

COPY

**TITLE**

An ordinance regulating the subdivision of land in the City of Statham, Georgia requiring and regulating the preparations and presentation of preliminary and final plats for such purpose; establishing minimum subdivision design standards; requiring minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedure to be followed by the City Council in applying these rules, regulations, and standards; and prescribing penalties for the violation of its provisions.

# **ARTICLE I. GENERAL PROVISIONS**

## **1.1 Title**

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of Statham, Georgia (hereinafter "these regulations").

## **1.2 Policy**

1. It is declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of (Name of Statham) pursuant to the comprehensive plan of the city for the orderly, planned, efficient, and economical development of the city.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Map, and the capital budget and program of the city, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, Official Map and land use plan, and the capital budget and program of the city.
4. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulations(s) identified in Section 1.3.

## **1.3 Purposes**

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the city.
2. To guide the future growth and development of the city in accordance with the Comprehensive Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, and to protect environmentally critical areas and areas premature for urban development.
5. To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proposed location and width of streets and building lines.
8. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
9. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measure to ensure that the development provides its fair share of capital facilities needs generated by the development.
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the city.
13. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.
14. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

#### **1.4 Authority**

These regulations are adopted in accordance with, and under the power of, the 1983 Constitution of the State of Georgia (Article XI, Section II, Paragraphs I and IV). The City Council is vested with the authority to review, approve, conditionally approve, or disapprove applications of the subdivision of land, including sketch, preliminary, and final plats. The City Council may grant a variance from these regulations pursuant to the provisions of Section 1.13.

#### **1.5 Statham**

1. These regulations apply to all subdivision of land, as defined in Section 2.2, located within the corporate limits of Statham, Georgia.
2. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the City Council in accordance with these regulations.
3. The City Council also shall have the authority to review and approve, conditionally approve or disapprove the sale, lease, or development of lands subdivided prior to or following the effective date

of these regulations as follows:

- a. The plat of the subdivided land was recorded without the prior approval of the City Council whether or not prior approval was required at the time the land was subdivided and the plat contains contiguous lots in common ownership where one or more lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
  - b. The plat of the subdivided land has been of record for more than five (5) years, was not approved after the effective date of these regulations and contains contiguous lots in common ownership where one or more of the contiguous lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
  - c. The plat has been of record for more than five\* (5) years, was approved after the effective date of these regulations and contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped and one or more is nonconforming under the zoning ordinance, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
4. No land described in this Section 1.5 shall be subdivided or sold, leased, transferred or developed until each of the following conditions has occurred in accordance with these regulations:
    - a. The subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Planning Commission for review and recommendation to the City Council; and
    - b. The subdivider or his agent has obtained approval of the sketch plat, a preliminary plat when required, and a final plat from the City council; and
    - c. The subdivider or his agent files the approved plats with the Clerk of the \_Barrow County Superior Court, as appropriate.
  5. No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

## **1.6 Enactment**

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of September 8, 1997. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the city unless the City council determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

## **1.7 Interpretation, Conflict, and Separability**

### **1. Interpretation.**

In their interpretation and applications, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

- a. *Public Provisions.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- b. *Private Provisions.* These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the City council in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

## **2. Separability.**

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent Statham, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City council hereby declares that it would have enacted the remainder to these regulations even without any such part, provision, or application which is judged to be invalid.

## **1.8 Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue or, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any persons, firm, or corporation by lawful action of the city except as shall be expressly provided for in these regulations.

## **1.9 Reservations and Repeals**

Upon the adoption of these regulations according to law, the Subdivision Regulations of (Name of Statham) adopted October 5, 1987, and as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

## **1.10 Amendments**

For the purpose of protecting the public health, safety, and general welfare, the City council may from time to time propose amendments to these regulations which shall then be approved or disapproved by the City council at a public meeting following public notice. Before enacting any amendment to this Ordinance, the City council shall hold a public hearing within thirty (30) days of the date of the submission of a request for an amendment. A public notice shall be given at least fifteen (15) days prior to the public hearing in the legal organ of the county.

## **1.11 Resubdivision of Land**

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and it is intended that such lots will eventually be resubdivided into small building sites, the City Engineer shall require that such parcel of land allow for the future opening of streets and the ultimate extension of such streets may be made a requirement of the plat.

**1. Procedure for Resubdivision.**

Whenever a developer desires to resubdivide an already approved final subdivision plat, the developer shall first obtain approval for the Resubdivision by the same procedures prescribed for the subdivision of land.

**2. Resubdivision. Resubdivision includes:**

- a. any change in any street layout or any other public improvement;
- b. any change in any lot line;
- c. any change in the amount of land reserved for public use or the common use of lot owners;
- d. any change in any easements shown on the approved plat.

**3. Waiver.**

Whenever the City council, in its sole discretion, makes a finding on the record that the purposes of these regulations may be served by permitting Resubdivision by the procedure established in this §1.11(3), the City council may waive the requirement of §1.11(1). The City council, after an application for resubdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation and shall provide personal notice to property owners in the subdivision. The notice shall include:

- a. The name and legal description of the subdivision affected by the application;
- b. The proposed changes in the final subdivision plat;
- c. The place and time at which the application and any accompanying documents may be reviewed by the public;
- d. The place and time at which written comments on the proposed resubdivision may be submitted by the public; and
- e. The place and time of the public meeting at which the City council will consider whether to approve, conditionally approve, or disapprove the proposed resubdivision.

**4. Procedure for Subdivisions When Future Resubdivision is Indicated.**

Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be resubdivided, the City council may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a requirement of plat approval.

## **1.12 Public Purpose**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this city. The developer has the duty of compliance with reasonable conditions laid down by the City council for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the city and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

## **1.13 Variance, Exceptions, and Waiver of Conditions**

### **1. General.**

Where the City council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, the City council may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City council shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- d. The relief sought will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, except that those documents may be amended in the manner prescribed by law.

### **2. Conditions.**

In approving variances, exceptions, or waivers of conditions, the City council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.3.

### **3. Procedures.**

A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the City council. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

## **1.14 Enforcement, Violations, and Penalties**

### **1. General.**

- a. It shall be the duty of the Building Inspector to enforce these requirements and to bring to the attention of the City council any violations thereof.
- b. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the City council in accordance with the provisions of these regulations and filed with the Clerk of the Superior Court of Barrow County.
- c. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
- d. No building permit shall be issued for the construction of any building or structure located on

a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

**2. *Violations and Penalties.***

Any person who violates any of these regulations shall be subject to a fine of not more than \$500.00, or imprisonment for a term not exceeding six (6) months, or both. Each day a violation continues is a separate offense.

**3. *Civil Enforcement.***

Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

**1.15 Appeals**

Appeals from decisions rendered by the City council shall be filed with the City council or their designated authority within thirty (30) days of the date of the City council's decision or the right to appeal is lost.



## ARTICLE II. DEFINITIONS

### 2.1 Generally

When used in this ordinance, the following words and phrases shall have the meaning given in this section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context. Words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future. The word "person" includes a "firm," "association," "organization," "trust," "company," or "corporation" as well as an "individual." The word "building" includes the word "structure."

### 2.2 Words and Terms Defined

When used in this ordinance, the following words and phrases shall have the meaning given in this section:

Alley. A platted service way providing a secondary means of access to abutting properties.

Applicant: The owner of land proposed to be subdivided or his/her representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond. Any form of a surety bond in an amount and form satisfactory to the City council. All bonds shall be approved by the City council whenever a bond is required by these regulations.

Building. Any structure, either permanent or temporary, or above or below ground, and designed, built or used as a shelter or enclosure for persons, animals, or property of any kind.

Building Inspector. The authorized Building Inspector for Name of Statham.

Building Line. A line, parallel to the street line, beyond which the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

Building Permit. A written permit issued by the Building Inspector.

Central Water System. A private water system formed by a developer to serve a new subdivision in an outlying area. It includes water treatment and distribution facilities.

Central Sewerage System. A private sewerage system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Certify. Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the city by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

City Attorney. The attorney so designated by the City council.

City Engineer. The engineer so designated by the City council.

Collector Road. A road intended to move traffic from local roads to secondary arterials. A collector road

serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

City. The City of Name of Statham.

City Clerk. The City Clerk for Name of Statham.

Common Ownership. Ownership by the same person, corporation, firm entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock broker, partner, or associate, or a member of his family owns an interest in each corporation, firm partnership, entity, or unincorporated association.

Comprehensive Plan. The Joint City/County Comprehensive Plan for Barrow County and the cities of \_\_\_\_\_, (date) , and as may be amended or updated.

Construction Plans. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City council as a condition of the approval of the plat.

Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot

Cul-de-Sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

County Sanitarian. The sanitarian for \_\_\_\_\_ County, Georgia.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises in order to undertake subdivision development.

Drainage Easement. An area set aside for the purpose of transporting storm water. Maintenance of the easement is the responsibility of the private property owner unless dedicated to and accepted by the City.

Engineer. A registered, professional engineer licensed by the State of Georgia.

Easement. A grant of one (1) or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Final Plat. The map of a subdivision to be recorded after approval by the City council and any accompanying material as described in these regulations.

Frontage. The distance for which the front boundary line of the lot and the street line are coincident. For the purpose of corner lots, all sides of a lot adjacent to streets shall be considered frontage.

Frontage Street. The street coincident to the front boundary line of the parcel.

Grade. The slope of a road, street, or other public way specified in percentage terms.

Health Department. The \_\_\_\_\_ County Health Department.

Household. Any person or persons who reside or intend to reside in the same housing unit.

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, or transfer or ownership, or possession, or for building development.

Lot Improvement. Any building, structure, place, work of art, or other object situated on a lot.

Lot, Double Frontage. A lot having frontage on two (2) streets as distinguished from a corner lot.

Lot, Corner. A lot abutting two (2) or more streets at their intersection where the interior angle of the intersection does not exceed one hundred and thirty-five degrees (135°).

Major Subdivision. All subdivision not classified as minor subdivisions, including but not limited to subdivisions of four(4) or more lots, or any size subdivision requiring any new street or extension of local government facilities or the creation of any public improvements.

Master Preliminary Plat. That portion of a preliminary plat submitted in connection with a multi phase or phased subdivision application which provides the information and graphics meeting the requirements of this ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

City council. The City council for the City of Name of Statham.

Minor Subdivision. All subdivisions not classified a as minor subdivision, including but not limited to subdivision of three (3) lots provided that:

1. Each lot in the proposed subdivision abuts an existing street for a minimum distance of one hundred (100) feet and the depth shall not exceed three (3) times the width.
2. The proposed subdivision shall be directly accessible to existing required improvements that shall be necessary for connection to existing utilities and other existing facilities.
3. The combination or recombination of portions of previously platted lots is permitted where the total number of lots is not increased and the resultant lots comply with the standards of these Regulations and all other ordinances and resolutions of Name of Statham.

Model Home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during this use as a model.

New Development. A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City's subdivision regulations, the issuance of a building permit, or connection to the City's water or sanitary sewer system.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial.

Official Map. The map established by the City council pursuant to law showing the streets, highways, parks, drainage systems and setback lines laid out, adopted, and established by law, and any amendments or additions to adopted by the City council resulting from the approval of subdivision plats by the Council and the subsequent filing of approved plats.

