

ARTICLE 22 VARIANCES AND APPEALS

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CHAPTER 22.1 VARIANCES

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Section 22.1.1. Applicant Orientation Meeting

This Chapter describes stand-alone variance applications. For applications for variance made concurrently with an application for amendment to the official zoning map or a conditional use application, see Chapter 21.2. of this Land Use Management Code.

All applicants for a variance, except those that are filed as a concurrent variance pursuant to Chapter 21.2 of this. Land Use Management Code, are required to schedule an applicant orientation meeting with the Zoning Administrator. An applicant orientation meeting is a time where applicants can seek a determination of the number and nature of variances required, familiarize themselves with. the application requirements and processes, and gain preliminary input from staff as to the suitability of the proposed variances.

Section 22.1.2. Application Compliance and Completeness

No application described in this Chapter shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Chapter and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Chapter. If a variance application described and regulated by this Chapter does not comply with all provisions of this Chapter, the Zoning Administrator may reject the application and refuse to process it.

Section 22.1.3. Application Requirements

All applications for a variance shall be made as required by the Zoning Administrator and shall at minimum contain the following information:

- (a) Application fee.
- (b) Application form furnished by the Zoning Administrator, which at minimum shall describe the requested variance and zoning district in which the subject property is located.
- (c) Survey plat of the property showing all property lines with metes and bounds and dimensions.
- (d) Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features, historic and archaeological sites, and features to be retained, moved or altered.
- (e) Written analysis of how the proposed development compares favorably with the criteria for granting variances as established in this Chapter.
- (f) Site plan of the subject property at an appropriate engineering scale showing the proposed use and relevant information regarding the proposed variance.
- (g) Other information as may be required by the Zoning Administrator.

Where in the opinion of the Zoning Administrator the requested variance involves a minor change, the Zoning Administrator may vary or waive any of the information requirements of this Section for variance applications.

Section 22.1.4. Public Hearing and Procedures

The Governing Body, or Hearing Examiner if appointed and authorized pursuant to Article 20 of this Land Use Management Code, shall hold a public hearing on each application for variance submitted under the terms of this Chapter. Public hearings required by this Chapter shall be called and conducted in accordance with procedures established in Chapter 21.4 of this Land Use Management Code.

Section 22.1.5. Advertised Notice of Public Hearing

For any variance application, a public notice shall be published in newspaper of general circulation in the Town at least fifteen (15) days but not more than forty-five (45) days prior to the scheduled hearing by the Governing Body or Hearing Examiner if appointed and authorized. Said public notice shall state the purpose, location, time and date of the hearing, location of the property being considered, the existing zoning classification of the property, and the provision(s) of the zoning ordinance requested to be varied.

Section 22.1.6. Public Notice Signs

For all applications involving a variance, the Zoning Administrator shall cause to have posted in a conspicuous place on said property one (1) or more signs(s). Each public notice sign shall contain information as to the proposed action with the same content as specified for public notices required to be published in the newspaper.

Section 22.1.7. Criteria for Approval of Variances

Any applicant requesting consideration of a variance to any provision of the Land Use Management Code shall provide a written justification that one or more of the following condition(s) exist. The Governing Body or Hearing Examiner if appointed and authorized, shall not approve the variance application unless it shall have adopted findings that all of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this Land Use Management Code and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 22.1.8. Action

The Governing Body, or Hearing Examiner if appointed and authorized, shall take final action on the variance application at the meeting said application is originally scheduled, unless the agenda item is continued at a later meeting either at the request of the applicant, because of failure of the applicant to be represented, or upon mutual agreement between the Hearing Body and applicant.

The Hearing Body shall take action by rendering one of the following decisions on the variance application:

- (a) **Approval as submitted** - The application is approved as submitted, and the applicant shall be authorized to file for appropriate development and building permits in accordance with approved plans.
- (b) **Approval with conditions** - The application is conditionally approved, and the applicant shall be authorized to file for appropriate development, building permit, and/or certificate of occupancy as appropriate, subject to compliance with approved conditions. Conditions imposed by the Hearing Body shall be limited to those that achieve public purposes yet still permit development as accorded similar properties within similar zoning or overlay districts.
- (c) **Denial** - The application for variance is denied, and the applicant shall not be granted a development permit, building permit, and/or certificate of occupancy, as appropriate. The Hearing Body shall specify in writing to the applicant the reasons for denial.

Section 22.1.9. Regulations That Cannot Be Varied

Variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Use variances that would permit a use which is not permitted in the zoning district in pertaining to the subject property.

Section 22.1.10. Notice of Action

The Zoning Administrator shall notify the applicant of the action taken by the Hearing Body on the variance application no later than five (5) working days from the date of such action on said application.

Section 22.1.11. Appeal

- (a) The Governing Body's, or Hearing Examiner's, decision on a variance application is subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of petition for such review as provided for in O.C.G.A. Title 5. Such matters shall be reviewed on the record which shall be brought up to the to the superior court as provided in O.C.G.A. Title 5.
- (b) An appeal of the decision on a variance application shall be brought within thirty (30) days of the written decision of the challenged or appealed action.
- (c) The Mayor or his/her designee shall have the authority, without additional action by the Town, to approve or issue any form or certificate necessary to perfect the petition described in Section 22.1.11(a), and has authority to accept and shall accept service of such petition on behalf of the Town, during normal business hours, at the regular offices of the Town.

Section 22.1.12. Administrative Variances

In addition to authority to grant administrative variances to off-street parking requirements as specified in Section 12.3.7 of this Land Use Management Code, the Zoning Administrator is hereby authorized to, upon application and for due cause shown, consider and administratively vary any building or structure setback required by this Land Use Management Code, provided said administrative variance granted by the Zoning Administrator shall not be more than ten percent (10%) of the required setback, and in no case shall such administrative variance exceed four (4) feet. The Zoning Administrator shall provide the reasons for denial of an application for administrative variance in writing to the applicant.

CHAPTER 22.2

APPEALS OF ADMINISTRATIVE DECISIONS

Section 22.2.1.	Intent
Section 22.2.2.	Who May Appeal
Section 22.2.3.	Procedures
Section 22.2.4.	Stay of Proceedings
Section 22.2.5.	Fee
Section 22.2.6.	Finality of Decision

Section 22.2.1. Intent

It is the intention of this Chapter that all questions arising in connection with the administration, interpretation, and enforcement of this Land Use Management Code shall be presented first to the Zoning Administrator, and that such questions if they cannot be resolved at the administrative level shall be presented to an appeals body on appeal from decision of an administrative official.

Section 22.2.2. Who May Appeal

Any person who alleges there is an error in, or who is aggrieved by a decision of the Zoning Administrator, Building Inspector, City Engineer, or other administrative official in the administration, interpretation, or enforcement of this Land Use Management Code, may file an appeal with the Governing Body, or Hearing Examiner if appointed and authorized pursuant to Article 20 of this Land Use Management Code, stating the grounds for such appeal. Appeals of administrative decisions may also be filed for consideration by any officer, department, or Board or Commission of the Town, affected by any such administrative decision. Said appeal application shall be filed within thirty (30) days of the date of decision of the administrative official.

Section 22.2.3. Procedures

Any appeal received and all papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted by the Zoning Administrator to the Hearing Body. Such appeal shall be taken to the Hearing Body for hearing within thirty-five (35) days of receipt by the Zoning Administrator.

A reasonable time for the hearing of appeals shall be fixed, and at least thirty (30) days prior to the public hearing before the Governing Body, notice shall be published in a newspaper of general circulation within the Town and mailed to the person who filed the appeal. The notice shall include the date, time, place, and purpose of the public hearing before the Governing Body. Specifically, the appeal hearing shall follow public hearing procedures specified in Chapter 21.3 of this Land Use Management Code. At a hearing, any party may testify in person, or by agent or by attorney.

The Hearing Body shall make findings and render a decision in writing within thirty-two (32) days after the initial hearing on the administrative appeal. The Zoning Administrator shall notify the applicant, in writing, of its decision within five (5) working days after the Hearing Body has rendered its decision.

Section 22.2.4. Stay of Proceedings

The filing of an appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Hearing Body after the notice of appeal shall have been filed with him, that by any reason of acts stated in the certificate a stay would, in his or her opinion, cause eminent peril to life and property. In such case, proceedings shall not be stayed.

Section 22.2.5. Fee

A fee shall be paid to the Town at the time the notice of appeal is filed, which fee shall be used to offset the costs of public notice and administering the appeal process.

Section 22.2.6. Appeal

- (a) The Governing Body's, or Hearing Examiner's, decision on an appeal of an administrative decision is subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of petition for such review as provided for in O.C.G.A. Title 5. Such matters shall be reviewed on the record which shall be brought up to the to the superior court as provided in O.C.G.A. Title 5.
- (b) An appeal of the decision on an appeal of an administrative decision shall be brought within thirty (30) days of the written decision of the challenged or appealed action.
- (c) The Mayor or his/her designee shall have the authority, without additional action by the Town, to approve or issue any form or certificate necessary to perfect the petition described in Section 22.1.11(a), and has authority to accept and shall accept service of such petition on behalf of the Town, during normal business hours, at the regular offices of the Town.

ARTICLE 23

PERMITS AND CERTIFICATES

CHAPTER 23.1	DEVELOPMENT PERMIT
CHAPTER 23.2	BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

CHAPTER 23.1

DEVELOPMENT PERMIT

Section 23.1.1.	Development Permit
Section 23.1.2.	Exemptions from Development Permit
Section 23.1.3.	Application for Development Permit
Section 23.1.4.	Review and Issuance of Development Permit
Section 23.1.5.	Duration of Validity of Development Permit

Section 23.1.1. Development Permit

A development permit shall be required for any proposed use of land(s) or building(s), to indicate and insure compliance with all provisions of this Land Use Management Code before any building permit is issued or any improvement, grading or alteration of land(s) or building(s) commences.

