



LUMPKIN COUNTY
Board of Commissioners
Public Hearing Agenda
Commissioners Boardroom
99 Courthouse Hill
Dahlonega, GA 30533

December 5, 2023
4:30 PM

- **CALL TO ORDER**
- **Presentations of draft revisions to Chapter 26 - LAND DEVELOPMENT**
 - Sec. 26-59. - Classes of subdivisions.
 - Sec. 26-61. Class II subdivision.
 - Sec. 26-68. Exemptions.
 - Sec. 26-191. - Easements.
 - Sec. 26-253. Building setback lines.
- **PUBLIC COMMENT**
- **ADJOURNMENT**



Lumpkin County, Georgia

Planning

Date: December 5, 2023

Agenda Item: Sec. 26-59. - Classes of subdivisions.

Item Description:

Facts & Historical Information:

Potential Courses Of Action:

Budget Impact:

Staff Recommendation:

Sec. 26-59. - Classes of subdivisions.

In order to promote the stated purpose of this chapter and the comprehensive plan, this chapter establishes the following classes of subdivisions:

- (1) Any other division of property that is not classified below will be considered a minor subdivide; allowing for one division of property per every two years, creating only one additional parcel/lot, and the residential lot size to be a minimum of 1.0 acre.
- (2) Any property involved in the minor subdivide cannot be further divided within the two-year period.
- (3) Minor subdivide properties and Sec. 26-68. Exemptions are the only divisions of property that are allowed off of an easement or private road.
- (4) Refer to the land use and land development regulations of this Code for additional restrictions on lot sizes within each character area and other requirements.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 200, 7-16-2009)



Lumpkin County, Georgia

Planning

Date: December 5, 2023

Agenda Item: Sec. 26-61. Class II subdivision.

Item Description:

Facts & Historical Information:

Potential Courses Of Action:

Budget Impact:

Staff Recommendation:

Sec. 26-61. Class II subdivision.

A class II subdivision is the division of a tract of land into no more than nine parcels. All lots must be a minimum of one acre in size. A maximum of two flag lots are permitted in any class II subdivision.

Combining or grouping of driveways is encouraged and may be required by the planning commission.

Multiple class II subdivisions may not be chained together or combined with a Class I subdivision to avoid meeting the requirements for a higher class subdivision. No more than one Class II subdivision may be created from any tract of land.

If a property is divided using Class II subdivision regulations on state routes, an approved GDOT driveway permit must be obtained prior to planning commission final plat review.

A Class II subdivision is prohibited to be accessed from an easement or private road.

Driveway locations and sight distance information must be shown on the plat.

(Res. No. 2009-50, § 202, 7-16-2009)



Lumpkin County, Georgia

Planning

Date: December 5, 2023

Agenda Item: Sec. 26-68. Exemptions.

Item Description:

Facts & Historical Information:

Potential Courses Of Action:

Budget Impact:

Staff Recommendation:

Sec. 26-68. Exemptions.

The following land subdivisions shall be defined as subdivisions but may be exempted from the requirements of these regulations if it is determined that one of the following criteria is met:

- (1) The combination or reconfiguration of portions of previously approved platted lots where the total number of approved lots is not increased and the resultant lots meet the standards herein.
- (2) The division of land into no more than five parcels of five acres or more.
 - (a) Any further subdivision of these tracts may only be approved by planning commission.
 - (b) The division of these tracts within a two-year period must maintain a minimum of 5 acres per tract.
 - (c) After two years, tracts that were originally divided under this section will be treated as new parcels and required to comply with ARTICLE III. – SUBDIVISIONS.
- (3) The division of land by either a minor subdivide or a Class I subdivision does not require planning commission approval, unless referred to the planning commission by the planning director because of special circumstances.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 209, 7-16-2009)



Lumpkin County, Georgia

Planning

Date: December 5, 2023

Agenda Item: Sec. 26-191. - Easements.

Item Description:

Facts & Historical Information:

Potential Courses Of Action:

Budget Impact:

Staff Recommendation:

Sec. 26-191. – Easements.