Official Submission Date. The date of the meeting of the City council at which the public hearing on approval of a sketch, preliminary or final subdivision plat, including any adjourned date thereof, is closed, shall constitute the Official Submission Date of the plat on which the statutory period required for formal approval,

conditional approval or disapproval of the sketch, preliminary or final subdivision plat shall commence to run.

**Open Spaces.** A parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Open space shall be substantially free of structures, but may contain such improvements as are in the plans as finally approved and are appropriate for the benefit of residents of the development. Unless dedicated and accepted by the City council, city maintenance shall be the responsibility of all property owners within the subdivision.

**Owner.** Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parcel.** A general term including all plots of land shown with separate identification on the official tax maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

**Phased Subdivision Application.** An application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phases(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments.

**Preliminary Plat.** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the City council for approval.

**Public Hearing.** An adjudicatory proceeding held by the City council preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted.

**Public Improvement.** Any drainage, ditch, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility or liability, for maintenance or operation, or which may effect an improvement for which City responsibility and liability is established.

**Public Utilities.** An entity engaged in regularly supplying the public with some commodity or service which (1) is of public consequence or need, such as electricity, gas, water, transportation, or telephone services; (2) are regulatory and controlled by a state or federal regulatory commission; and (3) often have the power of eminent domain.

**Resubdivision.** Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Right-of-Way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, watermain, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lot or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Road Right-of-Way Width.** The distance between property lines measured at right angles to the center

line of the street.

Security. The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.

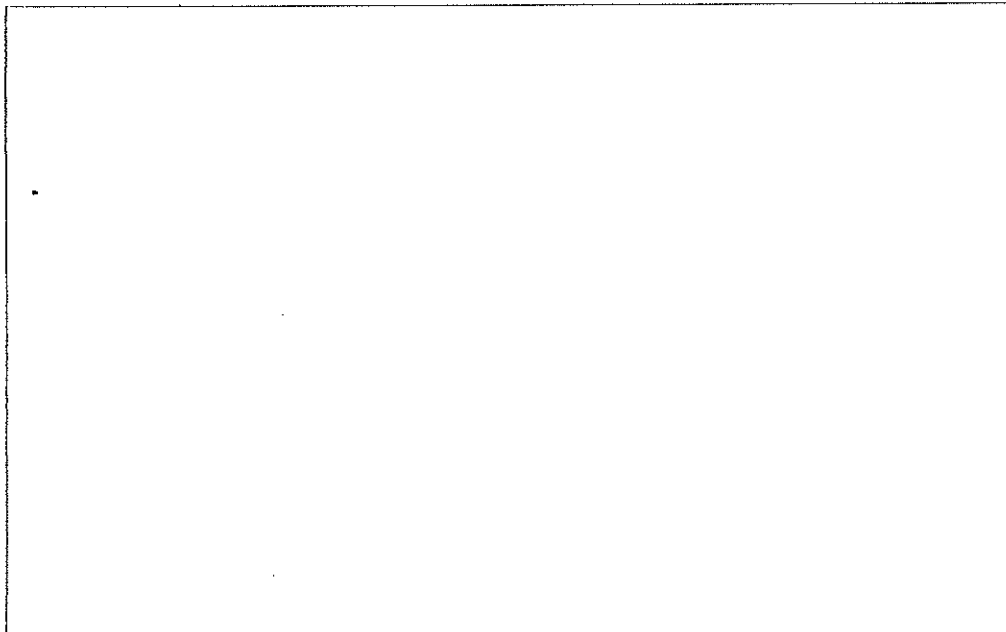
Setback. The distance between a building and the street line nearest to the building.

Sketch Plat. A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the City council as to the form of the plat and the objectives of these regulations.

Street. Streets within (Name of Statham) shall be classified s to one of the following:

1. Arterial: An arterial is a high-volume street that should have no residences on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.
2. Collector: As the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets' to lower-order streets. Its function is to promote the free flow of traffic; as such, communities should not encourage parking or residences along a collector. The collector's secondary function is to serve abutting land uses. A collector street may also accommodate public transit such as buses.
3. Subcollector: The subcollector provides passage to access streets and conveys traffic to collectors. Like the access street, the subcollector provides frontage and access to residential lots but also carries some through traffic to lower-order (access) streets. The subcollector is a relatively low-volume street. Subcollectors usually serve more dwellings than an access street and carry a small volume of through traffic to one or more access streets.
4. Access: Sometimes called a place or land, the access street is designed to conduct traffic between dwelling units and higher order streets. The access street usually carries no through traffic and includes short streets, cul-de-sac, and courts. Access streets are noteworthy for their complete lack of

through  
traffic and  
for the fact  
that they  
serve only  
a few  
dwelling  
units.



Subdivide. The act or process of creating a subdivision.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develops or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion.

Surveyor. A registered, practicing surveyor, licensed by the State of Georgia.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the City council for approval and which, if approved, may be submitted to the Clerk of the Superior Court for \_\_\_\_\_ County for filing.

Variance. A modification of the terms of these Regulations where such modification will not be contrary to the public health, safety and welfare; where, owing to conditions peculiar to the property, not the result of actions of the subdivider or owner, a literal enforcement of these Regulations would result in unnecessary and undue hardship.

## **ARTICLE III**

### **PRELIMINARY PLAT PROCEUDRE**

### **MAJOR SUBDIVISION**

#### **SECTION 3.0    PROCEDURE FOR PRELIMINARY PLAT APPROVAL FOR MAJOR SUBDIVISION**

Following the preapplication review of a proposed major subdivision and the payment of a nonrefundable fee, the subdivider shall submit to the Planning and Zoning Office, with the Environmental Health Specialist Certificate of Approval or Environmental Protection Division, at least fifteen (15) working days prior to their next regular workshop meeting, the following:

#### **3.01 Application**

A letter requesting review and approval of a Preliminary Plat and giving the name, address and phone number of a person to contact, accompanied by a receipt signed by the Planning and Zoning Administrator, stating that a non-refundable fee has been paid by the applicant for major subdivision plat review, the fee being as follows:

1. Subdivision and Preliminary Plats. Two Hundred fifty (\$250.00) plus Twenty-Five Dollars (\$25.00) per lot over 10 lots.

#### **3.02 Preliminary Plat**

Ten (10) copies of the preliminary plat and any other related documents to be utilized as follows:

1. Zoning Official(s);
2. Planning and Zoning
3. EPD, County Sanitation, if needed
4. City Council
5. Engineering Review

The original copy shall be returned to the subdivider or his agent with a notation of the action taken by the City of Statham Council.

### **3.1 Review**

Planning and Zoning shall review the Preliminary Plat for conformance to this Ordinance. Following the review Planning and Zoning Office shall report the recommendations to the Council for approval or disapproval of the plat. Thereafter, the council shall at their regular meeting approve; approve subject to modifications, table, or disapprove the Preliminary Plat.

If approval is given subject to modifications, the required modifications shall be provided to the applicant in writing. All modifications shall be made on the Plat prior to final approval of the Preliminary Plat and issuance of any necessary permits.

If the Preliminary Plat is disapproved, the City of Statham Planning and Zoning shall notify the applicant, citing the reasons for disapproval.

The action of the council shall be noted on the copies of the Preliminary Plat, and one copy shall be returned to the subdivider or his agent, one copy added to the records of the Planning and Zoning Office and one copy kept and made part of the records of the Zoning Official(s).

If action on the Preliminary Plat is not taken by the Council within two consecutive regular meetings or sixty (60) days, whichever is greater, from the date the plat is submitted to the council, the Preliminary Plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement, and request an extension in writing.

Approval of a Preliminary Plat does not constitute approval of the Final Plat. It indicates only approval of the layout as a guide to the preparation of the Final Plat.

Preliminary Plat approval shall expire and be null and void after a period of one (1) year unless prior to expiration, a request for an extension of time, giving the reasons for such, is made in writing by the subdivider/ developer or his representatives and is approved by the City of Statham.

### **3.2 PRELIMINARY PLAT SPECIFICATION FOR MAJOR SUBDIVISIONS**

Preliminary Plats for major subdivisions shall meet the following specifications:

#### ***Scale***

The Preliminary Plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100') feet to one (1") inch.

#### ***Sheet Size***

Sheet size shall be a minimum size of 17" x 22" and printed on paper consistent with current engineering practices. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.



### ***Ground Elevations***

The Preliminary Plat shall show ground elevations, based on the datum plane of the U.S. Geological Survey (or other approved datum plane) with contour lines at intervals of not more than twenty (20') feet.

### ***Information to Be Provided On Preliminary Plats***

The Preliminary Plat shall contain the following information:

1. Date, Name and address of owner of record and of subdivider.
2. Tax Parcel identification number of property to be subdivided.
3. Proposed name of subdivision and proposed use of property to be subdivided.
4. Vicinity map showing location of the subdivision with respect to surrounding Streets/roads, adjoining developments, and the names of owners of record of Adjoining lands.
5. North point, numeric, and graphic scale.
6. Exact boundary lines of the tract with bearings and distances.
7. Total acreage, out lot acreage, if applicable, and the acreage of the smallest lot.
8. Block letters, lot numbers, and sizes. Unit divisions or staged development, if proposed by subdivider/developer.
9. Existing streets (with street names), easements, and utilities on and adjacent to the tract, including sewers, water mains, drainage pipes and easements and other underground structures within or immediately adjacent to the subject property.
10. Proposed layout, including streets and alleys, to be reviewed by City of Statham or their representative (engineering Review), with proposed street names, right-of-ways, paving width, radii and tangents, cross-section and centerline profile of each street; lot lines with approximate dimensions; minimum building setback lines; easements, land to be reserved or dedicated for public uses, and any lands to be used for purposes other than single-family dwellings, including total number of units.
11. Location, dimensions, and acreage of all property proposed to be dedicated for park, playground, or other public or private reservations, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
12. Location of existing buildings/structures or cemeteries on the tract.

13. Location of any significant historic sites/structures, distinctive natural features, significant stands of trees, important scenic views, rock outcrops, streams, lakes, drainage ways, swamps, or land subject to flood as determined from past history of flooding by surveyor of tract or from flood plain maps of the U.S. Geological Survey.
14. Station numbers along the centerline beginning with the Sta. 0+00 at the southern or westernmost intersection of an existing county road and denoted by upward ticks every 100 feet and cross ticks with the corresponding Sta. No.'s every 500ft. A Sta. No. to the nearest one foot at the intersection of each street or alley. That Sta. No. will be equal to Sta. 0+00 of the street or alley. The terminating Sta. No. of a cul-de-sac will be the radius point.  
Cross-section, profile grade, and finish grade profile in critical areas as determinedly the engineering review. Angles of deflection and radii for curves, angles of Intersections, radii, and lengths of tangents.
15. Provisions for water supply, sewerage, and Storm Water Management, to be reviewed by the County Sanitarian or EPD, and Planning and Zoning Department.
16. Inscription stating "NOT FOR FINAL RECORDING"

17.. The following certification:

- a. **An Engineer's or Surveyor's Certification**, directly on the Preliminary Plat as follows:

It is hereby certified that this Plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown; and that all engineering, requirements of the Subdivision Regulations of City of Statham have been fully complied with.

By: \_\_\_\_\_

Registered C.E. No. \_\_\_\_\_

Registered GA. Land Surveyor, No \_\_\_\_\_

- b. A Certificate of Approval by the Barrow County Health Department, or EPD signed and dated by the County Sanitarian, shall be inscribed on the Plat.