Section 23.1.2. Exemptions from Development Permit

A development permit shall not be required for individual structures within approved subdivisions, nor shall a development permit be required for a detached, single-family dwelling unit or manufactured home on an individual lot not part of an approved subdivision or development.

Section 23.1.3. Application for Development Permit

All applications for a development permit shall be made to the Zoning Administrator and shall be accompanied by a sufficient number (as approved by the Zoning Administrator) of sets of plans drawn to scale, signed and stamped by a qualified professional who has authority to produce such plans, with his or her address. Applications shall be made in accordance with application requirements specified by the Zoning Administrator, Plans involving land disturbance shall require the submittal of plans containing information specified in Section 13.4.4 of this Land Use Management Code unless waived by the Zoning Administrator, and the provisions of Article 27 or 28 (whichever is applicable).

Section 23.1.4. Review and Issuance of Development Permit

The Zoning Administrator shall review the application for development permit, and upon completion of the review, one copy of such plans shall be returned to the owner along with notice of a decision to approve or deny the development permit. All development permits shall be issued by the Zoning Administrator who shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this Land Use Management Code.

If the development permit is denied, the Zoning Administrator shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all development permits shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person.

The provisions of this Section shall apply to applications for development in addition to Section 13.4.5 of this Land Use Management Code.

Section 23.1.5. Duration of Validity of Development Permit

A development permit shall expire two (2) years after its issuance, subject to the following provisions: if the work described in any development permit has not been begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and if work described in any development permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire. Written notice of the expiration shall be given to the persons affected, only if the permit is being revoked prior to the two-year expiration date. Application processes shall begin anew for any expired development permit.

CHAPTER 23.2

BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

Section 23.2.1.	Building Permit
Section 23.2.2.	Certificate of Occupancy

Section 23.2.1. Building Permit

The Building Inspector is hereby authorized to issue building permits in accordance with all provision of this Land Use Management Code and only after the Zoning Administrator has issued a development permit, or if no development permit is required, after a review of the application for a building permit for compliance with the provisions of this Land Use Management Code. There are special restrictions that must be met before building permits are issued for lots in major subdivisions (see 26.3.4).

No building or other structure shall be erected, moved, extended, occupied, or enlarged, or structurally altered, nor shall a building or structure's use be changed, nor shall any excavation, grading, or filling of any lot for the construction of any building or structure be commenced until the Building Inspector has issued a building permit for such work in conformity with the provisions of this Land Use Management Code and all applicable building and related codes.

Approval of a building permit shall require an application to the Building Inspector as specified in the building and related codes of the municipality with jurisdiction. If the building permit is denied, the Building Inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all building permits shall be kept on file in the office of the Building Inspector.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one-hundred eighty (180) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months.

Section 23.2.2. Certificate of Occupancy

A certificate of occupancy issued by the Building Inspector is required in advance of occupancy or use, of any building or structure hereafter erected, or a change in the use of an existing building or structure.

A certificate of occupancy, either for the whole or part of a building or use, shall be issued within seventy-two (72) hours after the erection or structural alterations of such building, or part, or use established, is completed. Work shall be completed in conformity with the provisions of this Land Use Management Code. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Land Use Management Code.

If the certificate of occupancy is denied, the Building Inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all certificates shall be kept on file in the office of the Building Inspector.

ARTICLE 24 ADMINISTRATION AND ENFORCEMENT

CHAPTER 24.1	ADMINISTRATION
CHAPTER 24.2	ENFORCEMENT

CHAPTER 24.1 ADMINISTRATION

Section 24.1.1.	Zoning Administrator
Section 24.1.2.	Building Inspector

Section 24.1.1. Zoning Administrator

This Land Use Management Code shall be administered, interpreted, and enforced by the Zoning Administrator, who shall have the duties and authority with respect to this Code as provided in the various Articles, Chapters, and Sections of this Code and those necessarily implied by said provisions. To this end, the Zoning Administrator is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this Land Use Management Code, and to implement the provisions of this Land Use Management Code. The Zoning Administrator may delegate administrative functions, powers and duties assigned by this Land Use Management Code to other staff as may be appropriate, without the need to reflect such delegation by formal action.

Section 24.1.2. Building Inspector

The Building Inspector is hereby authorized to enforce and administer the following provisions of this Land Use Management Code:

- (a) Issue building permits in accordance with all provisions of this Land Use Management Code, but only after the Zoning Administrator has issued a development permit or approved the building permit as meeting the requirements of this Land Use Management Code.
- (b) Make field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being pursued in accordance with the site plan for which a development and building permit has been issued. When a violation is found to exist, the building inspector shall immediately advise the Zoning Administrator of the violation so that appropriate legal action may be taken to insure compliance.
- (c) Insure that all construction has been completed in accordance with all applicable Town and other code requirements prior to allowing occupancy.

CHAPTER 24.2 ENFORCEMENT

Section 24.2.1.	Penalties for Violation
Section 24.2.2.	Enforcement and Remedies
Section 24.2.3.	Relationship to Soil Erosion Violations

Section 24.2.1. Penalties for Violation

In addition to other penalties and withholding of permits as may be specifically provided for in this Land Use Management Code, penalties for violating this Land Use Management Code shall be as provided in this Section.

Any person who violates any provisions of this Land Use Management Code, or any permit condition or limitation established pursuant to this Land Use Management Code., or who negligently or intentionally fails or refuses to comply with any order of the Zoning Administrator shall be liable for a civil penalty not to exceed \$2,500.00 per day; For the purpose of enforcing the provisions of this Land Use Management Code, notwithstanding any provisions in the Town charter to the contrary, the Town municipal court shall be authorized to impose penalties not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of city ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Land Use Management Code shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 24.2.2. Enforcement and Remedies

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this Land Use Management Code, the Zoning Administrator or any other appropriate authority of the Town may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this Land Use Management Code or city code requiring the presence of the violator in the municipal court; institute injunction, or institute other appropriate action or proceeding to prevent or abate such violation or to prevent the occupancy of such building, structure, or land.

Where a violation of this ordinance is deemed to exist by the Zoning Administrator with respect to a structure, building, or land, the Zoning Administrator may, in addition to other remedies, notify the building inspector of such violation and direct, require, or encourage that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

Where a violation of this ordinance exists with respect to the use of any building, structure, or land, the Zoning Administrator may:

- (a) If the violation is by a tenant, person, corporation, firm, or other entity who is not the owner of record of the building, structure, or land, issue a citation for the violation of this Land Use Management Code or any other city code of the Town to such person or entity. In addition, the Zoning Administrator or designee may provide written notice, either personally or by mail, to the owner of record of such building, structure, or land. Notice shall contain a description of said violation and a thirty day period for which to abate or correct such violation. If the owner of record does not bring the use of the building, structure, or land into compliance within thirty (30) days, the owner shall be cited for violation of this Land Use Management Code or any other Town codes. Each day any violation continues shall constitute a separate offense;
- (b) If the violation is by the owner of record of the building, structure, or land, or his agent, assign, employee, or representative, in addition to other remedies available, the Zoning Administrator and the Town may refuse or deny all city permits, licenses, certificates, or applications to said owner or his agents until such violation is abated or corrected.

The Building Inspector may revoke a permit upon a finding that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of a building, structure, electrical, gas, mechanical, or plumbing systems for which a permit was issued is in violation of, or not in conformity with, the provisions of the building code, this Land Use Management Code, or any other Town codes. The Building Inspector may upon notice order work immediately ceased on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner.

Section 24.2.3. Relationship to Soil Erosion Violations

When the provisions of Article 13 of this Land Use Management Code are violated, the Zoning Administrator shall apply the enforcement provisions included in Chapter 13.5 of this Land Use Management Code, but may in addition seek remedies provided in this Chapter.

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ARTICLE 26

SUBDIVISIONS AND LAND DEVELOPMENT

CHAPTER 26.1	PURPOSE AND INTENT
CHAPTER 26.2	DEFINITIONS
CHAPTER 26.3	GENERAL PROVISIONS
CHAPTER 26.4	PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL
CHAPTER 26.5	CORRIDOR MAP

CHAPTER 26.1

PURPOSE AND INTENT

This Article is adopted with the following purposes:

- (a) To promote orderly, planned, efficient, and economic development and to guide future growth in accordance with the Comprehensive Plan of the Town.
- (b) To ensure that lands subdivided are of such character that they can be used for building purposes without danger to the health or safety of residents, and to secure safety from fire, flood, or other menace.
- (c) To prevent the pollution of air, land, streams, and ponds; to encourage the wise use and management of natural resources, and to preserve the topography and beauty of the community and the value of land.
- (d) To insure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities.
- (e) To provide for open spaces through the most efficient design and layout of the land.
- (f) To establish procedures for the subdivision and re-subdivision of land in order to further the orderly development of land.
- (g) To provide for the proper monumenting of subdivided land and proper legal descriptions.
- (h) To help eliminate the costly maintenance problems which develop when streets and lots are established without proper consideration given to various public purposes.
- (i) To facilitate and inform lot purchasers who generally lack the specialized knowledge needed to evaluate subdivision improvements and design.

