- ORDINANCE 2026-____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF HEARD COUNTY, GEORGIA, TO ADOPT AND AMEND CHAPTER 46 – ZONING – ARTICLE IV – ZONING DISTRICT STANDARDS AND PERMITTED USES; SECTION 46-102 – ESTATE LOT WITH AVERAGING (EL-A) REQUIREMENTS; REPEAL CONFLICTING CODE PROVISIONS, UNCODIFIED ORDINANCES, OR PORTIONS THEREOF; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES OF HEARD COUNTY, GEORGIA AS MODIFIED HEREIN; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

I

WHEREAS, the Board of Commissioners of Heard County, Georgia regulates land use and development through its duly adopted zoning ordinance; and

WHEREAS, the zoning ordinance designates different zoning classifications for permitted and special uses in the county, and

WHEREAS, the Board previously found it in the best interests of the health, safety and welfare to amend the Zoning Ordinance to create a new zoning classification, Estate Lot With Averaging (EL-A); and

WHEREAS, the EL-A requirements are codified at Article IV, Section 46-102; and

Whereas, the Board wants to amend those requirements as currently set forth; and

WHEREAS, a public hearing was held and public notice was advertised pursuant to the state law and the Heard County Zoning Ordinance procedures.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Heard County, Georgia and it is hereby ordained by the authority of the same that Chapter 46, Article IV is hereby amended as follows:

Chapter 46. – ZONING

ARTICLE IV. – ZONING DISTRICT STANDARDS AND PERMITTED USES.

Sec. 46-102. – Estate Lot with Averaging (EL-A) Requirements.

(1) Purpose and Intent. The purpose of this section is to establish minimum standards that encourage high quality in the site design, organization, and construction of new Estate tract developments and subdivisions. These standards promote community interconnectivity and low impact design principles while maintaining the rural character of the county. The development of a positive, sustainable, and attractive community image and sense of place is vital to the economic health and vitality of Heard County. This single-family residential development type provides for a conventional lot layout, with varying lot sizes and substantial front setbacks from existing streets.

(2) Density, and dimensional requirements.

a. The ~~average~~ lot size within the development must be equal to or greater than seven and one-half acres~~, with no lot being less than five acres~~.

b. The minimum tract size for this development type shall be 30 acres.

c. Once the development obtains final plat approval, no additional subdivision of the lots contained therein shall be permitted.

d. The minimum front setback shall be 250 feet as measured from the right-of-way line of any public street. This additional setback requirement is intended to maintain a rural aesthetic. Where the Planning Commission finds that, due to special circumstances of a particular parcel, extraordinary and unnecessary hardships will result from strict compliance with the required 250 feet setback, the Planning Commission may reduce the setback requirement up to a maximum of 50 percent.

e. Minimum square foot requirement for single family homes is 1750 square feet.

f. The requirements for the A-1 agriculture (general farming) contained in Sec. 46-98, District Area, Yard and Height Requirements, Sec. 46-101, Permitted Uses and Article III – Buffer Requirements Sec .46-218 Tables shall be applicable to the EL-A district.

(3) Infrastructure requirements.

a. Water: Public water system or private wells.

b. Wastewater: Individual septic systems.

c. Roads:

(1) Private: Ingress/egress/utility easements shall comply with the following

a. The EL-A development type shall qualify for multiple drive easements and may serve up to eight lots with each easement. For any private drive easement serving four or more lots, a private street name shall be approved through the normal street naming process. All ingress and egress to any lot approved for EL-A development, including a private drive easement which may serve multiple lots within an EL-A development, must receive a Residential Driveway Permit from the Georgia Department of Transportation if it connects to a State-maintained highway.

b. This development type shall be prohibited from further subdivision of the lots. The instrument used to prohibit further divisions, which must be approved by the county's legal counsel, shall be a method which will uphold the integrity of the development type, as well as documenting the provision in such a way as to be apparent to future purchasers.

Commented [1]: I thought one remaining lot could be 5 acres or more if that is what was left

Commented [HH1R2]: For M. Hill

Commented [MH1R3]: This is a choice for the Board. The handwritten revisions that were given to me back April struck the word "average". If you strike the word "average", the minimum lot size can only be whatever you state the minimum lot size can be. Before, you could have a 10 acre lot and a 5 acre lot and the average would be 7.5 acres and that would have been acceptable because the average was met and no lot was less than the minimum of 5 acres. But if you strike the word average and state the lot must be equal to or greater than ____x____, then ____x____ is the minimum size.

Commented [2]: Should this be number 3?

Commented [MH2R2]: Yes. It looks like it was a typo from the original ordinances draft that got carried over.

Commented [3]: Why is this 1 here?

Commented [MH3R2]: It was a subparagraph to c. Roads. I think it is better being an infrastructure requirement rather than being a separate section and, if the Board agrees, then it needs to go back under that paragraph c.