- (a) Utility easements, if required, shall be a minimum width of 12 feet and located along the side or rear lot lines. Access easements to wells and detention ponds shall be a minimum of 20 feet wide with a grade of 20 percent or less, unless otherwise approved by the planning director, and shall allow access to the well and/or detention pond by county vehicles.
- (b) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater or drainage right-of-way easement of adequate width, but not less than 10 feet.
- (c) Recreation easements, such as walking paths, not intended for vehicular use, shall be a minimum width of 10 feet.
- (d) Driveway easements serving no more than two locations shall be a minimum width of 20 feet, and must be cleared a full 10 feet.
- (e) Ingress/egress easements serving three or more locations shall be a minimum width of 40 feet, and must be cleared a full 20 feet to provide easy access for emergency vehicles.
- (f) Any driveway or ingress/egress easement in excess of 200 feet in length shall be constructed with a turn-around at the closed end.
- (g) Easements may not be used to access businesses or commercial use properties, except a home business and businesses within a larger overall development, such as a shopping mall, incorporating several different business entities. These larger overall developments may be allowed to have an ingress/egress easement serving the overall development, provided there is direct access off a county road or state highway and pending approval by the planning commission.
- (h) An easement in existence prior to the adoption of the resolution from which this section is derived may remain as a nonconforming use, but may not be extended except in conformance with these regulations. However, any owner subdividing property on a nonconforming ingress/egress easement must, as a part of the property subdivision, provide a conforming easement over and through their property.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 605, 7-16-2009)



Lumpkin County, Georgia

Planning

Date: December 5, 2023

Agenda Item: Sec. 26-253. Building setback lines.

Item Description:

Facts & Historical Information:

Potential Courses Of Action:

Budget Impact:

Staff Recommendation:

Sec. 26-253. Building setback lines.

- (a) All building setbacks are measured from any portion of the structure to the property line and/or the nearest edge of the right-of-way. Fences and retaining walls are not required to meet setbacks.
- (b) The minimum building setbacks shall be as follows:
 - (1) Lots within a Class I, Class II, Class III, Class IV, Class V, or Class VI subdivision, lots within an exempt divide under Sec. 26-68, individual lots not part of a subdivision, and lots within a subdivision that received approval through the planning commission prior to December 1, 2002 (the effective date of Lumpkin County Resolution 2002-44), shall have a 30 foot setback from any right-of-way. All other setbacks shall be 20 feet, unless different setbacks are specified elsewhere in these regulations or this chapter.
 - (2) Lots within a Class VII subdivision shall have a 50 foot setback from any right-of-way and all property lines, unless different setbacks are specified elsewhere in these regulations or this chapter.
 - (3) All lots adjacent to a state route shall have a 50 foot setback from the right-of-way.
 - (4) There shall be a 5 foot setback from recorded easements that are not intended for regular vehicular use, such as utility easements and recreational easements.
 - (5) There shall be a 10 foot setback from shared driveways that serve no more than two locations.
 - (6) There shall be a 30 foot setback from recorded ingress/egress easements that serve three or more locations.
 - (7) Building setback lines may be reduced by no more than 25% by the planning director with just reason.
 - (8) Electric transmission lines where easements are not definitely established shall have a minimum building setback of 60 feet for lines of 69 kV or less and 80 feet for lines of 70 kV or more measured from the nearest wire or pole, or 10 feet from the easement line where an easement is established.

Type	ROW Setback	Side & Rear Setback
Minor subdivide/Individual lot	30'	20'
Class I subdivision	30'	20'
Class II subdivision	30'	20'
Class III subdivision	30'	20'
Class IV subdivision	30'	20'
Class V subdivision*	30'	10' (side) 20' (rear)
Class VI subdivision	30'	20'
Class VII subdivision	50'	50'
Class VIII subdivision	30'	20'
Utility or recreation easement (not intended for vehicle use)	5'	
Driveway easement (easement serving no more than two residences)	10'	
Ingress/Egress easement (development easement serving three or more residences)	30'	
Exempt divide (Sec. 26-68. - Exemptions.)	30'	20'
Electric transmission lines	60' setback (69 kV or less)	

Electric transmission lines	80' for lines of 70 kV or more measured from the nearest wire or pole or 10' feet from the easement line where an easement is established.	
* Class V right-of-way of any existing state or county road for new road	100' (50' undisturbed buffer)	

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 805, 7-16-2009)