CHAPTER 26.2 DEFINITIONS

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a public or private road or street.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

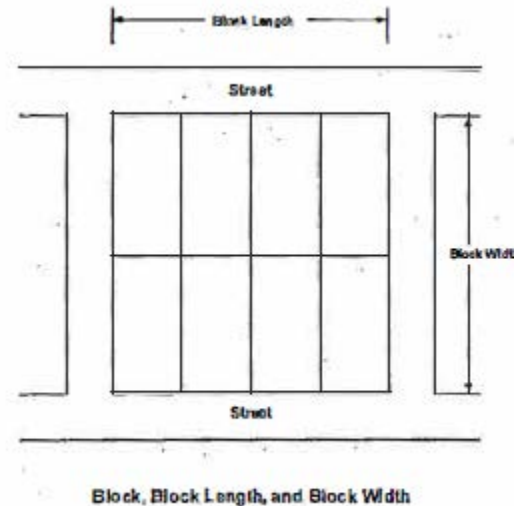
Comprehensive plan: Any plan adopted by the Governing Body of the Town, or any Plan adopted by a regional development center covering the local jurisdiction, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the Town.

Conservation areas primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical Wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the Town Attorney with jurisdiction and recorded in the office of the Clerk of Superior Court of the applicable County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Governing Body and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

Conservation (open space) subdivision: A subdivision, as defined by this Article, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.



Contiguous common parcels: Parcels adjoining or touching each other at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

Cul-de-sac, temporary: A non-permanent vehicular turn around located at the termination of a street or alley.

Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the City Engineer or designated official of a participating municipality, that permits vehicles to slow down and leave the main vehicle stream.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

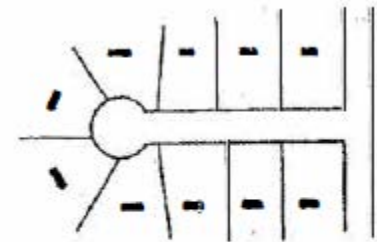
Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Director: The Zoning Administrator, or his/her designee.

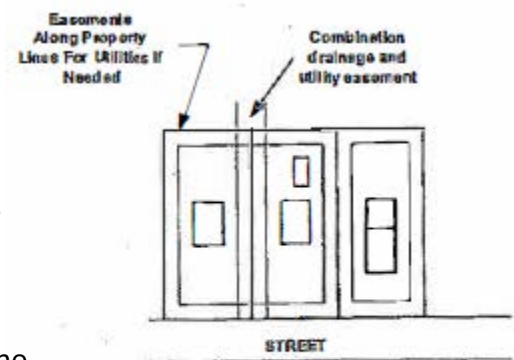
Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Escrow account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the City Engineer or designated official of the Town to cover the costs of required improvements.

Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the County Superior Court of the applicable county, and containing all elements and requirements set forth in this Article.



Cul-de-sac



Easements

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as:

- 1) actually, containing naturally occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and
- 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Article.

Half street: A portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.

Home owners association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Land suitability analysis: A method used by land planners, in preparing land use plans at a community-wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis is typically a map or set of maps depicting the appropriateness of land areas for various land uses.

Letter of credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the Governing Body. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

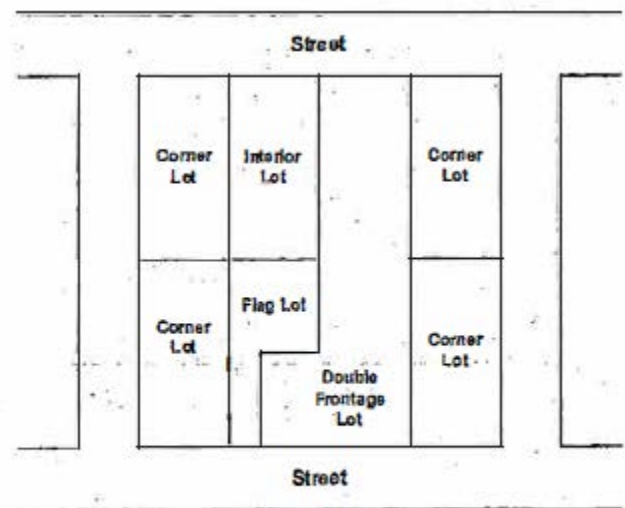
Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not include any portion of a dedicated right-of-way.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot, depth: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.



TYPES OF LOTS

Lot, through: See "Lot, double frontage.

Lot, frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot of record: A lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded in the records of the Clerk of the Jackson or Banks County Superior Court on the effective date of this Article; or a parcel of land, the deed of which was lawfully recorded in the same office prior to adoption of subdivision regulations by the municipality with jurisdiction.

Lot width: The shortest distance between side lot lines measured at the regulatory/required front building line, or in the absence of a front building line regulation, the distance between side lot lines measured at the front line of the building located or intended to be located on the lot.

Natural conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

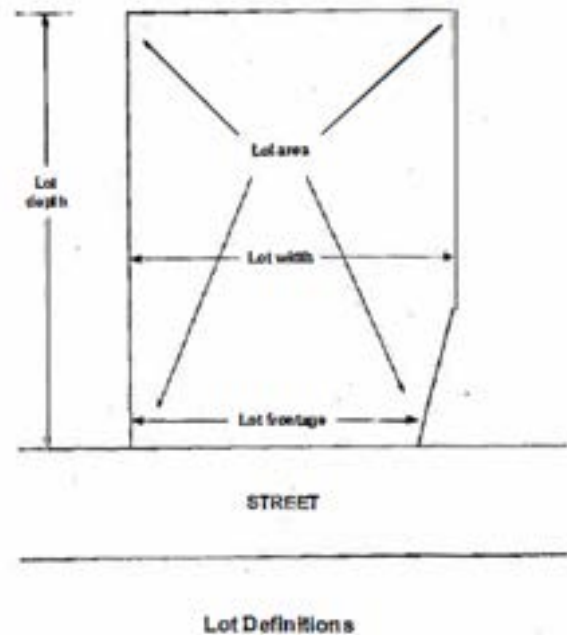
Off-site: Beyond the boundaries of the property in question.

On-site: Within the boundaries of the property in question.

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined in this Article, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as twenty five percent of the open space may be devoted to active recreational facilities, as defined. Easements for electric transmission lines or any other above ground improvement shall not be considered open space except as may be otherwise provided by this Article. Stormwater management features, such as lakes, ponds, and ways, may be considered open space at the discretion of the Zoning Administrator, provided that such areas are designed and maintained in a manner that contributes to open space and the aesthetics of the subdivision.

Open space, public: An area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

Original tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this Article, where all land abutting said tract is separately owned by others, not related to or associated by business partnership with the owner.



Package treatment plant: A sewage treatment facility, usually privately operated, typically having a treatment capacity of less than one million gallons per day. In most cases, a package treatment plant is considered a temporary means of wastewater treatment until connection to a public sanitary sewerage system is available.

Pedestrian way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utility lines.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the City Engineer or designated official of the Town to cover the costs of required improvements, and payable to the Governing Body. The Governing Body may call in the performance bond in the event the subdivider defaults on required improvements.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Preliminary plat: A tentative drawing or map of a proposed subdivision. A preliminary plat is the basis for the approval or disapproval of the general layout of a land subdivision.

Professional architect: An architect duly registered or otherwise authorized by the State of Georgia to practice in the field of architecture.

Professional landscape architect: A landscape architect duly registered or otherwise authorized by the State of Georgia to practice in the field of landscape architecture.

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

Reservation: A method of holding land for future public use or dedication to the public by showing proposed public areas on a subdivision plat.

Reserve strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Right-of-way:

- (1) A strip of land acquired by dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, or other similar use;
- (2) generally, the right of one to pass over the property of another.

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in a Comprehensive Plan of the Town, or by other reasonable means.

Sensitive natural areas: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Shade tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

Site plan: A drawing of a residential, institutional, office, commercial, or industrial development, showing the general layout of a proposed development including, among other features, the location of buildings, parking areas, buffers, and landscaping. The site plan is the basis for the approval or approval of the general layout of a development in the case of a multiple-family residential, institutional, office, commercial, or industrial development.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes, slopes shall be measured between two points on the ground separated by 500 feet or more.

Steep slopes: Lands with slopes of at least thirty-five (35) percent, as indicated in the Comprehensive Plan of a participating municipality, or which can be calculated with aid of a United States Geological Survey 1 :24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Street: Any vehicular way, other than an alley, that:

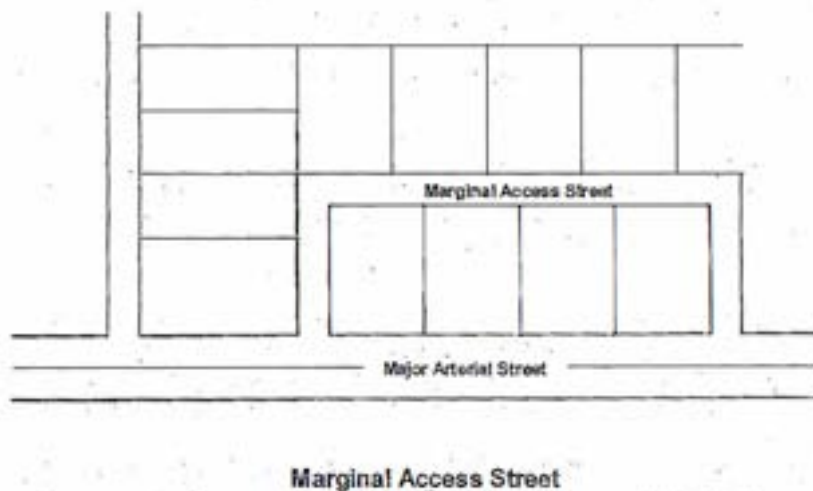
- (1) is an existing federal, state, county or municipal roadway;
- (2) is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel;
- (3) is constructed and open to vehicle travel as approved by other official action of the Governing Body; or
- (4) is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office of the Superior Court of the applicable county prior the effective date of this Article. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

Street, collector: Unless otherwise defined by the Comprehensive Plan of the Town, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A collector also may provide direct access to adjacent properties.

Street, local: Unless otherwise defined in the Comprehensive Plan of the Town, any public street, except an alley, collector, or arterial, which has a primary function to provide direct access to adjoining properties and which serves a limited area only, usually a single land subdivision.

