zoning ordinances**. Those counties already have the base zoning in place that define things described in this document. Not having things clearly defined it creates **too much room for interpretation by the committee**.
- It requires you to **construct and pave a road prior to dividing your property**. (page 26) It doesn’t make any difference what the land use is. Who wants or needs a paved road to their hunting club or cow pasture? Why would you need to pave a road to divide your property among your heirs?
- **All driveways must be hard surfaced for not less than 30 feet** (some subdivision classes require paved driveways) (page 37)
- **CCSC Elsberry never sought input from the people in the county. He relied mainly on his new friends in Atlanta** to develop and draft this ordinance. He never asked any local organizations like the Farm Bureau, Young Farmers, or Extension Office for their advice or input.
- Members of the Planning Committee are appointed by the Commissioner and **not elected by the people**. (page 80)
- Your only option, if you disagree with the Planning Committee, is to **appeal to the same Commissioner that appointed them**. (page 67)

Commercial

- **Dumpster pads, fence, and concrete access drives** required for **all types of businesses** (page 49)
- Exterior **façade required to be 80% masonry** and **sides 50% masonry** (page 50)
- **Chain-link fence strictly prohibited** (page 51)
- **Automobile mechanics** are required to have **masonry or wood fences** to conceal vehicles being repaired (page 52)
- **Parking lots are required** to be paved with specific numbers of parking spaces (page 53)
- **Landscaping required** for all Commercial property (page 60)
- **No exclusions for Agriculture**

Variances

No variance shall be granted to allow the use of property for a purpose not authorized or in a manner not authorized by this ordinance.

(page 64)

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We've set up a public Facebook Group to post documents and give everyone the information they need to stay informed. Please join and take a look at this presentation and all the background documents presented here. Log onto Facebook and search for "Chattooga County Concerned Citizens"