- c. A Certificate of Approval of the Preliminary Plat by the City of Statham Council shall be inscribed on the Plat as follows:

Pursuant to the Land Subdivision Regulations of the City of Statham all The requirements of Preliminary Approval having been fulfilled, this Preliminary Plat was given Approval by the City of Statham on \_\_\_\_\_, 20\_\_\_\_\_.

This Preliminary Approval does not consist approval of Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on:

\_\_\_\_\_  
Date (One year from preliminary approval)

\_\_\_\_\_  
*Planning and Zoning*

\_\_\_\_\_  
*Mayor, City of Statham*

#### **Soil Erosion and Sedimentation Plan**

A soil erosion and Sedimentation Plan, as required, must be submitted after the Preliminary Plat review by Planning and Zoning.

## **FINAL SUBDIVISION PROCEDURE**

### **3.5 APPLICATION FOR FINAL PLAT APPROVAL**

The subdivider/developer shall submit an application for Final Plat Approval within one (1) year from the date of tentative approval of the Preliminary Plat by the City of Statham. Failure to submit a Final Plat within the one (1) year period following approval of the Preliminary Plat shall void the Plat. A extension for a period not to exceed six (6) months may be granted by the City Council, if prior to expiration, a written application for such extension stating the reasons for the request, is made by the subdivider/developer or his representatives.

The subdivider/developer shall submit to Planning and Zoning Office at least ten (10)days prior to their next regular council meeting:

1. A letter requesting review and approval of a Final Plat and giving the name, address, and telephone number of the person to contact, accompanied by a receipt signed by the Clerk of the City of Statham indicating that all applicable fees have been paid in full.
2. Ten copies of the Final Plat, the original of which shall be drawn in ink on quality paper consistent with current engineering practices, and other related documents including, where appropriate, surety for completion of the required improvements as specified in Section ----- **Final Plat Specifications for Major Subdivisions**, of this article, and in **Article X-Surety For Completion And Maintenance Of Improvements**, of this Ordinance.

### **3.6 REVIEW FOR FINAL PLAT**

At its workshop the City Council shall check the Final Plat for conformance with the tentatively approved Preliminary Plat and with which rules and regulations of this Ordinance. Notice of the time and place of said meeting shall be sent by Planning and Zoning to the person designated in the letter requesting Final Plat review and approval, not less than seven (7) days prior to the date of the Planning and Zoning review. Following the review, Planning and Zoning shall report the recommendations to the City Council for the approval or disapproval of the Final Plat. The applicant shall be notified of the results of the Planning and Zoning and City Council review.

After reviewing the Final Plat and the recommendations of the Planning and Zoning, the City Council at their regular meeting shall approve or disapprove the Final Plat and the applicant shall be notified of the results. The action of the City Council shall be noted on the original tracing and all prints of the Final Plats, shall include a statement of the reasons for the decision, if the Final Plat is disapproved. One copy of the Plat shall be retained for the records of Planning and Zoning and one copy retained for the records of the Zoning Official(s). If action is not taken by the City of Statham within two consecutive meetings or thirty(30) days, whichever is greater, from the date of submission to the City of Statham the final plat shall be considered approved And a Certificate of Approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent in writing to an extension of time.

### **3.7 PLAT REVISIONS PROHIBITED**

No change, erasure, or revision shall be made on any Preliminary or Final Plats, nor on accompanying data sheets after approval by the City of Statham. In no case shall the City of Statham approve a revision unless the fact that it is a revised plat is clearly stated thereon.

### **3.8 RECORDING THE FINAL PLAT**

Upon approval of the Final Plat, it shall be recorded in the Office of the Clerk of Superior Court of Barrow County. The applicant shall be responsible for the recording of such Final Plat in the Office of the Clerk of Superior Court.

### **3.9 FINAL PLAT SPECIFICATIONS FOR MAJOR SUBDIVISIONS**

The Final Plat shall conform to and meet the specifications of the Preliminary Plat with the following additions:

#### **Additional Information To Be Provided On The Final Plat**

The Final Plat shall be clearly and legibly drawn in permanent ink or blue line on material Recommended by the Clerk Of Superior Court. Sheet sizes shall be a minimum of 17"x 22" and where more than one sheet is required, an index map shall be required on the same size sheet.. The Final Plat shall show:

1. Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments ( not less than three) shall be accurately described on the plat.
2. Municipal, County and land lot lines accurately tied to the lines of the subdivision by distances and angles when such lines traverse or are reasonably close to the subdivision.
3. Exact boundary lines of the tract, determined by a field survey.

4. Name of subdivision, exact locations, widths and names of all streets and alleys within and immediately adjoining the Plat.
5. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
6. Lot lines with dimensions to the nearest one-tenth foot and bearings to the nearest minute.
7. Lots numbered in numerical order and lettered alphabetically.
8. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
9. Accurate location, material and description of monuments and markers.
10. A statement, either directly on the Plat or in an identified attached document, of any private deed restrictions (covenants) which the developer intends to apply to the subdivision. All deed restrictions shall meet or exceed the requirements contained in these regulations.
11. The following Certification:

a. **An Engineer's or Surveyor's Certification**, directly on the Final Plat as follows:

It is hereby certified that this Plat is true and correct and was prepared from an actual Survey of the property by me and under my supervision; that all monuments shown hereon actually exist or are marked as "future", and their location, size, type, and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of Georgia, have been fully complied with.

By: \_\_\_\_\_

Registered C.E. No. \_\_\_\_\_

Registered GA Land Surveyor, No. \_\_\_\_\_

b. An **Owner's Certification** directly on the Plat as follows:

**Owner's Certification:**

State Of Georgia, City of Statham

The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, county and city taxes or other assessments now due on this land have been paid.

Agent \_\_\_\_\_ Date \_\_\_\_\_

Owner \_\_\_\_\_ Date \_\_\_\_\_

- c. **Certificate of Dedication.** A certificate by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating should be attached to the Final Plat (not necessary for subdivision that is platted with private streets).

*Certificate of Ownership and Dedication*

*I (we) hereby certify that I (we) adopt this plan of subdivision and dedicate all streets, alleys, Walkways, and other open spaces to public use as noted.*

Date: \_\_\_\_\_, 20 \_\_\_\_.

Owner: \_\_\_\_\_

**d. Certificate of Receipt of Surety for Required Improvements.**

Where appropriate, the following form shall be printed directly on the Final Plat as follows:

*I hereby certify that a security bond or certified check in the amount of \$ \_\_\_\_\_  
has been received to assure completion of all required improvements in the subdivision plat  
attached hereto in the event of default by the developer.*

*Date: \_\_\_\_\_, 20 \_\_\_\_.*

\_\_\_\_\_  
*Mayor, City of Statham*

**e. Certification of Individual Private Water and/or Sewer System, directly on the  
Final Plat as follows:**

*I hereby certify that the individual private sewerage collection and disposal system and  
the individual water supply and distribution systems installed or to be installed, and/or  
the plans for private sewage disposal system in the subdivision plat attached hereto meet the  
requirements of the Health Department.*

*Lot number(s) \_\_\_\_\_*

\_\_\_\_\_  
*is (are) not approved for private sewage disposal systems.*

*Date: \_\_\_\_\_, 20 \_\_\_\_.*

\_\_\_\_\_  
*Health Officer*



**f. Certificate of Recommendations**

*I hereby certify that the subdivision plat shown hereon has been found to comply with the land subdivision regulations of City of Statham Georgia, and that it is recommended to the City of Statham for approval.*

Date \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
*Planning and Zoning Administrator*

**g. Certificate of Approval for Recording**

*I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Subdivision Regulations of City of Statham, Georgia and that it has been approved by the City of Statham for recording in the Office of the Clerk of Superior Court of Barrow County.*

Date \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
*Mayor, City of Statham*

*New*

## **ARTICLE III**

### **PRELIMINARY PLAT PROCEDURE**

### **MAJOR SUBDIVISION**

#### **SECTION 3.1    PROCEDURE FOR PRELIMINARY PLAT APPROVAL FOR MAJOR SUBDIVISION**

Following the preapplication review of a proposed major subdivision and the payment of a nonrefundable fee, the subdivider shall submit to the Planning and Zoning Office, with the Environmental Health Specialist Certificate of Approval or Environmental Protection Division, at least fifteen (15) working days prior to their next regular workshop meeting, the following:

#### **1.    Application**

A letter requesting review and approval of a Preliminary Plat and giving the name, address and phone number of a person to contact, accompanied by a receipt signed by the Planning and Zoning Administrator, stating that a non-refundable fee has been paid by the applicant for major subdivision plat review, the fee being as follows:

Subdivision and Preliminary Plats. Two Hundred fifty (\$250.00) plus Twenty-Five Dollars (\$25.00) per lot over 10 lots.

#### **2.    Preliminary Plat**

Ten (10) copies of the preliminary plat and any other related documents to be utilized as follows:

- a.. Zoning Official(s);
- b. Planning and Zoning
- c. EPD, County Sanitation, if needed
- d. City Council
- e. Engineering Review

The original copy shall be returned to the subdivider or his agent with a notation of the action taken by the City of Statham Council.

### **3. Review**

Planning and Zoning shall review the Preliminary Plat for conformance to this Ordinance. Following the review Planning and Zoning Office shall report the recommendations to the Council for approval or disapproval of the plat. Thereafter, the council shall at their regular meeting approve; approve subject to modifications, table, or disapprove the Preliminary Plat.

If approval is given subject to modifications, the required modifications shall be provided to the applicant in writing. All modifications shall be made on the Plat prior to final approval of the Preliminary Plat and issuance of any necessary permits.

If the Preliminary Plat is disapproved, the City of Statham Planning and Zoning shall notify the applicant, citing the reasons for disapproval.

The action of the council shall be noted on the copies of the Preliminary Plat, and one copy shall be returned to the subdivider or his agent, one copy added to the records of the Planning and Zoning Office and one copy kept and made part of the records of the Zoning Official(s).

If action on the Preliminary Plat is not taken by the Council within two consecutive regular meetings or sixty (60) days, whichever is greater, from the date the plat is submitted to the council, the Preliminary Plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement, and request an extension in writing.

Approval of a Preliminary Plat does not constitute approval of the Final Plat. It indicates only approval of the layout as a guide to the preparation of the Final Plat.

Preliminary Plat approval shall expire and be null and void after a period of one (1) year unless prior to expiration, a request for an extension of time, giving the reasons for such, is made in writing by the subdivider/ developer or his representatives and is approved by the City of Statham.

### **4. PRELIMINARY PLAT SPECIFICATION FOR MAJOR SUBDIVISIONS**

Preliminary Plats for major subdivisions shall meet the following specifications:

#### ***Scale***

The Preliminary Plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100') feet to one (1") inch.

## ***Sheet Size***

Sheet size shall be a minimum size of 17" x 22" and printed on paper consistent with current engineering practices. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

## **5. *Ground Elevations***

The Preliminary Plat shall show ground elevations, based on the datum plane of the U.S. Geological Survey (or other approved datum plane) with contour lines at intervals of not more than twenty (20') feet.