Street, major arterial: Unless otherwise defined by the Comprehensive Plan of the Town, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, marginal access: A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through-traffic.



Street, private: A road or street that has not been accepted for maintenance by the Governing Body of a participating municipality and that is not owned and maintained by a state, county, city, or another public entity.

Subdivider: Any person, as defined by this Article, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Article, or the authorized agent of such person.

Subdivision: A division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions within any three (3) year period for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new street or a change in existing streets. The word "subdivision" includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

Subdivision, minor: A subdivision of five (5) or fewer lots that does not involve the construction of a new public street. Because minor subdivisions do not involve the construction of a new public street, they are processed administratively by the Zoning Administrator as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road as may be required to comply with this Article, shall be done according to plans and permit requirements of this Article, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this Article.

Subdivision, major: The division of a tract or parcel of land into six (6) or more lots which may or may not involve the construction of a new public street; or any subdivision that involves the construction of a new street. Because major subdivisions involve construction of a new street or the upgrade of an existing private access way to the standards of this Article, construction plans and land disturbance permits are required, and major subdivisions are therefore processed in multiple steps including preliminary plat approval (unless specifically exempted), approval of construction plans and issuance of land disturbance permits, and final plat approval.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, storm water systems and drainage ways, and railroads or other utilities identified by the Governing Body. As appropriate to the context the term "utility" may also include all persons, companies, or governmental agencies supplying the same.

Variance: A grant of relief from the strict requirements of this Article, or Articles 27 or 28 of this Land Use Management Code, whichever pertains, which permits construction in a manner that would otherwise be prohibited by Articles 26, 27, or 28 of this code; a minimal relaxation or modification of the strict terms of Articles 26, 27, or 28 of this code as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in practical difficulty; or a grant of relief from the strict requirements of said Articles because a proposed project is unable to meet policies and objectives specifically identified in the Comprehensive Plan the Town.

CHAPTER 26.3 GENERAL PROVISIONS

Section 26.3.1.	Land is One Tract Until Subdivided
Section 26.3.2.	All Land Subdivisions to Comply.
Section 26.3.3.	Preliminary Plat and Plans Required Prior to Construction
Section 26.3.4.	Building and Other Permits
Section 26.3.5.	Public Streets and Lands
Section 26.3.6.	Variances
Section 26.3.7.	Appeals

Section 26.3.1. Land is One Tract Until Subdivided

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

Section 26.3.2. All Land Subdivisions to Comply

No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided pursuant to the requirements of this Article. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this Article. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of the applicable County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this Article.

Section 26.3.3. Preliminary Plat and Plans Required Prior to Construction

No person shall commence construction of any improvements on any lot, prior to the approval of a preliminary plat if required by this Article, nor prior to approval of construction plans and engineering plans for said improvements are approved as required by this Article, and Article 27 or 28 of this Land Use Management Code, whichever applies.

Section 26.3.4. Building and Other Permits

No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this Article that has not been approved in accordance with the provisions of this Article. Building permits for major subdivisions will not be issued until infrastructure required by this code is in place, has passed inspection and has been certified (Section 26.4.3 item 3.) by the Zoning Administrator and Governing Body of the City of Maysville.

Section 26.3.5. Public Streets and Lands

No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this Article and Articles 27 or 28 of this Land Use Management Code, whichever applies, and unless said land and/or improvements are formally approved and accepted as public improvements by the Governing Body in accordance with procedures established in this Article.

Section 26.3.6. Variances

The Governing Body shall be authorized to grant a variance or variances upon application of the subdivider or land developer upon a showing that each of the following criteria have been met which support the granting of a variance to the requirements of this Article and Article 27 or 28, whichever applies. The process of varying this Article and Article 27 or 28, whichever applies, is distinguished from concurrent variances to zoning provisions as authorized by Chapter 21.2 of this Land Use Management Code, and stand-alone variances to zoning provisions as authorized by Chapter 22.2 of this Land Use Management Code.

- (a) There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
- (b) As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulties that render it difficult to carry out the provisions of this Article, or Article 27 or 28, whichever applies.
- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this Land Use Management Code.
- (d) The variance approved is the minimum variance that will make possible the legal use of the lots, land, building or structure.

Section 26.3.7. Appeals

Any person aggrieved by an interpretation or decision of an official responsible for the administration of this Article may file an appeal in accordance with Chapter 22.2 of this Land Use Management Code.

CHAPTER 26.4

PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN APPROVAL

Section 26.4.1.	Preliminary Plat
Section 26.4.2.	Construction Plans
Section 26.4.3.	Final Plat
Section 26.4.4.	Dedications of Streets and Public Lands
Section 26.4.5.	Subdivision Improvement Guarantees
Section 26.4.6.	Limitations on Minor Subdivisions

Section 26.4.1. Preliminary Plat

1. **Purpose-** The purpose of this Chapter is to ensure compliance with the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of plats and plans of all major subdivisions and land developments for review for compliance with the provisions of this Land Use Management Code.
2. **When Required-** All major subdivisions, and any subdivision involving the dedication of a public street, shall require the submission of a preliminary plat for review to the Zoning Administrator, Planning & Zoning and Utility Department. Final approval will be by the Planning and Zoning Board and the Governing Body. Prior to the issuance of any permit for land disturbance, or the installation of any improvements, the Governing Body must approve the preliminary plat, if required.
3. **Preliminary Plat Application and Specifications-** Preliminary plat applications shall be made in accordance with requirements shown in Table 26.4.1, and preliminary plats shall meet the minimum plat specifications shown in Table 26.4.2.
4. **Procedures-** Upon receipt of a completed preliminary plat application, the Zoning Administrator shall schedule the application for the next public meeting before the Governing Body and forward all pertinent materials in the application to the Governing Body for review. The applicant or their representative must attend the public meeting to present the preliminary plat and answer questions of the Governing Body. Written or oral input from the Planning and Zoning Board and pertinent city departments, such as roads and water, will be presented during the public meeting. For major subdivisions with 25 or greater lots, a courtesy letter will be sent to the appropriate School Board to inform them of the potential for additional students, and to provide them with an opportunity to comment if they wish to do so. An application for preliminary plat approval must be submitted at least thirty (30) days before the regular meeting date of the Governing Body to be considered on that agenda. The Governing Body shall have thirty (30) days from the date it is first considered at a public meeting of the commission to approve, conditionally approve, or deny the preliminary plat application. The basis of the Governing Body's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Article and the Land Use Management Code generally.
5. **Disposition-** Approval of a preliminary plat shall be valid for a period of one (1) year, after which time a complete application for construction plan approval must be submitted. If a completed application for construction plan approval is not submitted during that time, preliminary plat approval shall expire and be null and void.

TABLE 26.4.1
APPLICATION REQUIREMENTS

REQUIREMENT	MINOR SUBDIVISION	MAJOR SUBDIVISION		
		PRELIMINARY PLAT	CONSTRUCTION PLANS	FINAL PLAT
Pre-application review with staff	Recommended			
Application form completed		Required	Required	Required
Letter requesting approval with name, address, and phone of applicant		Required		
Number of copies of plat	To Be Determined By Zoning Administrator	To Be Determined by Zoning Administrator	To Be Determined by Zoning Administrator	To Be Determined by Zoning Administrator
Filing fee	Required	Required	Required	Required
Description of type of water supply and sewerage system and utilities to be provided	Required	Required	Required	Required
Soil test for each lot proposed for on-site septic tank and drain field	Required	Required	Required	Required
Data on existing conditions		Required		
Hydrological or other engineering study	Per Planning Commission		Required	
Subdivision entrance monument and landscaping elevation/plan (prepared by landscape architect)			Required	
Written approval from electric utility company regarding installation of service points and streetlights	Required			Required
As-built drawings of public improvements				Required
Subdivision improvement guarantee				Required
Certificate of title	Required			Required
Plat Certificates	Required			Required

6. **Amendments to Approved Preliminary Plats-** The Zoning Administrator is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the Zoning Administrator to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, Governing Body approval shall be required. The Governing Body shall approve, conditionally approve, or deny the proposed major amendment to a preliminary plat. Procedures for considering a major amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval as specified in this Section.

TABLE 26.4.2
PLAT AND PLAN REQUIREMENTS

INFORMATION REQUIRED TO BE ON THE PLAT OR CONSTRUCTION PLANS	PLEMINARY PLAT	CONSTRUCTION PLANS	FINAL PLAT
Scale (minimum)*	1"=100 feet	1"=100 feet	1"=100 feet
Sheet size (maximum)	24"x36"	24"x36"	18"x22"
North arrow and graphic engineering scale	Required	Required	Required
Reference to north point (magnetic, true north, or arid north)			Required
Proposed name of subdivision or project and phases, if any	Required	Required	Required
Vicinity map	Required	Required	Required
Total acreage of the property being subdivided	Required	Required	Required
Name, address, and telephone of owner of record	Required	Required	Required
Name, address and telephone of subdivider	Required	Required	Required
Name, address and telephone of preparer of plat	Required	Required	Required
Date of plat drawing and revision date(s) if any	Required	Required	Required
Exact boundaries of the tract to be subdivided by bearings and distances, tied to one or more benchmarks	Required	Required	Required
Names of owners of record of all abutting land	Required	Required	Required
Municipal, County and land lot lines inside the property or within 500 feet	Required	Required	Required
Existing buildings and structures on or encroaching on the tract to be subdivided	Required	Required	Required
Existing streets, utilities and easements on and adjacent to the tract	Required	Required	Required
Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, buffers, tree save areas, etc.)	Required	Required	Required
Landscape Plan per Article 16	Required	Required	Not Shown
Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition	Required		Required
Dimensions and acreage of all lots	Approximate	Exact	Exact
Locations of streets, alleys, lots, open spaces, and any public use reservations and/or common areas	Required	Required	Required
Right-of-way widths and pavement widths for existing and proposed streets		Required	Required
Locations, widths and purposes of easements		Required	Required
Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data		Required	Required

Table Continued on next page

INFORMATION REQUIRED TO BE ON THE PLAT OR CONSTRUCTION PLANS	PLEMINARY PLAT	CONSTRUCTION PLANS	FINAL PLAT
Acreage to be dedicated to the public			Required
Street names	Recommended	Required	Required
Street mailing address for each lot			Required
Topography	Per Director	Per Director	Not Shown
Minimum front building setback lines for all lots	Required	Required	Required
Location and description of all monuments			Required
Certificate of ownership and dedication			Required
Plat recording and signature block			Required
Signature block for Governing Authority approval	Required		Required
Land surveyor's stamp, certificate, signature, including field survey and closure statement		Required	Required
Statement of and reference to private covenants		Recommended	Required
Schedule of construction for all proposed projects with particular attention to development planned for the first year	Required	Required	

*All plans and drawings submitted for review shall be drawn neatly and of a scale so as to be easily legible.