Commented [4]: Not all driveways require DOT approval

Commented [HH4R2]: For M. Hill

Commented [MH4R3]: Correct. Meant this to say if it connects to a state highway. It has been added.

c. Use of single drive, multi-lot easements must meet the following:

1. The minimum width of the ingress/egress/utility easement shall be 30 feet, unless additional width is required by the Public Works Director based on topography and drainage concerns. The drive shall be a minimum of fourteen feet in width, surfaced with gravel or other paving material, and aligned so as to allow emergency vehicle access.
2. Every property served by a private ingress/egress/utility easement under ~~on~~ these provisions must be bound to a privately managed perpetual maintenance agreement that must be reviewed and approved by the county attorney prior to approval of the final plat.
3. When the development is served with multiple easements, the connection points to right-of-way must meet Georgia Department of Transportation specifications for spacing of driveways from one another. If it is necessary to locate private ingress/egress/utility easements closer than GDOT prescribed spacing, the property owner/developer must design and dedicate improvements and additional public right-of-way to accommodate safe queuing, and to remove mail delivery and school buses from existing travel lanes. The improvements must meet Heard County Public Works Department standards and will most often result in the construction/dedication of a cul-de-sac street.
4. The clearing width of private/ingress/egress/utility easements must be maintained at 15 feet.
5. Private ingress/egress/utility easements must be constructed to the appropriate width to support the weight of applicable fire department and/or water transport vehicles or apparatuses. This may include additional surface materials and geotechnical design for certain geographic features. The finished product must be approved by the county planning department prior to issuance of a certificate of occupancy for the ~~and must accommodate water transport vehicles to~~ first house that the easement serves.
6. Private ingress/egress/utility easement entrances must be paved 18 feet wide from the existing edge of roadway pavement to the right-of-way. The paving must meet the pavement designs of the Heard County Public Works Department contained in Chapter 34, Article II of the Code of Ordinances. Subgrade shall be proof-rolled with a loaded 17-ton tandem dump truck and be approved by the county development inspector prior to asphalt pavement.
7. No private ingress/egress/utility easement may cross a pond dam.
8. Private ingress/egress/utility easements may not have grades that exceed seven percent unless an administrative variance is granted by a variance is granted in accordance to Section 46-435.

Commented [5]: Add space

Commented [6]: Seperate to first

Commented [MH6R2]: This revisions does not make sense. I moved water apparatus and returned most of the original language to this provision.

Commented [MH6R3]: Remove the additional space after accepting the change.

9. All drainage conveyances shall be designed per Chapter 40 of the Heard County Code of Ordinances.

(4) Multi-lot easement access may be gated. Gated easement access must meet the following requirements:

a. All gate installations must be approved by the public works director, the fire marshal, and the director of emergency management prior to installation. The installation must be completed and tested prior to the approval of the final plat for the residential subdivision.

b. A landscaped entrance median must be provided separating the entry and exit lanes. The entrance shall be designed in such a manner as to allow traffic to return from the entry and into the exit lane before reaching the gate.

c. Gate design may incorporate one or two gate sections to meet the required minimum gate width of 24 feet. If the entrance will incorporate a median, guard shack or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the director of development and engineering, but in no case shall any single gate or street pavement have a clear opening of less than 16 feet.

d. If a gate design incorporates any overhead obstruction, said obstruction must be a minimum of 14 feet above the finished road surface.

e. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. All entry gates must be set back a minimum of 100 feet from any adjacent public street right-of-way to allow for vehicle stacking out of the public travel lanes. Any exception, when equal protection of public safety is demonstrated, must be approved by the director of development and engineering and the director of emergency management.

f. Automatic gate installations must conform to the design and performance guidelines established by the fire chief, director of development and engineering, and director of emergency management.

g. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times. In the event the power supply is interrupted, the gates must be kept open.

h. Each security gate regulated under this section will be subject to a performance test as determined by either the fire chief or director of emergency management. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the fire chief or director of emergency management.

i. All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection by the county and must be repaired immediately if found to be in condition of disrepair. The county shall have the right to enter the subdivision and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle

Commented [MH7]: Since this is not a requirement, I made it section 4 rather than placing it under roads. I tried to make the subparagraph consistent with the above subparagraphs.

Commented [8]: Icorporates

Commented [HH8R2]: Not sure about this suggested change

Commented [MH8R3]: I would keep it as is.

Commented [9]: Ensure not insure

Commented [MH9R2]: That is fine. It was a carry over from the original draft.

access at the sole expense of the property owners' association. Emergency repairs shall be assessed against the property owners' association. The county shall provide reasonable notifications prior to inspection(s) and/or request(s) for repairs.

j. Anti-directional devices at entrances and exits, such as metal spikes that can cause tire damage, are prohibited.

k. The person or corporation in control of the property is responsible for, and liable for any violations of this section. This includes, but is not limited to, the developer, property owner, the property owners' association and its officers, if applicable, or others who may own or exercise control over the property.

l. Every property must be bound to a privately managed perpetual maintenance agreement that must be reviewed and approved by the county attorney prior to approval of the final plat.

Effective Date and Repealer Provision

This ordinance shall become effective immediately upon its adoption and any and all existing or pre-existing Heard County, Georgia ordinances, amendments, and Resolutions in conflict with the items of this Ordinances are hereby repealed.

Commented [10]: Resolutions instead of resolution

Commented [MH10R2]: That's fine.

All other provisions of the Zoning Ordinance of Heard County shall remain in full force and effect.

Adopted this ____ date of _____, 2026, by the Board of Commissioners of Heard County, Georgia.

HEARD COUNTY, GEORGIA

By:_____
Chairman, Heard County Board of Commissioners

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Attest:_____
County Clerk
(SEAL)