## **6. *Information to Be Provided On Preliminary Plats***

The Preliminary Plat shall contain the following information:

- a. Date, Name and address of owner of record and of subdivider.
- b. Tax Parcel identification number of property to be subdivided.
- c. Proposed name of subdivision and proposed use of property to be subdivided.
- d. Vicinity map showing location of the subdivision with respect to surrounding Streets/roads, adjoining developments, and the names of owners of record of Adjoining lands.
- e. North point, numeric, and graphic scale.
- f. Exact boundary lines of the tract with bearings and distances.
- g. Total acreage, out lot acreage, if applicable, and the acreage of the smallest lot.
- h. Block letters, lot numbers, and sizes. Unit divisions or staged development, if proposed by subdivider/developer.
- i. Existing streets (with street names), easements, and utilities on and adjacent to the tract, including sewers, water mains, drainage pipes and easements and other underground structures within or immediately adjacent to the subject property.
- j. Proposed layout, including streets and alleys, to be reviewed by City of Statham or their representative (engineering Review), with proposed street names, right-of-ways, paving width, radii and tangents, cross-section and centerline profile of each street; lot lines with approximate dimensions; minimum building setback lines; easements, land to be reserved or dedicated for public uses, and any lands to be used for purposes other than single-family dwellings, including total number of units.

- k. Location, dimensions, and acreage of all property proposed to be dedicated for park, playground, or other public or private reservations, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- l. Location of existing buildings/structures or cemeteries on the tract.
- m. Location of any significant historic sites/structures, distinctive natural features, significant stands of trees, important scenic views, rock outcrops, streams, lakes, drainage ways, swamps, or land subject to flood as determined from past history of flooding by surveyor of tract or from flood plain maps of the U.S. Geological Survey.
- n. Station numbers along the centerline beginning with the Sta. 0+00 at the southern or westernmost intersection of an existing county road and denoted by upward ticks every 100 feet and cross ticks with the corresponding Sta. No.'s every 500ft. A Sta. No. to the nearest one foot at the intersection of each street or alley. That Sta. No. will be equal to Sta. 0+00 of the street or alley. The terminating Sta. No. of a cul-de-sac will be the radius point.  
Cross-section, profile grade, and finish grade profile in critical areas as determined by the engineering review. Angles of deflection and radii for curves, angles of Intersections, radii, and lengths of tangents.
- o. Provisions for water supply, sewerage, and Storm Water Management, to be reviewed by the County Sanitarian or EPD, and Planning and Zoning Department.
- p. Inscription stating "NOT FOR FINAL RECORDING"

17. The following certification:

- a. An **Engineer's or Surveyor's Certification**, directly on the Preliminary Plat as follows:

It is hereby certified that this Plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown; and that all engineering, requirements of the Subdivision Regulations of City of Statham have been fully complied with.

By: \_\_\_\_\_

Registered C.E. No. \_\_\_\_\_

Registered GA. Land Surveyor, No. \_\_\_\_\_

- b. A Certificate of Approval by the Barrow County Health Department, or EPD signed and dated by the County Sanitarian, shall be inscribed on the Plat.

- c. A Certificate of Approval of the Preliminary Plat by the City of Statham Council shall be inscribed on the Plat as follows:

Pursuant to the Land Subdivision Regulations of the City of Statham all The requirements of Preliminary Approval having been fulfilled, this Preliminary Plat was given Approval by the City of Statham on \_\_\_\_\_, 20\_\_\_\_\_.

This Preliminary Approval does not consist approval of Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on:

\_\_\_\_\_  
Date (One year from preliminary approval)

\_\_\_\_\_  
*Planning and Zoning*

\_\_\_\_\_  
*Mayor, City of Statham*

#### **Soil Erosion and Sedimentation Plan**

A soil erosion and Sedimentation Plan, as required, must be submitted after the Preliminary Plat review by Planning and Zoning.

## **3.2 FINAL SUBDIVISION PROCEDURE**

### **1. APPLICATION FOR FINAL PLAT APPROVAL**

The subdivider/developer shall submit an application for Final Plat Approval within one (1) year from the date of tentative approval of the Preliminary Plat by the City of Statham. Failure to submit a Final Plat within the one (1) year period following approval of the Preliminary Plat shall void the Plat. A extension for a period not to exceed six (6) months may be granted by the City Council, if prior to expiration, a written application for such extension stating the reasons for the request, is made by the subdivider/developer or his representatives.

The subdivider/developer shall submit to Planning and Zoning Office at least ten (10)days prior to their next regular council meeting:

- a. A letter requesting review and approval of a Final Plat and giving the name, address, and telephone number of the person to contact, accompanied by a receipt signed by the Clerk of the City of Statham indicating that all applicable fees have been paid in full.
- b. Ten copies of the Final Plat, the original of which shall be drawn in ink on quality paper consistent with current engineering practices, and other related documents including, where appropriate, surety for completion of the required improvements as specified in Section ----- **Final Plat Specifications for Major Subdivisions**, of this article, and in **Article X-Surety For Completion And Maintenance Of Improvements**, of this Ordinance.

### **2. REVIEW FOR FINAL PLAT**

At its workshop the City Council shall check the Final Plat for conformance with the tentatively approved Preliminary Plat and with which rules and regulations of this Ordinance. Notice of the time and place of said meeting shall be sent by Planning and Zoning to the person designated in the letter requesting Final Plat review and approval, not less than seven (7) days prior to the date of the Planning and Zoning review. Following the review, Planning and Zoning shall report the recommendations to the City Council for the approval or disapproval of the Final Plat. The applicant shall be notified of the results of the Planning and Zoning and City Council review.

After reviewing the Final Plat and the recommendations of the Planning and Zoning, the City Council at their regular meeting shall approve or disapprove the Final Plat and the applicant shall be notified of the results. The action of the City Council shall be noted on the original tracing and all prints of the Final Plats, shall include a statement of the reasons for the decision, if the Final Plat is disapproved. One copy of the Plat shall be retained for the records of Planning and Zoning and one copy retained for the records of the Zoning Official(s). If action is not taken by the City of Statham within two consecutive meetings or thirty(30) days, whichever is greater, from the date of submission to the City of Statham the final plat shall be considered approved And a Certificate of Approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent in writing to an extension of time.

### **3. PLAT REVISIONS PROHIBITED**

No change, erasure, or revision shall be made on any Preliminary or Final Plats, nor on accompanying data sheets after approval by the City of Statham. In no case shall the City of Statham approve a revision unless the fact that it is a revised plat is clearly stated thereon.

### **4. RECORDING THE FINAL PLAT**

Upon approval of the Final Plat, it shall be recorded in the Office of the Clerk of Superior Court of Barrow County. The applicant shall be responsible for the recording of such Final Plat in the Office of the Clerk of Superior Court.

### **5. FINAL PLAT SPECIFICATIONS FOR MAJOR SUBDIVISIONS**

The Final Plat shall conform to and meet the specifications of the Preliminary Plat with the following additions:

#### **6. Additional Information To Be Provided On The Final Plat**

The Final Plat shall be clearly and legibly drawn in permanent ink or blue line on material Recommended by the Clerk Of Superior Court. Sheet sizes shall be a minimum of 17"x 22" and where more than one sheet is required, an index map shall be required on the same size sheet.. The Final Plat shall show:

- a. Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments ( not less than three) shall be accurately described on the plat.
- b. Municipal, County and land lot lines accurately tied to the lines of the subdivision by distances and angles when such lines traverse or are reasonably close to the subdivision.
- c. Exact boundary lines of the tract, determined by a field survey.



- d. Name of subdivision, exact locations, widths and names of all streets and alleys within and immediately adjoining the Plat.
- e. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
- f. Lot lines with dimensions to the nearest one-tenth foot and bearings to the nearest minute.
- g. Lots numbered in numerical order and lettered alphabetically.
- h. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
- i. Accurate location, material and description of monuments and markers.
- j. A statement, either directly on the Plat or in an identified attached document, of any private deed restrictions (covenants) which the developer intends to apply to the subdivision. All deed restrictions shall meet or exceed the requirements contained in these regulations.
- k. The following Certification:

1. a. **An Engineer's or Surveyor's Certification**, directly on the Final Plat as follows:

It is hereby certified that this Plat is true and correct and was prepared from an actual Survey of the property by me and under my supervision; that all monuments shown hereon actually exist or are marked as "future", and their location, size, type, and material are correctly shown; and that all engineering requirements of the Subdivion Regulations of Georgia, have been fully complied with.

By: \_\_\_\_\_

Registered C.E. No. \_\_\_\_\_

Registered GA Land Surveyor, No. \_\_\_\_\_

- b. An **Owner's Certification** directly on the Plat as follows:

Owner's Certification:

State Of Georgia, City of Statham

The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, county and city taxes or other assessments now due on this land have been paid.

Agent \_\_\_\_\_ Date \_\_\_\_\_

Owner \_\_\_\_\_ Date \_\_\_\_\_

- c. **Certificate of Dedication.** A certificate by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating should be attached to the Final Plat (not necessary for subdivision that is platted with private streets).

*Certificate of Ownership and Dedication*

*I (we) hereby certify that I (we) adopt this plan of subdivision and dedicate all streets, alleys, Walkways, and other open spaces to public use as noted.*

*Date:* \_\_\_\_\_, 20 \_\_\_\_.

*Owner:* \_\_\_\_\_

**d. Certificate of Receipt of Surety for Required Improvements.**

Where appropriate, the following form shall be printed directly on the Final Plat as follows:

*I hereby certify that a security bond or certified check in the amount of \$ \_\_\_\_\_ has been received to assure completion of all required improvements in the subdivision plat attached hereto in the event of default by the developer.*

Date: \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor, City of Statham

**e. Certification of Individual Private Water and/or Sewer System, directly on the Final Plat as follows:**

*I hereby certify that the individual private sewerage collection and disposal system and the individual water supply and distribution systems installed or to be installed, and/or the plans for private sewage disposal system in the subdivision plat attached hereto meet the requirements of the Health Department.*

Lot number(s) \_\_\_\_\_

\_\_\_\_\_  
is (are) not approved for private sewage disposal systems.

Date: \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Health Officer

**f. Certificate of Recommendations**

*I hereby certify that the subdivision plat shown hereon has been found to comply with the land subdivision regulations of City of Statham Georgia, and that it is recommended to the City of Statham for approval.*

Date \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
*Planning and Zoning Administrator*

**g. Certificate of Approval for Recording**

*I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Subdivision Regulations of City of Statham, Georgia and that it has been approved by the City of Statham for recording in the Office of the Clerk of Superior Court of Barrow County.*

Date \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
*Mayor, City of Statham*

## ARTICLE III. ADOPTION

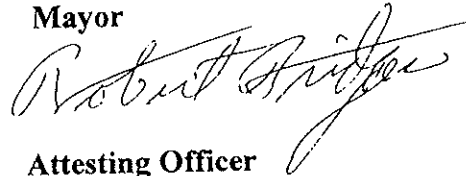
### 3.10 Effective Date

These regulations shall take effect and be in force ~~from and after the~~ immediately day of its adoption, public welfare demanding it.