Section 26.4.2. Construction Plans

1. **Application-** Upon approval of a preliminary plat, the subdivider or land developer may apply for construction plan approval. In the case of a minor subdivision, or in cases where a preliminary plat is not required by this Article, the subdivider or land developer may apply for approval of construction plans; provided, however, that in the case of a minor subdivision or land development the applicant for construction plan approval should hold a pre-application conference with the Zoning Administrator to ensure that plans meet the intent and specific provisions of this Article and other applicable regulations in this Land Use Management Code. The construction plan approval process is administrative. Applications for construction plan approval shall be made in accordance with requirements shown in Table 26.4.1 and Table 26.4.2. In addition, the application for construction plan approval shall also meet the minimum requirements for development plan approval specified by Chapters 13.4 and 23.1 of this Land Use Management Code. No application for construction plan approval shall be accepted for processing nor approved by the Zoning Administrator until a preliminary plat, if required, has been approved by the Governing Body and the proposed construction plans are found by the Zoning Administrator to be in substantial conformity with the approved preliminary plat, any conditions of such approval, and applicable provisions of this Land Use Management Code. When consistent with said provisions, approval of construction plans pursuant to this Article shall constitute approval of development permit required by Chapter 23.1 of this Land Use Management Code and approval of soil erosion and sedimentation control plans and authorization to engage in land-disturbing activities as required by Article 13 of this Land Use Management Code.
2. **Zoning Administrator's & Governing Body Decision Criteria-** The only basis upon which the Zoning Administrator may deny a construction plan is the failure of the application to meet the requirements of this Article or the Land Use Management Code generally or any other applicable local regulations, or the failure of the construction plans and application to meet the requirements of preliminary plat approval specified by the Governing Body.
3. **Certificate of Approval-** All copies of the construction plans shall be noted by inscription on the plans noting such approval by the Zoning Administrator. Construction plan approval shall expire and be null and void after a period of one year, unless activity toward improvements on the land have been initiated, or unless an extension of time is approved by the Zoning Administrator.

Section 26.4.3. Final Plat

1. **When Required-** All major subdivisions, minor subdivisions, and dedications shall require final plat approval and shall be approved by the Zoning Administrator and the Governing Body. The final plat approval process is administrative. Applications shall be made in accordance with requirements shown in Table 26.4.1.
2. **Criteria for Approval-** Final plat approval may be granted when the following conditions, as applicable, are met:

- (a) A preliminary plat of the proposed subdivision, if required, has been previously approved by the Governing Body (not required for minor subdivision).
- (b) Where new improvements are involved in the subdivision, construction plans have been approved by the Zoning Administrator and the Governing Body, all improvements have been installed, improvements have been inspected by the Zoning Administrator, installed improvements have been approved by the Governing Body and subdivision improvement guarantees as required by this Article have been submitted
- (c) The final plat meets all applicable requirements of this Article.
- (d) A complete final plat application has been submitted, including all supporting materials required by this chapter for final plats.

Final plats and applications that meet the above-referenced conditions shall be considered a ministerial action of approval by the Administrator. Denial of a final plat shall be permitted only upon specific findings that one or more of the above-referenced conditions have not been met.

3. **Approval Certificate-** Upon approval of the final plat, a certificate, stamped directly on the plat, shall state:

"Pursuant to the subdivision and land development regulations of the Maysville Land Use Management Code, and all requirements of approval having been fulfilled, this final plat was given final approval by the Zoning Administrator and then the Governing Body of the Town of Maysville on_____, and it is entitled to be recorded in the Clerk's Office,_____ County Superior Court."

4. **Additional Plat Certificates-** In addition to information required by Table 26.4.2 to be supplied on a final plat, each final plat shall contain the following certificates.

Surveyor's Certificate- A signed certificate by a registered land surveyor 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 or persons under my supervision; that all monuments shown hereon actually exist or are marked as "future," and that their location, size, type and material are correctly shown; and that all engineering requirements of the Land Use Management Code of the Maysville, Georgia, have been fully complied with.

By: _____
Registered Georgia Land Surveyor No.: _____

Owner's Certificate- A certificate signed by the owner directly on the final plat, as follows:

"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, and that all state, city and county taxes or other assessments now due on this land have been paid. Said owner donates and dedicates to the public for use forever the street right-of-way as shown on this plat.

Owner
Signed, sealed and delivered
in the presence of:

Witness

Notary Public

Health Department Approval Certificate-

This final plat has been approved by the _____ County Health Department as being consistent with applicable state and local environmental health requirements.

Director, _____ County Health Department

Section 26.4.4. Dedications of Streets and Public Lands

Subdivision streets and rights-of-way and other lands to be dedicated to the public shall be accepted by the Town only upon the delivery to the Governing Body of a general warranty deed conveying fee simple title of such rights-of-way and lands. The warranty deed shall be accompanied by an attorney's certificate of title and a tax transfer form addressed to the Governing Body of the Town certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. Acceptance of such dedication shall be accomplished by Resolution of the Governing Body.

Section 26.4.5. Subdivision Improvement Guarantees

In order to protect the Town and prospective purchasers of and residents in a subdivision, the subdivider/developer shall provide to the Governing Body financial security to guarantee the installation of all public improvements. The financial guarantee of the subdivider or developer shall be a performance bond for the benefit of the Town upon which the Governing Body can collect. The bond shall be in an amount to secure the full costs, as determined by the Governing Body, of constructing or installing all streets and utilities and other public improvements required. The performance bond shall have a duration of eighteen (18) months or until-such time as at least twenty-five percent (25%) of the homes planned in a subdivision have been constructed, whichever occurs later. The date to determine the beginning of the eighteen-month time period shall be the date of approval of the final plat.

Section 26.4.6. Limitations on Minor Subdivisions

1. **Purpose-** Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the Governing Body of the Town to prohibit the practice of "chain" subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than two (2) lots. It is also the intent of the Governing Body to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.
2. **Contiguous Common Parcels Shown on Minor Subdivision Plats-** Contiguous common parcels, as defined by this Article, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Contiguous common parcels shall not be counted as lots in the case of a minor subdivision.
3. **Limitations-** Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of five years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this Article. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last five years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate unrelated ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a five year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of five years, regardless of ownership.

CHAPTER 26.5

CORRIDOR MAP

Section 26.5.1.	Purpose and Intent
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Section 26.5.3.	Findings and Corridor Map Adoption
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Section 26.5.9.	Final Action on the Development Permit

Section 26.5.1. Purpose and Intent

The purposes of a corridor map are to implement local Comprehensive Plans, especially transportation and thoroughfare plans, by reserving land needed for future transportation facilities designated by a plan. The corridor map is intended to provide a basis for coordinating the provision of transportation facilities with new development by designating corridors where the construction and improvement of transportation facilities is expected, to restrict the construction or expansion of permanent structures in the intended right-of-way of planned transportation facilities as indicated on a corridor map, and to protect the rights of landowners whose land is reserved on a corridor map.

Section 26.5.2. Definitions

Corridor map: A map adopted by a Governing Body of the Town which designates land to be reserved for the construction of future or improvement of existing transportation facilities. The corridor map establishes the width and termini of corridors as necessary to allow flexibility in planning the design of a transportation facility.

Reserved land: Land shown on the corridor map as "reserved."

Transportation facilities: Streets, highways, bikeways, sidewalks, and trails.

Section 26.5.3. Findings and Corridor Map Adoption

The Governing Body of the Town reserves the right to adopt a corridor map that is consistent in all respects with the Comprehensive Plan or plans of the Town. Prior to adoption of a corridor map, the following actions shall be taken to ensure procedural due process:

- (a) Prior to public hearing, if the proposed corridor map includes land intended for transportation facilities to be constructed or improved by governmental units other than the Town, a copy of the proposed corridor map shall be submitted to the chief executive officer of each such governmental unit who shall be allowed thirty (30) days to indicate in writing any reserved land for transportation facilities for which they are responsible that they want removed from the corridor map, in which case such reserved land shall be removed from the corridor map.
- (b) At least fifteen (15) days before the public hearing, the Zoning Administrator shall notify the public of the date, time, place, and nature of the public hearing by publication in a newspaper of general circulation in the territories of the local government or governments with jurisdiction.
- (c) The Zoning Administrator shall notify all owners of parcels of land that include proposed reserved land of the date, time, place, and nature of the public hearing by mail at least fifteen (15) days before the public hearing.
- (d) The Governing Body shall hold a public hearing(s) at the date, time, and place advertised, and afford all interested individuals the opportunity to be heard concerning the proposed corridor map.

Section 26.5.4. General Provisions

The Zoning Administrator shall not issue any permit pertaining to land use, zoning or development on land regulated by this Chapter except pursuant to the procedures and in compliance with this Chapter. This Chapter does not forbid or restrict the use of any reserved land that does not constitute the development of that land, nor does this Chapter forbid or restrict development on the unreserved portion of any reserved land.

Section 26.5.5. Development Permit Required to Develop Reserved Land

An owner of reserved land who proposes to develop reserved land shall apply to the Zoning Administrator for a Development Permit. It shall be unlawful to carry out development upon land shown as reserved on the corridor map without securing a Development Permit as required by this Chapter and the Land Use Management Code generally.

Section 26.5.6. Public Hearing and Notice on Development Permit

Upon receiving an application for a development permit involving reserved land as shown on an adopted corridor map, the Zoning Administrator shall arrange for the application to be scheduled for public hearing before the Governing Body. The applicant (and the governmental unit, if land is reserved for public use by a governmental unit other than the local government) shall be notified in writing of the date, time, and place of the hearing, by written mail, personal service, or facsimile, at least fifteen (15) days prior to the public hearing. The public shall be given notice of the date, time, place, and nature of the hearing by publication in a newspaper of general circulation in the county of the local government at least fifteen (15) days prior to the public hearing. The applicant shall, at the hearing, have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application, as shall any governmental unit or interested individual that has an interest in the application.

Section 26.5.7. Action

Following the public hearing, the Governing Body may take one of the following actions:

- (a) Approve the development permit as proposed, with or without conditions, modify the mapped corridor to remove all or part of the reserved land from the mapped corridor, and issue with or without conditions the development permit authorizing development on the land removed from the mapped corridor.
- (b) Modify the proposed development permit application and issue it for development as modified, with or without conditions, if the development can reasonably be accomplished on the subject parcel without encroaching on the reserved land.
- (c) Delay action on the development permit for a defined period of time not to exceed three (3) months for the purpose of any of the following: negotiating with the property owner for purchase of all or a part of the reserved land by the governmental agency responsible for the transportation facilities; acquiring the reserved land voluntarily; acquiring a negative easement over the reserved land that prevents the property owner from building on the reserved land; taking the reserved land through eminent domain and the payment of just compensation.

Section 26.5.8. Authority to Acquire Reserved Land for Public Use

After considering the development permit by the Governing Body pursuant to this Chapter, the local government or other governmental unit responsible for the transportation facilities may, but shall not be obligated to, negotiate for the voluntary dedication of the land, enter into option to purchase, or it may initiate condemnation proceedings subject to applicable state laws and use its powers of eminent domain.

Section 26.5.9. Final Action on the Development Permit

If the Governing Body delays action on the development permit as provided by this Chapter, and the governmental agency responsible for transportation facilities on the reserved land fails to arrange for the legal acquisition of all or a part of the reserved land within the specified time period which shall not exceed three (3) months, then the Governing Body shall approve the development permit, with or without conditions.

ARTICLE 27

EXURBAN/RURAL DESIGN AND IMPROVEMENT REQUIREMENTS

CHAPTER 27.1	GENERAL PROVISIONS
CHAPTER 27.2	DESIGN REQUIREMENT FOR STREETS
CHAPTER 27.3	DESIGN REQUIREMENTS FOR LOTS AND BLOCKS
CHAPTER 27.4	STORM DRAINAGE AND UTILITIES

CHAPTER 27.1

GENERAL PROVISIONS

Section 27.1.1.	Purpose
Section 27.1.2.	Definitions
Section 27.1.3.	Authority
Section 27.1.4.	Applicability and Exemption
Section 27.1.5.	Engineered Drawings
Section 27.1.6.	Permits for Construction in Public Right-Of-Way
Section 27.1.7.	Improvements to Abutting Land

Section 27.1.1. Purpose

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments in Agricultural and Rural Residential Zoning Districts as established in Articles 6 and 7, respectively, of this Land Use Management Code.

Section 27.1.2. Definitions

Definitions pertaining to this Article shall be as provided in Chapter 2.2 and Chapter 26.2 of this Land Use Management Code.

Section 27.1.3. Authority

The Governing Body is hereby authorized to review and approve or deny preliminary plats of subdivisions as more fully specified in this Land Use Management Code. The Governing Body is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements for subdivisions and land development provided in this Article.

The Zoning Administrator is hereby authorized to review and approve certain subdivision specified in this Land Use Management Code and to administratively approve construction and development plans for land developments in compliance with the requirements of this Land Use Management Code.

Section 27.1.4. Applicability and Exemption

This Article shall apply in all Agricultural and Rural Residential Zoning Districts as established in Articles 6 and 7, respectively, of this Land Use Management Code. The improvement requirements specified in this Article shall apply to all developments, except that the improvement requirements specified in this Article shall not apply to individual lots proposed for development as a detached, single-family dwellings or manufactured homes, although such lots may be a part of a land subdivision that has initially met the requirements of this Article. Also see Section 9.2.4, "Driveway Permit Required," which shall apply to all developments. All improvements required to be constructed as part of a major subdivision, minor subdivision, or land development shall be constructed and improved in accordance with the standards and specifications for construction as required by this Article.

No person to whom this Article applies shall commence construction of any improvements on any land prior to the approval of construction plans and engineering plans for said improvements as required by this Land Use Management Code, in accordance with the improvement standards specified in this Article and any additional specifications as may be adopted by the Governing Body. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land unless it meets the improvement requirements specified in this Article and any additional specifications as may be adopted by the Governing Body pursuant to this Article.

Section 27.1.5. Engineered Drawings

Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia (or if authorized under state law, a registered land surveyor or professional landscape architect) shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article 27 and other applicable provisions of this Land Use Management Code for development permits and land-disturbing activities (See Chapter 23.1 and Article 13). Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, a registered engineer for the subdivider/developer shall submit copies of all finished, as-built plans of improvements; demonstrating that said improvements, as installed, meet the requirements of this Article and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as-built street and utility plans for future use and reference.

Section 27.1.6. Permits for Construction in Public Right-Of-Way

Permits shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Zoning Administrator and if applicable, City Engineer. Permit fees shall be determined by the Governing Body.

Section 27.1.7. Improvements to Abutting Land

When an existing public street will abut and/or will be connected to a subdivision or land development for access, the public street will be assessed to determine if it is of sufficient size and construction, as specified in Section 27.2.2, to adequately accommodate the increased vehicle traffic. If they are not, then the Governing Body will require the subdivider or land developer to make improvements according to the standards and specifications in this Article or adopted pursuant thereto along said abutting public street. When a subdivision or land development uses an unpaved public right of way for access, the subdivider or land developer shall improve that right of way to a pavement width consistent with the road design standards specified in this Article. Said improvements shall be from the subdivision or land development entrance to the paved county or city road which the Zoning Administrator determines will be the primary direction of travel for residents of the subdivision or occupants of the land development

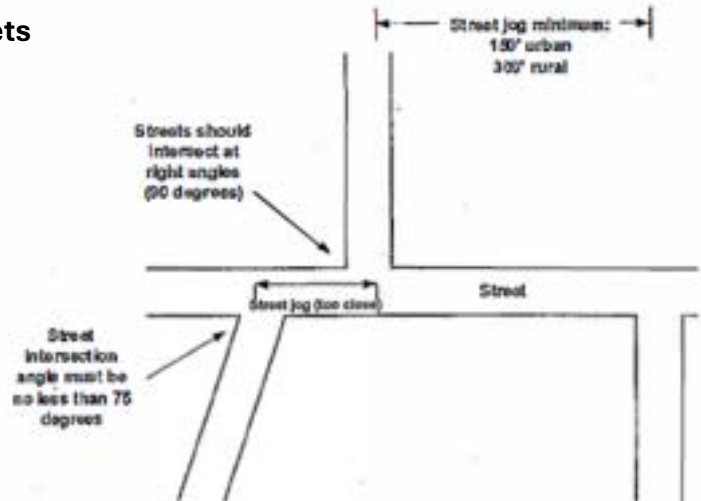
CHAPTER 27.2

DESIGN REQUIREMENTS FOR STREETS

Section 27.2.1.	Standards for Configuring New Streets
Section 27.2.2.	Requirements for Streets
Section 27.2.3.	Curb Cuts and Access Specifications
Section 27.2.4.	Street Lighting
Section 27.2.5.	Street Signs
Section 27.2.6.	Curbs and Gutters
Section 27.2.7.	Sidewalks

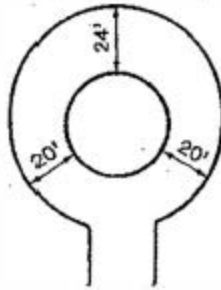
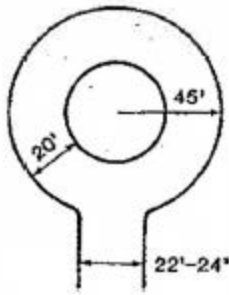
Section 27.2.1. Standards for Configuring New Streets

1. **Street Alignment. Intersections and Jogs-** Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 300 feet (exurban/rural areas).



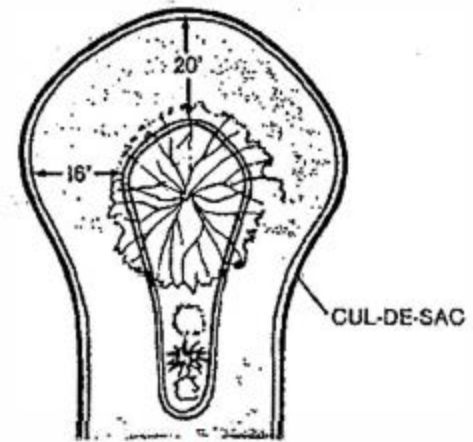
2. **Continuation of Existing Streets and Connections-** Existing streets, and their right-of-ways, shall be continued at the same or greater width, but in no case less than the required width. The Governing Body may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.
3. **Street Plans for Future Phases of the Tract-** Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the subdivider or land developer.
4. **Dead-end Streets and Cul-de-sacs-** Streets that dead-end shall terminate in a cul-de-sac or acceptable alternative street ending such as a center island cul-de-sac or hammerhead "T" turnaround. The maximum length of such streets shall be 1200 feet (exurban/rural areas).