Adopted and approved by the city Council on the 18th day of September, 2007

APPROVED:

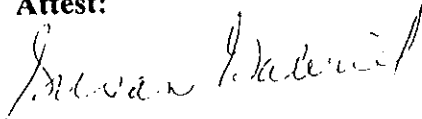
Mayor



Attesting Officer

Title:

Attest:



City Clerk



# **ARTICLE IV. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN**

## **4.1 General Improvements**

### **1. *Conformance to Applicable Rules and Regulations.***

In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations:

- a. All applicable statutory provisions.
- b. (Name of Statham)'s zoning ordinance, building and housing codes, and all other applicable laws of the appropriate Stathams.
- c. The Official Map, Public Utilities Plan, and Capital Improvements Program of (Name of Statham), including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted.
- d. The special requirements of these regulations and any rules of the Health Department and/or appropriate state or substate agencies.
- e. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or connecting street.
- f. The standards and regulations adopted by the City Engineer and all boards, commission, agencies, and officials of the city.
- g. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of these regulations established in Section 1.3 of these regulations.

### **2. *Adequate Public Facilities.***

No preliminary plat shall be approved unless the City council determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the City council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision. Public facilities and services to be examined for adequacy will include roads and public transportation facilities, sewerage, water service, schools, police stations, and fire stations.

- a. Periodically the City council will establish by resolution, after public hearing, guidelines for the determination of the adequacy of public facilities and services. To provide the basis for the guidelines, the City Engineer must prepare an analysis of current growth and the amount of additional growth that can be accommodated by future public facilities and services. The City council must require any changes in preliminary plat approval criteria it finds appropriate in light of its experience in administering these regulations.
- b. The applicant for a preliminary plat must, at the request of the City council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision.
- c. *Comprehensive Plan Consistency Required.* Proposed public improvements shall conform to and be property related to the comprehensive plan and all applicable capital improvements plans.

- d. *Wastewater.* All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
- e. *Stormwater Management.* Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The city may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impacts of the proposed developments.
- f. *Roads.* Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.
- g. *Extension Policies.* All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, waterlines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The city may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

### **3. *Self-Imposed Restrictions.***

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions may be required to be indicated on the subdivision plat, or the City council may require that restrictive covenants be recorded with the Clerk of the Superior Court in a form approved by the City Attorney.

### **4. *Plat Straddling Municipal Boundaries.***

Whenever access to the subdivision is required across land in another local government, the City council may request assurance from the City Attorney that access is legally established, and from the City Engineer that the access road is adequately improved, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

### **5. *Monuments.***

The applicant shall place permanent reference monuments in the subdivision as required in these regulations and as approved by a Registered Land Surveyor.

- a. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
- b. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than thirty (30) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes at least thirty (30) inches long and two (2) inches in diameter. These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line,



those points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

- c. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river changes its radius, and at all angle points in any line.
- d. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least thirty (30) inches long and seven-eighths ( $\frac{7}{8}$ ) inch in diameter or by round or square iron bars at least thirty (30) inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.
- e. All monuments required by these regulations shall be set flush with the ground and planted in such a manner that they will not be removed by frost.
- f. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the City council recommend approval of the final plat.

**6. Character of the Land.**

Land that the City council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City council, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public, health, safety, and welfare.

**7. Subdivision Name.**

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The City council shall have final authority to designate the name of the subdivision, which shall be determined at preliminary plat approval.

**8. Large Scale Development.**

The requirements of these regulations may be modified in the case of a large-scale community, commercial or neighborhood development in excess of fifteen (15) acres that is not subdivided into customary lots, blocks, and streets. Such modifications shall conform with the purpose and intent of these regulations, and shall follow the requirements of a Planned Unit Development (PUD) as included in the Zoning Regulations of (Name of Statham).

## **4.2 Lot Improvements**

**1. Lot Arrangement.**

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on the lots from an approved street.

**2. Lot Dimensions.**

Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area of the zoning district, the City council may require that those lots be arranged so as to allow further subdivision and opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angle to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of building, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

**3. Lot Orientation.**

The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

**4. Front Yard Setback Lines.**

A line meeting the front yard setback requirements of the Zoning Ordinance shall be established on all lots. Any projection beyond the front building line such as uncovered porches, steps, eaves, gutters, and similar fixtures shall be subject to provisions of the Zoning Ordinance and approved or disapproved by the appropriate City official for each individual application.

**5. Double Frontage Lots and Access to Lots.**

- a. *Double Frontage Lots.* Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Double frontage lots which are necessary shall be required to have a no-access easement across them, preventing access to arterial or collector streets.
- b. *Access from Major and Secondary Arterials.* Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the City council may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major and secondary arterials.

**6. Soil Preservation , Grading, and Seeding.**

- a. *Soil Preservation and Final Grading.* No certificate of occupancy shall be issued until final grading has been completed and the lot precovered with soil with an average depth of at least six (6) inches which shall contain no particles more than two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide as

least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

- b. *Lot Drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- c. *Lawn-Grass Seed and Sod.* Sod or any approved grass seed may be used to comply with any requirements of seeding set forth herein. Lawn-grass seed shall be sown at not less than four (4) pounds to each one-thousand (1,000) square feet of land area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot except for any portion left in an unaltered state. No certificate of occupancy shall be issued until resspreading of soil and seeding of lawn has been completed; except that between October 1 and March 15, and between May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and the property owner, with a copy to the Building Inspector, that resspreading of soil and seeding of lawn will be done during the immediate following planting season as set for in the ordinance, and leave a cash escrow for performance in an amount determined by the Building Inspector.

**7. *Debris and Waste.***

No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy on a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of any subdivision improvement agreement or dedication of public improvements, which ever is sooner.

**8. *Waterbodies and Watercourses.***

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The City council may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than twenty-five percent (25%) of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure of design approved by the City Engineer.

**9. *Subdivision Improvement Agreement and Security to Include Lot Improvement.***

The applicant shall enter into a separate subdivision improvement agreement secured by a letter of credit or cash escrow to guarantee completion of all lot improvement requirements including but not limited to, soil preservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the City council. Whether or not a certificate of occupancy has been issued, the city may enforce the provision of the subdivision improvement agreement where the provision of this section or any other applicable law, ordinance, or regulation have not been met.

City of Statham  
County of Barrow  
State of Georgia

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF STATHAM; TO PROVIDE FOR POSTING OF PERFORMANCE AND MAINTENANCE BONDS OR AGREEMENTS; TO PROVIDE FOR A TIME FOR SUCH BONDS OR AGREEMENTS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STATHAM, GEORGIA THAT THE CODE OF ORDINANCES OF THE CITY OF STATHAM SHALL BE AMENDED AS FOLLOWS:

1. The Code of Ordinances of the City of Statham is amended to create a new Section \_\_\_\_, the text of which will be as follows

Sec. \_\_\_\_\_. Performance and maintenance agreement.

(a) Development performance and maintenance. Before approval of the final plat, the owner shall file a final development performance and maintenance agreement with the city as a prerequisite to the approval of a final plat or issuance of a certificate of occupancy for any part of a project included in the development permit. The development performance and maintenance agreement shall be in a form as required by the city and shall include the following:

(1) Any final required landscaping improvement or other improvements yet to be completed. Such improvements shall be completed in accordance with a schedule acceptable to the city.

(2) Maintenance of the public streets, drainage facilities, water system improvements and sanitary sewer improvements and easements for eighteen (18) months after the date of approval of the final plat. Repairs shall be made by the owner for any deficiencies identified by the city within any of such streets, facilities, improvements or easements within, said 18-month period or the surety bond may be called by the city to complete same.

(3) Indemnification of the city against all liability for damages arising as a result of errors or omissions in the design or construction of the development for a period of ten (10) years.

(b) Performance and maintenance surety bond.

(1) The performance and maintenance surety bond may, be in the form of cash deposited with the city, or a bond issued by a surety acceptable to the city, or an irrevocable letter of credit from a local financial institution, all in a form acceptable to the city.

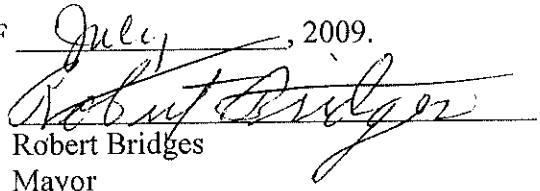
(2) Performance and maintenance surety bonds shall, in all cases, be provided in an amount established by the city. The maintenance bond period shall be not less than eighteen (18) months from the approval of the final plat. The performance bond for the completion of the required improvements shall not exceed the time period agreed to by the city for completion of the improvements pursuant to section \_\_\_\_.

(3) In cases where the maintenance surety and performance surety are to cover a second phase or any other later stage of a development project governed by this article, said sureties shall be required to be extended in amount and application to cover the original phase of the project in addition to said later phase for the same period of application as set out in section \_\_\_\_ if the later phase will utilize the same entrance street as that used by the original phase of the project.

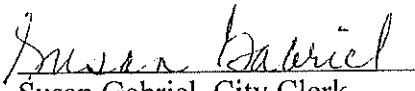
(4) In the event the development has not completed at least ninety (90) percent build out by end of the original bonding period, the bond shall be renewed in three-month intervals until ninety (90) percent build out of the development is complete.

2. All ordinances, parts of ordinances, or regulations in conflict with this ordinance are hereby repealed.
3. This ordinance shall become part of the Code of Ordinances of the City of Statham, Georgia.
4. This ordinance shall be effective eight days after adoption.

SO ORDAINED THIS 21<sup>st</sup> DAY OF July, 2009.

  
Robert Bridges  
Mayor

ATTEST:

  
Susan Gabriel, City Clerk

## 4.3 Roads

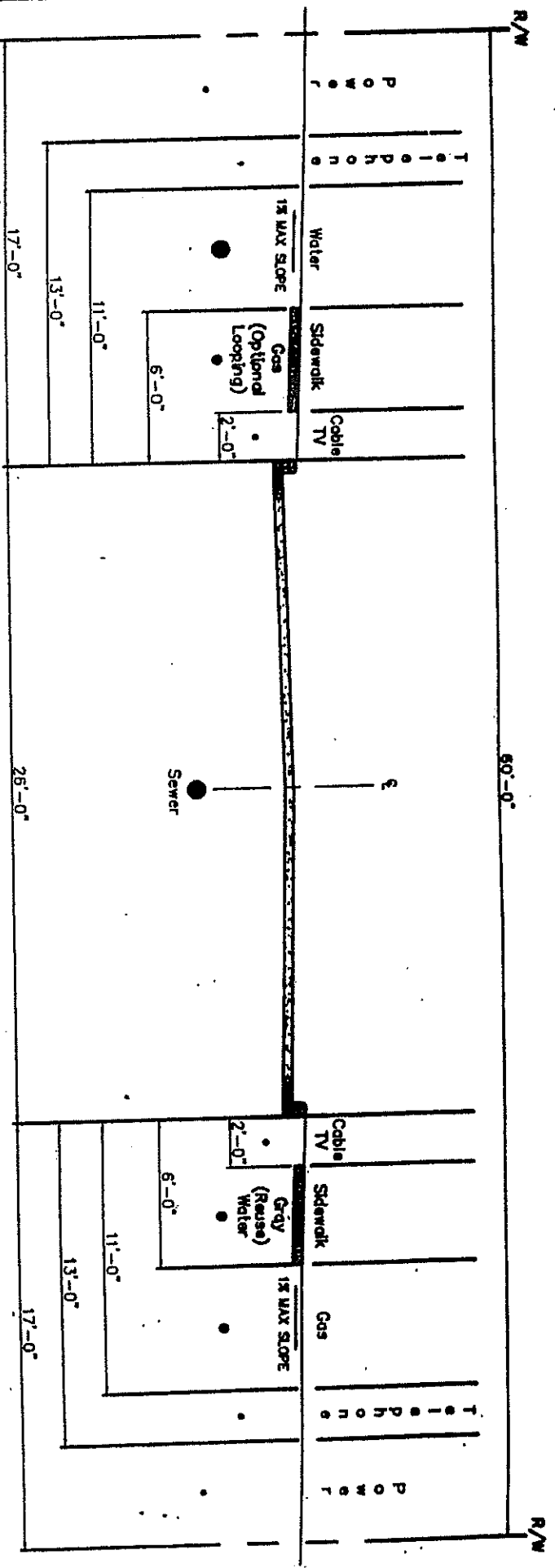
### 1. General Requirements.

- a. *Frontage on Improved Roads.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is no Official Map, unless such street is:
  - i. an existing state, county, or city highway; or
  - ii. a street shown upon a plat approved by the City council and recorded in the office of the Clerk of the Superior Court. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Official Map Plan.

Where the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided above.

- b. *Grading and Improvement Plan.* Roads shall be graded and improved and conform to the local government construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
- c. *Classifications.* All roads shall be classified as either arterial, collector, subcollector, or access. In classifying roads, the City shall consider projected traffic demands after 20 years of development.
- d. *Topography and Arrangement .*
  - i. Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades to the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
  - ii. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map and/or Comprehensive Plan.
  - iii. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
  - iv. Minor or local streets shall be laid out to conform as much as possible to the topography to discourage use by through-traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
  - v. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

- vi. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the City council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.
  - vii. In business and industrial developments, the streets and their access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- e. *Blocks.*
- i. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
  - ii. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.
  - iii. In long blocks the City council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
  - iv. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the City council through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the City council for prospective use.
- f. *Access to Primary Arterials.* Where a subdivision borders on or contains an existing or proposed primary arterial, the City council may require that access to such streets be limited by one of the following means:
- i. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
  - ii. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel streets, with the rear lines of their terminal lots backing onto the primary arterial.
  - iii. A marginal access or service road (separated from the primary arterial by a planning or grass strip and having access at suitable points).
- g. *Road Names.* The sketch plat as submitted shall indicate any names for proposed streets. The City Clerk may consult the local postmaster prior to the City council's determination. Names shall be sufficiently different in sound and spelling from other road names in the city so as not to cause confusion. A road which is, or is planned as a continuation of an existing road shall bear



# **NOTES:**

- (1) ALL DIMENSIONS ARE MEASURED FROM BACK OF CURB, REGARDLESS OF RW WIDTH.
- (2) BEFORE ANY UTILITY IS INSTALLED, THE ENTIRE WIDTH OF THE RW SHALL BE AT FINISHED GRADE, AND ALL CONCRETE CURBING SET AT FINAL GRADES.
- (3) THE FINISHED GRADE WITHIN THE RW SHALL NOT EXCEED A 1% SLOPE.
- (4) IN GENERAL, THE DEEPEST UTILITIES SHOULD BE INSTALLED FIRST TO MINIMIZE ANY POSSIBLE INTERFERENCE WITH LATERALS OR SERVICE LINES.
- (5) STREET OPENING PERMITS ARE REQUIRED BEFORE ANY COMPLETED PAVEMENT CAN BE CUT FOR ANY PURPOSE.
- (6) IN CUL-DE-SAC STREETS, ALL DIMENSIONS SHALL REMAIN IDENTICAL TO STANDARD STREET SPACING.
- (7) EACH UTILITY SHALL BE RESPONSIBLE FOR REPAIR OF ANY DAMAGE THEY CREATE TO OTHER UTILITY LINES, OR TO THE STREET IMPROVEMENTS WITHIN THE RW.
- (8) ALL STREET LIGHTS SHALL REMAIN WITHIN THE POWER UTILITY CORRIDOR.

**BARROW COUNTY UTILITIES ASSOCIATION**

**DESCRIPTION**

**PROPOSED UTILITY CORRIDOR DETAIL**

**SCALE:**

**Not To Scale**

**DATE:**

**001**

8-21-01



the same name.

- h. **Road Regulatory Signs.** The applicant shall deposit with the city at the time of final subdivision approval the sum of fifty dollars (\$50) for each road sign required by the City Engineer at all road intersections. The city shall install all road signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the City Engineer.

- i. **Reserve Strips.** The creation of reserve strips shall not be permitted adjacent to a proposed streets in such a manner as to deny access from adjacent property to the street.

- j. **Construction of Roads and Dead-End Roads.**

- i. **Construction of Roads.** The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where the continuation is in accordance with the City's traffic plan. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The City council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

- ii. **Dead-End Roads (Permanent).** Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the City council for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the City council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

## **2. Design Standards.**

- a. **General.** In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required and shall be planned for and provided by the subdivider, prior to the approval of the final plat. Road classifications may be indicated in the Comprehensive Plan; otherwise, they shall be determined by the City council.

b. *Rights-of-Way.*

- i. Minimum Street Rights-of-Way. Minimum street right-of-way width, if curb and gutter is provided, shall be as follows:

Arterial	.....	64 feet
Collector	.....	54 feet
Subcollector	.....	50 feet
Access		
residential	.....	50 feet
commercial	.....	50 feet

If curb and gutter is not provided, minimum street right-of-way width must be increased to a minimum of 60 feet.

- ii. Additional Right-of-Way. Right-of-way widths in excess of the standards, designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate cut slopes. Such slopes shall not be in excess of three-to-one.

c. *Street Pavement Widths.* Street pavement widths shall be as follows:

Arterial	.....	24 feet
Collector	.....	24 feet
Subcollector	.....	20 feet
Access		
residential	.....	20 feet
commercial	.....	20 feet

If pavement width exceeds 20 feet, then right-of-way width must be increased proportionally.

d. *Paving Requirements.*

- i. Clearing and Grubbing Right-of-way. This work shall consist of removing and disposing of all vegetation and debris within five (5) feet of the pavement edge to a depth of at least three (3) feet below finished subgrade. All stump holes shall be back filled below finished subgrade. All stump holes shall be back filled with a suitable material, Class I or II soil.
- ii. Subgrade. This work shall consist of placing, mixing, compacting and shaping the top six (6) inches of soil. This work also includes subgrade stabilization.
- iii. Compaction. The entire surface shall be plowed, harrowed and mixed to a depth of at least six (6) inches. After the material has been thoroughly mixed, the subgrade shall be compacted at ninety (90) percent of the maximum density. Sheepfoot rollers are required. Compaction test shall be at five hundred (500) feet intervals and at every two (2) feet of fill material. Any areas that do not meet with the specified compaction shall be excavated and replaced with suitable material. Test results shall be submitted to the City council as conducted. All costs for compaction tests shall be incurred by the developer.
- iv. Subgrade Material. The material shall consist of Class I or II soil. If such material is not available on site, it shall be furnished by the developer.
- v. Base. All streets shall have a six (6) inch crusher run stone base or a four (4) inch compacted asphaltic concrete base.

- vi. Paving. All streets shall have a two (2) inch Plant Mix asphalt Type "E" or "F" top weaving surface applied to a properly prepared base.
- e. Shoulder Requirements. The street right-of-way shall be graded six (6) feet or if sidewalks are installed then one (1) foot behind the outer edge of the sidewalk, measured from the back of curb or edge of pavement on both sides of the street. Utilities and water lines shall not be installed between curve and outside of drainage ditch, to prevent the encroachment of driveways into the street surface, and to provide walk-ways off the paved vehicular surface; provided, however, the City council may waive this requirement in cases where the subdivider can demonstrate that the topography of the land being subdivided is such that compliance with this provision would be impractical. Topsoil, striped, and stock piled before paving, shall be spread at a minimum depth of four (4) inches in preparation of the seedbed. The soil shall be thoroughly broken, well pulverized, smoothed and firm before planting. Shoulder shall be seeded with bermuda applied at a rate of two pounds per one thousand square feet (2 lb./1000 sq.ft.) or fescue applied at a rate of five pounds per one thousand square feet (5 lb./1000 sq.ft.). Mulch shall be used on all seeded areas.
- f. Culverts. Pipe size shall be determined by standard engineering practices. All pipes shall be bituminous coated. A flared-end-section shall be attached to all pipe openings.
- g. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
- i. In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited."
  - ii. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
  - iii. When streets parallel to the railroad right-of-way intersect a street which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradient.
- h. Intersections.
- i. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City council.
  - ii. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect arterials, their alignments shall be continuous.

Intersection of arterials shall be at least eight hundred (800) feet apart. All other street intersections must be separated from each other by at least 125 feet.

- iii. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- iv. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
- v. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- vi. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.
- i. *Linear Street Grades:* Maximum and minimum linear street grades shall be as follows:

Arterial Street - not more than six (6) percent.  
 Collector Street - not more than eight (8) percent.  
 Subcollector Street, Access Streets, and alleys - not more than ten (10) percent.  
 No linear street grade shall be less than one (1) percent.

- j. *Horizontal Curvature:* The radii of center line road curvature shall be as follows:

Arterial .....	300 feet
Collector .....	200 feet
Subcollector .....	200 feet
Access .....	100 feet

- k. *Vertical Alignment:* There shall be horizontal sight distance at all street intersections, when measured from a height of six (6) feet, according to the following:

Arterial .....	400 feet
Subcollector .....	300 feet
Subcollector .....	200 feet
Access .....	150 feet

Where two (2) or more streets of different classifications intersect, the sight distance requirement for the highest classification shall be used.

- l. *Cul-de-sacs:* The length of all cul-de-sacs shall not exceed twelve (12) times the minimum required lot width or 1,200 feet, whichever is less. Large cul-de-sacs may be approved by the City council if topographic conditions pose development constraints or unusual platting exists. Such approvals must be with the consent of the Fire Marshall. For a residential subdivision, the minimum radius for the paved area of a circular turnaround is 30 feet. An off-center turnaround is preferred as it creates visual variety and improves turning ease for the driver. For a non-residential subdivision, the minimum radius for the paved area of a circular

turnaround is 50 feet.

- m. *Private Access Drives:* Private access drives shall be permitted to serve no more than two (2) land-locked residential lots where, due to special problems created as a result of necessary unusual platting configuration, or as a result of special physical features, the property could not otherwise be developed. No more than one such drive shall be approved per subdivision development and must be approved as part of the sketch plat. These drives are exempt from paving requirements. Private access drives shall have the same right-of-way as is required for local streets.
- n. *Alleys:* Alleys serving residential lots or dwellings may be required for loading at the rear of all lots designated for business and industrial use. Dead-end alleys are prohibited.
- o. *Slope Maintenance Easement:* A slope maintenance easement shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.
- p. *Primary Highway System:* Whenever a proposed subdivision abuts an arterial road or major collector, an access road or lane with curbing extending the full length of the subdivision along such highway and providing limited access thereto may be required at a distance suitable for the use of the land between such access road or lane highway.
- q. *Visibility:* Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to comply with the sight distance required of these regulations.
- r. *Driveways:* Driveways shall have a slope of not more than a positive or negative twelve (12) percent for a distance of ten (10) feet measured along the driveway center line from the right-of-way line, and must be a minimum of six (6) inches above the elevation of the gutter line.
- s. *Sidewalks:* The inclusion of sidewalks within subdivisions is encouraged. When included, sidewalks shall be within the dedicated non-paved right-of-way of all roads within the subdivision. Concrete curbs are required for all roads where sidewalks are to be installed. The minimum paved width of sidewalks shall be four (4) feet and a median strip of grasses or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

### 3. **Slopes.**

- a. *General Requirements:* Development of subdivisions is to be accomplished with minimal earth moving and disruption to the natural topography of the site. It is the intent of these Regulations that existing or man-made slopes be modified or designed in such a way as to minimize potential for erosion and to minimize ease of maintenance. Subdivision development shall conform to provisions of the Erosion and Sediment Control Ordinance.
- b. *Design Standards.*
  - i. No existing or proposed cut or fill slope shall exceed three (3) horizontal units to one (1) vertical unit within eleven (11) feet of the edge of pavement or back of curb. If the distance is greater than (11) feet, the slope may be greater than three-to-one (3:1) up to a maximum to one (1) vertical unit, provided that all cut and fill shall be within the prescribed right-of-way of the road or slope easements. All grading as provided within this section shall be completed and approved by the City Engineer prior to the installation of any utilities.