Intersection Angles and Street Jogs



Source: Kulash, Walter M. 2001. *Residential Streets*, 3rd Ed. Washington, D Urban Land Institute, National Association of Home Builders, American Society of Civil Engineers, and Institute of Transportation Engineers, p. 35.

Illustrative Cul-de-sacs With Islands



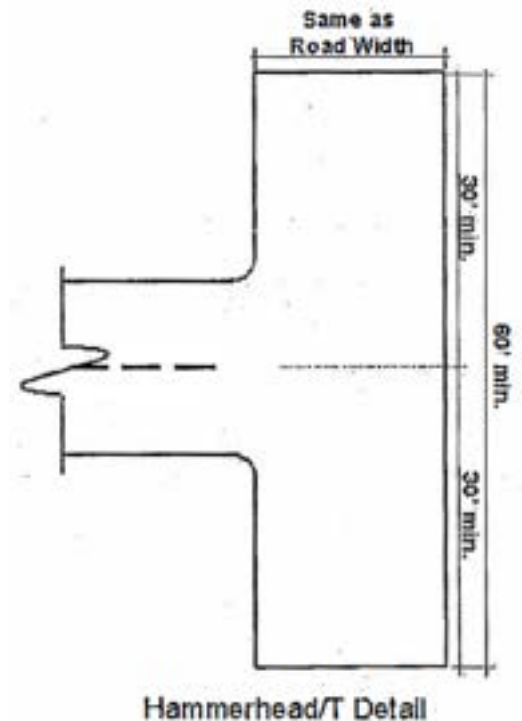
Source: De Chiara, Joseph, and Lee E. Koppelman. 1984. *Time-Saver Standards for Site Planning*. Figure 4.43, p. 355. New York: McGraw-Hill.

Center-island cul-de-sacs shall minimum radii approved by the Planning Commission, which may approve alternative, flexible center-island cul-de-sac designs (for instance, see figures) as a part of preliminary plat approval.

Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Governing Body.

A hammer-head turnaround shall have a minimum pavement width the same as the road width (or not less than 15 feet), and shall extend a minimum of 30 feet to either side of the centerline of the dead-end street (60 feet total). The cross piece of the "T" shall be located within a 50 feet wide right-of-way that shall extend at least 10 feet beyond the ends of the pavement.

5. **Alleys and Service Access-** Alleys may be permitted in exurban/rural areas. If alleys are provided, they must be paved with asphalt or concrete or finished with gravel. Dead-end alleys shall be avoided were possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed (also see Chapter 9.2 and Article 12 of this Land Use Management Code).



Hammerhead/T Detail

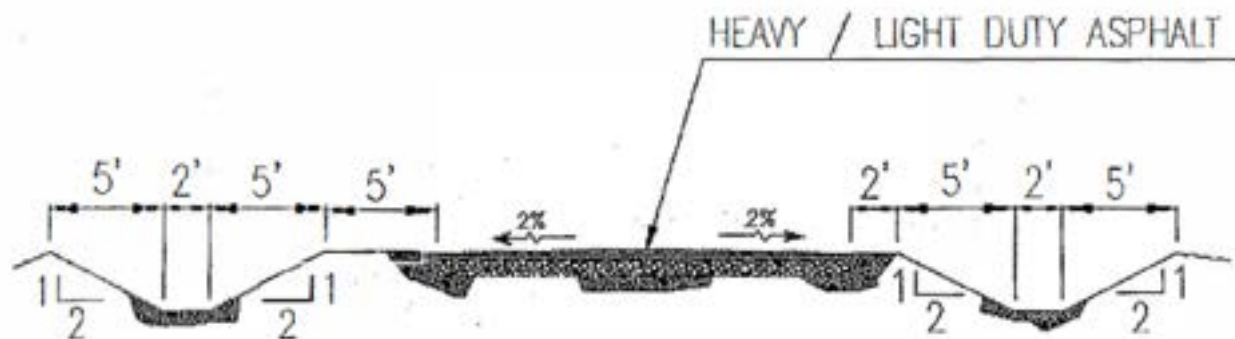
6. **Marginal Access Streets-** Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Governing Body at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Governing Body may also require a 20 foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said highway do not have access thereto.

Section 27.2.2. Requirements For Streets

1. **Bridges-** Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials (AASHTO) standards, unless it can be shown that alternative specifications are equivalent to said standards and are more in keeping with exurban/rural character, in which case modifications to said standards may be made by the Planning Commission.
2. **Grading and Stabilization of Street Rights-of-way-** When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Zoning Administrator in a manner acceptable to the Governing Body. All streets shall be graded to lines, grades, and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-ways shall be stabilized by seeding, fertilizing, and mulching, or by another equally effective method.
3. **Radius at Street Intersections-** The right-of-way radius at street intersections shall be a minimum of fifteen (15) feet, with larger radii for streets serving nonresidential development, as approved by the Governing Body.
4. **Street Grades-** No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight (8) percent. No other local street grade shall exceed twelve (12) percent, unless the Governing Body finds that due to topographic conditions a steeper grade is necessary, in which case the street grade shall not exceed fifteen (15) percent. Grades between 12 and 15 percent shall not exceed a length of 150 feet.
5. **Minimum Street Right-of-way and Pavement Widths-** Street right-of-way and pavement widths shall at minimum meet the following (also see cross-section figure):

STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM PAVEMENT WIDTH (FEET)
Major arterial street	Per thoroughfare plan	Per thoroughfare plan
Collector street	80	30*
Local street with curb and gutter	50	24 (Back of curb to back of curb)
Local street without curb and gutter	60	20
Cul-de-sac turn around radius	50	40
One-way Lane or Alley	30	10

* Width may vary based on proposed design of collector road, subject to approval of the Governing Body.



6. **Street Horizontal Alignment and Reverse Curves-** Street horizontal alignments and reverse curves shall at minimum meet the following:

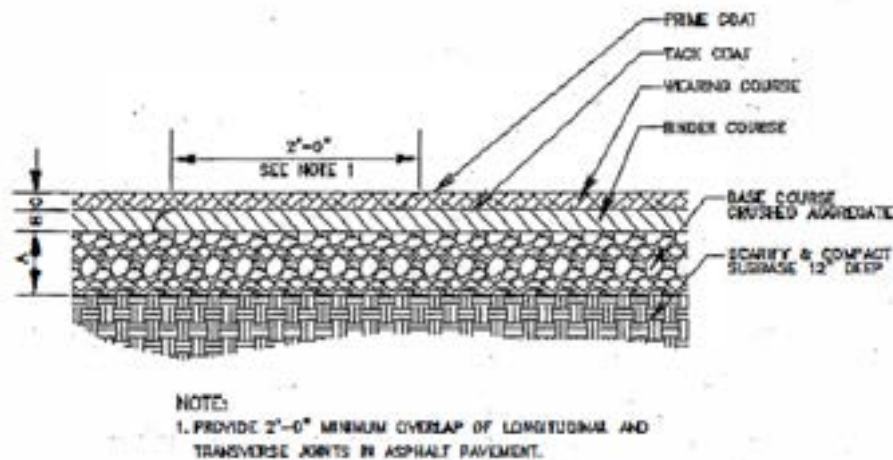
STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major arterial street	1250	250
Collector street	500	100
Local street with curb and gutter	100	100
Local street without curb and gutter	100	100
Dead-end street	100	100

7. **Street Paving Standards-** All new streets shall be paved.

Street paving must at minimum meet the following:

Fill (Subgrade) Compaction: After grading of the roadway has been completed, the subdivider shall proofroll the cut subgrade using a heavy rubber tired vehicle to verify that exposed subgrades are stable and to identify loose or soft areas requiring under cutting or stabilization. Proofrolling shall be under the observation of an independent testing laboratory or engineer and the subdivider shall provide certification of successful proofrolling testing.

Base Compaction- Before paving is commenced, the subdivider shall provide two copies of a certificate from an engineer or certified private testing laboratory of the compaction test on the graded aggregate base course.



Typical Asphalt Road Section Detail

Base and Paving: The minimum base and paving shall be as follows; however, the Governing Body shall have the right to increase these specifications should the projected traffic for the development exceed the capacity of these minimum specifications.

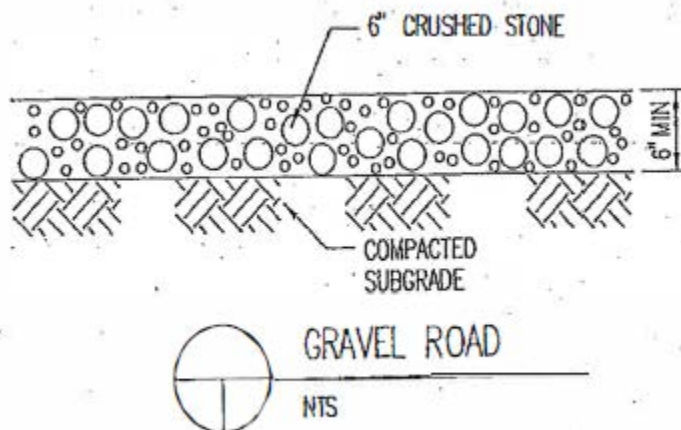
Commercial/Heavy Roads

- A. 10.0 inches of graded aggregate base course compacted to 95%.
- B. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- C. 1.5 inches of asphaltic concrete wearing surface type "P".