- ii. All fill slopes created for the purpose of street construction shall have a compaction of not less than 95 percent as determined by established engineering practices.
- iii. Slopes flatter than those set forth in the foregoing paragraphs may be required when, in the opinion of the City Engineer, the general nature of the soil involved warrants a flatter slope. To control surface drainage on existing and proposed slopes, berm ditches may be required at the top and the intersection of the slope and ground line.
- iv. All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure. Such planting and other protection from erosion and failure shall be completed and shall be undertaken immediately upon creation of any slope steeper than two (2) horizontal feet to one (1) vertical foot and completed without delay in accordance with plans and specifications approved by the City Engineer. In addition, the subdivider may be required to provide a fence, hedge, guardrail or other protective device, specified by the City Engineer along ridges in excess of twenty (20) vertical feet in height and with slopes in excess of 1.5:1 (horizontal:vertical) to prevent dangerous falls for children and other residents of the subdivision. At the option of the City Engineer, the developer shall provide certified test results of compaction and any material provided at the location and frequency determined necessary by the City Engineer.

#### **4.4 Drainage and Storm Sewers**

##### **1. Drainage.**

- a. *General Requirements:* The storm water drainage system and easements shall be separate and independent of any sanitary sewer system and easement. The City council shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water runoff channels or basins. Storm water runoff and storm sewer or channel design shall be designed by a method as approved by the City Engineer, and a copy of design computations shall be submitted along with the Construction Plans. Inlets shall be provided so that surface water is not carried for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow at that point. Natural drainage channels existing within a subdivision shall be improved by the subdivider to specifications approved by the City Engineer (if erosion, flooding, or hazard will be created by the continued existence thereof, as determined by the City Engineer).
- b. *Nature of Storm Water Facilities*
  - i. Location: The applicant may be required by the City Engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the requirements of the City Engineer.
  - ii. Accessibility to Public Storm Sewers: When a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm water, subject to the specifications of the City Engineer. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer, the developer shall make arrangements for further storm water disposal by a public utility system at the time the final plat receives final approval.

- iii. Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision. The City Engineer shall approve the necessary size of the facility which has been designed by a registered Professional Engineer, based on 110 percent of the current storm runoff for the 100-year storm for culverts under streets, and the 25-year storm for all other culverts. Minimum pipe size shall be eighteen (18) inches.
- iv. Effect of Downstream Drainage Areas: The developer shall study and the City Engineer shall review and approve the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Drainage studies, together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City council shall withhold approval of the subdivision until provision has been made for other improvement of said condition. No subdivision shall be approved unless adequate drainage is provided to an adequate watercourse or facility.
- v. Dedication of Drainage Easements
  - (a) General Requirements: Where a subdivision is transversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Whenever possible, it is desirable that drainage be maintained by appropriate means of adequate width for maximum potential volume or flow.
  - (b) Drainage Easement: Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across to the road. Where pipe size warrants, a ten (10) foot easement may be permitted. Easement shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. Easements less than twenty (20) feet may be approved by the City Engineer. When a proposed drainage system will carry water across private land outside this subdivision and outside a natural drain, appropriate drainage rights must be secured and indicated on the plat. The applicant shall dedicate, either in fee simple or by drainage easement, land on both sides of existing watercourses, for a distance to be determined by the City Engineer. Low-lying land along watercourses suspect to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Final plats for all subdivisions shall show (or include by note) a ten (10) foot wide drainage easement along every property line whether the developer intends to channel water in these easements or not.

## **4.5 Water Facilities**

### **1. General Requirements.**

- a. Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing domestic water use and fire protection.
- b. Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and City Authorities.

- c. All water mains shall be at least six (6) inches in diameter. Water main extensions shall be approved by the County Health Department.
- d. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat and the cost of installing same shall be included in the improvement guarantee to be furnished by the developer.
- e. A copy of the as-built water plans shall be submitted to the City Engineer.

**2. Individual Wells and Central Water Systems.**

At the discretion of the City Engineer, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Health Department for its approval and individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the City Engineer.

**3. Fire Hydrants.**

Fire hydrants shall be required for all subdivisions except those served by individual wells or central water systems. Fire hydrants shall be located no more than one thousand feet (1,000) feet apart and within five hundred (500) feet of any structure and shall be approved by the Fire Marshall. To eliminate future street openings, all underground utilities for fire hydrants, together with fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat. All fire hydrants shall be set plumb with outlets eighteen (18) inches above finished grade or twelve (12) inches above a finished concrete surface. All fire hydrants shall have at least two (2) two and one-half (2 ½) inch discharge outlets and one (1) four and one-half inch (4 ½) discharge outlet. All threads shall comply with local and State fire fighting equipment standards.

**4. Individual Disposal System Requirements.**

If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and percolation test and test holes shall be made as directed by the County Sanitarian and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the County Sanitarian. All plans shall be designed in accordance with the rules, regulations, and standards of the Health Department and other appropriate agencies.

## **4.6 Utilities**

**1. Location.**

All utility facilities, including but not limited to gas, electric power, telephone, a CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the City council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.



The facilities for underground utilities or conduits for their construction shall be in place prior to final surfacing of streets. All facilities for utilities shall, where possible, be placed in easements provided for that purpose in the subdivision or located as approved by the City Engineer. No subdivision street shall be cut for underground utilities.

## **2. Easements.**

Utility easements for electric and telephone service lines, sewerage lines, water lines, or other such utilities located along rear lot lines or side lot lines or passing through a lot shall be at least ten (10) feet wide, five (5) feet on each lot, and more if determined by the City Engineer. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

## **4.7 Preservation of Natural Features and Amenities**

In all new development or construction, no trees with a diameter of six (6) inches or over, measured four and one-half (4-1/2) feet above ground level shall be taken down, damaged or destroyed without prior written approval of the City council. Limits of root damage shall be taken into consideration prior to such approval. Trees with a diameter of six (6) inches or over and located in buffer or setback areas shall be shown on development and/or building site plans. It shall be the intent of this section to retain as many trees as possible for the visual attractiveness, natural preservation and energy conservation benefit gained by doing so. This provision shall not apply to individual owner-occupied parcels of land.

Existing features that would add value to residential development or to the local government as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees as required by these regulations and shall further indicate all those marked for retention.

## **4.8 Nonresidential Subdivisions**

### **1. General.**

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the City council may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the City council. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the City council, and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance.

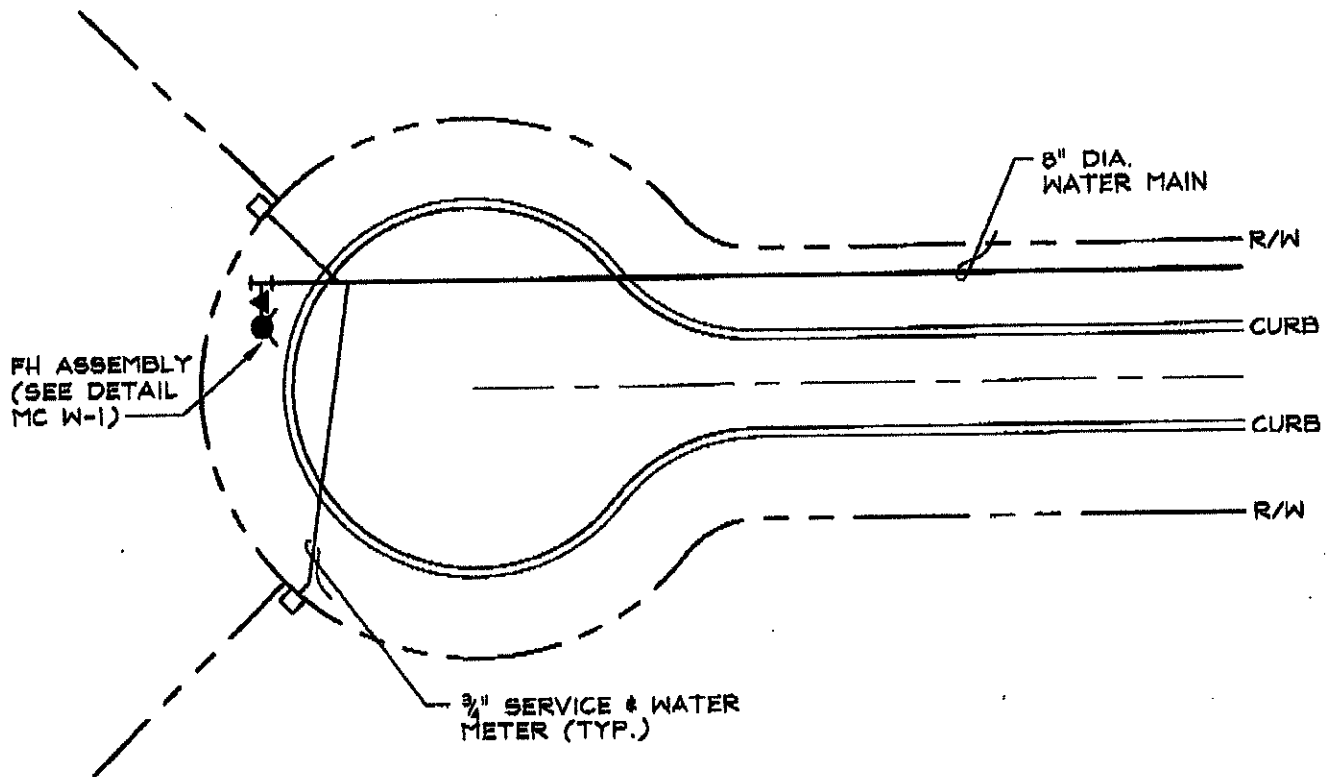
### **2. Standards.**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

- b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- c. Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
- d. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- e. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential areas.

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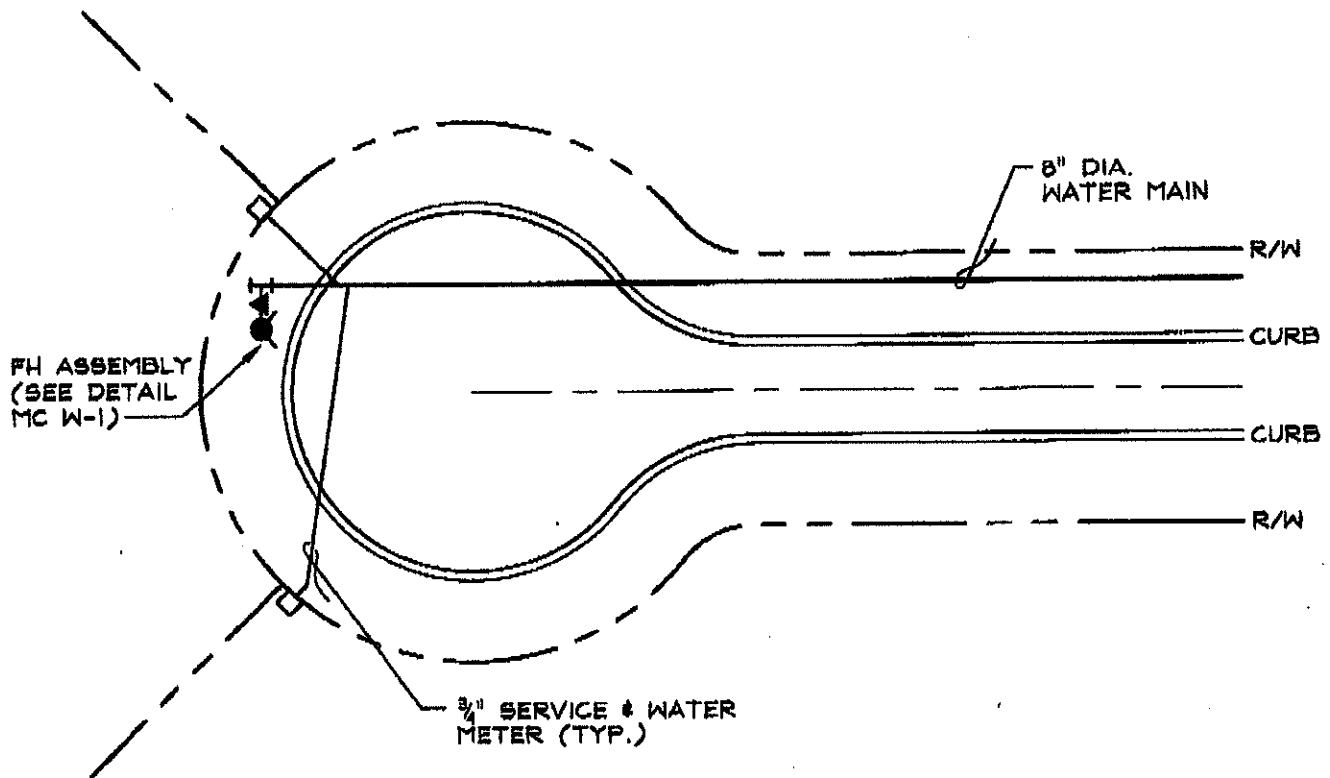
CITY OF STATHAM

PUBLIC WORKS DEPARTMENT

CUL-DE-SAC FIRE HYDRANT LOCATION

STANDARD CONSTRUCTION DETAILS  
SCALE: NONE DATE: NOVEMBER 6, 2007

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## **ARTICLE V. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

### **5.1 Improvements and Subdivision Improvement Agreement**

#### **1. Completion of Improvements.**

Before the final subdivision plat is signed by the City council, all applicants shall be required to complete, in accordance with the City council's decision and to the satisfaction of the city's engineer, all the street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the final subdivision plat and as approved by the City council, and to dedicate those public improvements to the local government, free and clear of all liens and encumbrances on the dedicated property and public improvements.

#### **2. Subdivision Improvement Agreement and Guarantee.**

- a. **Agreement.** The City council at its sole discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required public improvements no later than two (2) years following the date on which the Mayor signs the final subdivision plat. The applicant shall covenant to maintain each required public improvement for a period of one (1) year following the acceptance by the governing body of the dedication of that completed public improvement and also shall warrant that all required public improvements will be free from defect for a period of two (2) years following the acceptance by the governing body of the dedication of the last completed public improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the City council.
- b. **Covenants to Run.** The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The subdivision improvement agreement will be adopted by the City council, and when necessary, the governing body, pursuant to applicable state and local laws and shall be recorded in the Clerk's Office of the Oconee Superior Court, as appropriate.
- c. **Security.** Whenever the City council permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a letter of credit or cash escrow as security for the promises contained in the subdivision improvement agreement. Either security shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the required public improvements, including lot improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the City council.
- i. **Letter of Credit.** If the applicant posts a letter of credit as security for the promises contained in the subdivision improvement agreement, the credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods in Section 5.1.(2)(a); and (3) require only that the government present the credit with a sight draft and an affidavit signed by the City Attorney attesting to the city's right to draw funds under the credit.
- ii. **Cash Escrow.** If the applicant posts a cash escrow as security for its promises contained in the subdivision improvement agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to return of any of the funds except as provided in Section 5.2(2)(b); and (2) that the escrow agent shall have a legal duty to deliver the funds to the city whenever the City Attorney presents an affidavit to the agent attesting to

the city's right to receive funds whether or not the subdivider protests that right.

If and when the city accepts the offer of dedication for the last completed required public improvement, the city shall execute a waiver of its right to receive all but twenty-five percent (25%) of the funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the subdivision improvement agreement. The residual funds shall be security for the subdivider's covenant to maintain the required public improvements and its warranty that the improvements are free from defect.

**3. *Costs of Improvements.***

All required improvements shall be made by the developer, at his/her expense, without reimbursement by the local government.

**4. *Failure to Complete Improvement.***

Where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the local government may then: (1) declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default; (2) suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements itself or through a third party; (4) assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owners promise to complete improvements in the subdivision; (5) exercise any other rights available under the law.

**5. *Acceptance of Dedication Offers.***

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the governing body. The approval of a subdivision plat by the City council, whether sketch, preliminary or final, shall not be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on the plat.

## **5.2 Inspection of Improvements**

**1. *General Procedure and Fees.***

The City council shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the city an inspection fee based on the estimated cost of inspection, and where the improvements are completed prior to final plat approval, the subdivision plat shall not be signed by the Mayor unless the inspection fee has been paid at the time of application. These fees shall be due and payable upon demand of the city and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Building Inspector finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the city's construction standards and specifications, the applicant shall be responsible for properly completing the improvements.

**2. *Release or Reduction of Security.***

- a. *Certificate of Satisfactory Completion.* The governing body will not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the City Engineer has submitted a certificate stating that all required

improvements have been satisfactorily completed and until (1) the applicant's engineer or surveyor has certified to the City Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimension, materials, and other information required by the City council or City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision, and (2) a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City Attorney and City Engineer, the City council shall thereafter accept the improvements for dedication in accordance with the established procedure.

- b. *Reduction of Escrowed Funds and Security.* If the security posted by the subdivider was a cash escrow, the amount of the escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five percent (25%) of the principal amount. Funds held in escrow account shall not be released to the subdivider, in whole or in part, except upon express written instruction of the city attorney. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, the City Attorney shall execute waivers of the city's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five percent (25%) of its original amount.

### **5.3 Escrow Deposits for Lot Improvements**

#### **1. *Acceptance of Escrow Funds.***

Whenever, by reason of the season of the year, any lot improvement required by the subdivision regulations cannot be performed, the Building Inspector may issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the City Engineer for the cost of the lot improvements. The subdivision improvement agreement and security covering the lot improvements shall remain in full force and effect.

#### **2. *Procedures on Escrow Fund.***

All required improvements for which escrow monies have been accepted by the Building Inspector at the time of issuance of a certificate of occupancy shall be installed by the subdivider within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. If the improvements have not been properly installed at the end of the time period, the Building Inspector shall give two (2) weeks written notice to the developer requiring him/her to install the improvements, and if they are not then installed properly, the Building Inspector may request the City council to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Building Inspector, the developer shall obtain and file with the Building Inspector prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Inspector to install the improvements at the end of the nine-month period if the improvements have not been duly installed by the subdivider.



## **5.4 Maintenance of Improvements**

The developer shall be required to maintain all required public improvements on the individual subdivided lots until acceptance of the improvements by the City council. If there are any certificates of occupancy on a street not dedicated to the city, the city may effect emergency repairs and charge those costs to the developer. Following the acceptance of the dedication of any public improvement by the city, the City council may, in its sole discretion require the subdivider to maintain the improvement for a period of one (1) year from the date of acceptance.

## **5.5 Deferral of Waiver of Required Improvements**

1. The City council may defer or waive at the time of final approval, subject to appropriate condition, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or in existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.
2. Whenever it is deemed necessary by the City council to defer the construction of any improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements to the local government prior to signing of the final subdivision plat by the Mayor, or the developer may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the city.

## **5.6 Issuance of Building Permits and Certificates of Occupancy**

1. When a subdivision improvement agreement and security have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the city, as required in the City council's approval of the final subdivision plat.
2. The extent of street improvements shall be adequate for vehicular access by the prospective occupant(s) and by police and fire equipment prior to the issuance of an occupancy permit. The developer shall, at the time of the offer of dedication, submit monies in escrow to the city in a sum determined by the City Engineer of the necessary final improvement of the street.
3. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the City council for the subdivision have been fully completed and the local government has accepted the developer's offers to dedicate the improvements.

## **ARTICLE VI. CONSTRUCTION SCHEDULE**

### **6.1 Prior Approval**

No construction activity of any kind including finished grading, installation of improvement, or building shall begin on any land subject to these regulations without prior approval of the preliminary plat and construction plans.

### **6.2 Grading**

Grading operations limited to clearing and grubbing may commence once approval of the preliminary plat is granted.

### **6.3 Utilities**

Utility installation shall not occur until the City Engineer has received the certification that the streets were graded as designed by the design engineer and has approved the rough grade of the street and shoulder preparation.

### **6.4 Inspections**

Periodic inspection during the installation of the required improvements in a subdivision shall be made by the City Engineer to insure conformity with the approved plans and specifications. The subdivider shall notify the City Engineer when each phase of the installation is completed and ready for inspection.

### **6.5 Sale and Transfer**

No lot or parcel of land shall be sold or transferred or a building permit issued until the final plat, of which said lot or parcel is a part, shall have been approved and recorded as provided for in the regulations.

### **6.6 Building Permits**

The Building Inspector shall not issue any permit for the construction of any building or structure to be located in any subdivision, a plat whereof is required to be recorded pursuant to the provisions of these regulations, until such plat shall have been approved and recorded as provided for in the regulations.

### **6.7 Occupancy**

Within each phase of development, no building may be occupied for dwelling or other purposes, nor shall an occupancy permit be issued for any building until required utility installations, including the water supply and sanitary sewer systems, have been completed and approved by the City Engineer.

## ARTICLE VII. ADOPTION

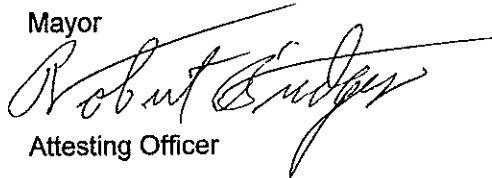
### 7.1 Effective Date

These regulations shall take effect and be in force from and after the \_\_\_\_\_ day of its adoption, the public welfare demanding it.

Adopted and approved by the City council on the 16th day of Aug., 192005.

APPROVED:

Mayor



Attesting Officer

Title MAYOR

Attest:

*Susan Gabriel*  
City Clerk