Residential/Subdivision Streets

- D. 6.0 inches of graded aggregate base course compacted to 95%.
- E. 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- F. 1.5 inches of asphaltic concrete wearing surface type "P".

Gravel Roads/Alleys: Gravel roads shall consist of a subgrade that is proofrolled consistent with standard paving practices and a six (6) inch base of crushed stone compacted to 95%.



Section 27.2.3 Curb Cuts and Access Specifications

Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Governing Body, in accordance with State or local specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation prior to the construction of such entrances or exits and prior to the issuance of any development permit or building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any public street shall be approved by the City Engineer prior to the construction of such entrances or exits and after issuance of a driveway permit as specified in Article 9.2 of this Land Use Management Code.

Section 27.2.4. Street Lighting

In the interest of preserving the rural atmosphere of the night sky in exurban and rural areas, street lighting along streets in new subdivisions or land developments is discouraged. If desired by a developer, streetlights must be installed in accordance with local utility companies' standards and should additionally be designed and detailed so as to be compatible with the rural environment (i.e., post-top lights, not cobra-head lights). Installation and maintenance of the streetlights shall be the responsibility of the developer, and payment for operations and maintenance shall be assigned to a homeowners association unless responsibility for payment for operations and maintenance is accepted by the Governing Body.

Section 27.2.5. Street Signs

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Governing Body. Street signs on exterior/boundary streets shall be installed at the subdivider or developer's expense by the subdivider or developer in accordance with specifications of the Governing Body and the participating municipality. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Governing Body.

Unless otherwise adopted by the Governing Body, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven (7) feet with a minimum burial depth of three (3) feet.

Section 27.2.6. Curbs and Gutters

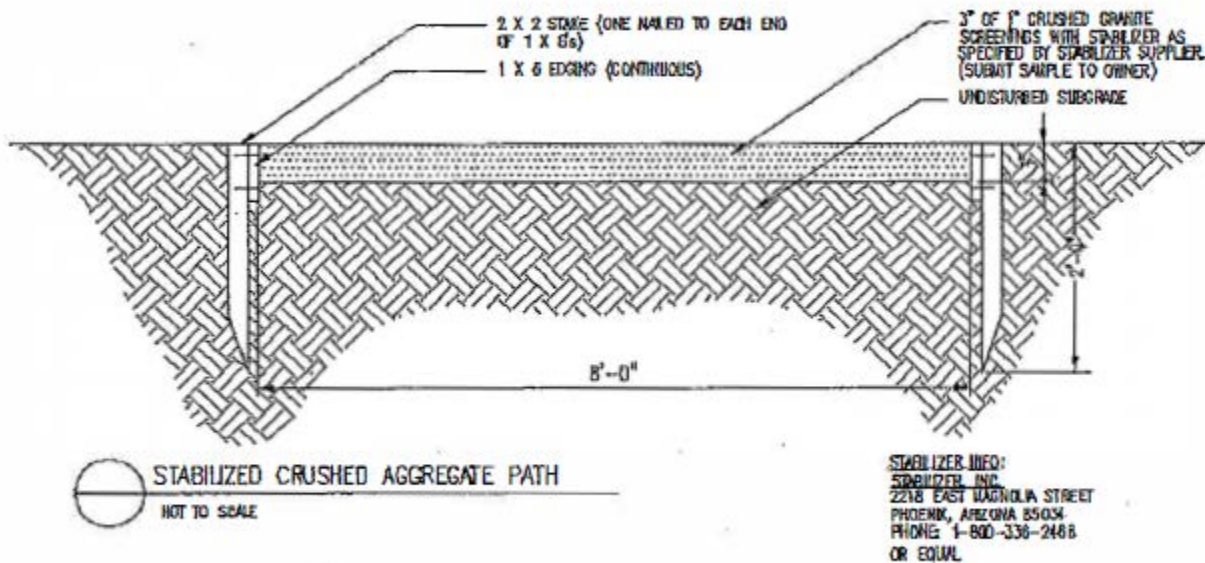
Curbs and Gutters shall not be required for all streets in exurban and rural developments but may be required in specific areas if the Governing Body determines they are needed to protect specific lots from excess runoff. Should a subdivider or developer desire to construct curbs and gutters for streets in a subdivision, such curbs and gutters shall be constructed in accordance with the standards and specifications of Section 28.2.6 of this code.

Section 27.2.7. Sidewalks

Sidewalks shall not be required in exurban and rural area developments unless sidewalks are determined to be required in the Comprehensive Plan of the Town, unless the Zoning Administrator determines that a public need exists for sidewalks in a certain location, or in the case that a land development or subdivision is located within one mile of a public school. If required, sidewalks shall be designed in accordance with Article 28 of this Land Use Management Code.



As an alternative to sidewalks, developments in exurban and rural areas are encouraged to include common pedestrian paths constructed of pervious surfacing materials such as gravel, brick dust, mulch or other similar surface. Such paths should follow routes that are desirable and appropriate for the individual landscape and an easement should be established, where feasible, in order to ensure the long-term accessibility of the path.



Pedestrian Path Typical Detail

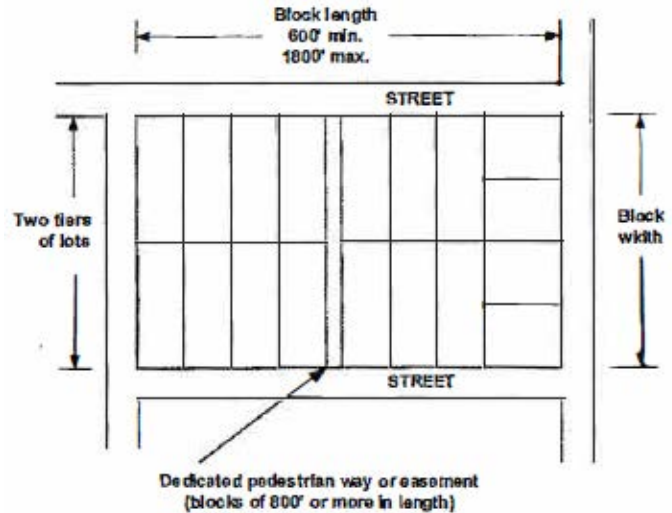
CHAPTER 27.3

DESIGN REQUIREMENTS FOR LOTS AND BLOCKS

- Section 27.3.1. Design Requirements for Blocks
Section 27.3.2. Design Requirements for Lots

Section 27.3.1. Design Requirements for Blocks

1. **Block Length-** Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand eight hundred (1800) feet nor be less than six hundred (600) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Governing Body near the center of blocks.



Block Length, Block Width, and Pedestrian Way

2. **Block Width-** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (also See Article 12 of this code).

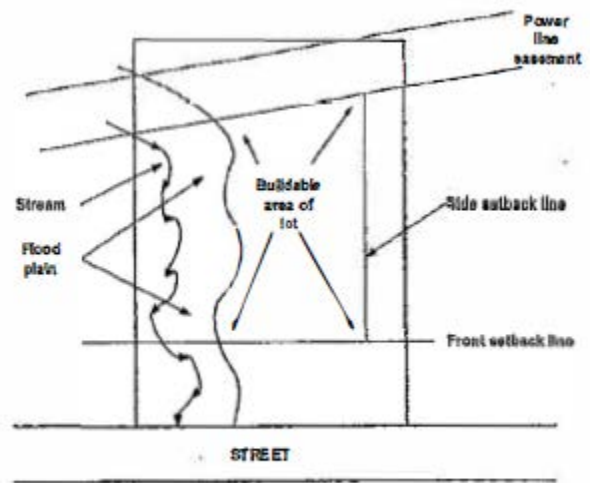
Section 27.3.2. Design Requirements for Lots

1. **Natural Features and Assets-** In the subdividing of land, due regard shall be shown watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards (see figure).
2. **Access and Minimum Lot Frontage-** Each lot shall have access to a public street with the minimum lot frontage on a public street Specified by Section 5.3.11 of this Land Use Management Code. Lot widths shall be consistent with the dimensional requirements of zoning districts in specified in Tables 6.2, 7.2, and 8.2 of this Land Use Management Code.



3. **Adequate Buildable Area Required-**

Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body.



Adequate Building Area Required

4. **Lot Remnants Not Permitted-** All remnants of lots below any required minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Zoning Administrator may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.
5. **Service Areas-** Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended (also See Article 12 of this code).
6. **Lot Area-** The minimum lot area shall not be less than that established by the dimensional requirements of zoning districts in this Code (Tables 6.2, 7.2, 8.2).
7. **Lot Width-** No portion of a lot, with the exception of cul-de-sac lots and approved flag lots, shall have a lot width less than that established by the zoning district in which the sub division is located, if applicable.
8. **Lot Depth-** Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.
9. **Flag Lots-** In exurban and rural areas, flag lots may be allowed under special approval from the Planning Commission due to demonstrated need related to the accessibility of property. Flag lots shall not constitute more than twenty percent (20%) of the lots in a major subdivision. Under no circumstances may more than two adjacent flag lots be permitted.
10. **Side Lot Lines-** Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
11. **Corner Lots-** Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.
12. **Double Frontage Lots-** Double frontage or "through" lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

CHAPTER 27.4

STORM DRAINAGE AND UTILITIES

Section 27.4.1.	Drainage and Stormwater Management
Section 27.4.2.	Water
Section 27.4.3.	Sewer
Section 27.4.4.	Utilities
Section 27.4.5.	Oversizing of Improvements and Utilities
Section 27.4.6.	Procedure for Administrative Inspection and Acceptance of Public Improvements

Section 27.4.1. Drainage and Stormwater Management

1. **General Requirements-** An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments that are subject to this Article. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor and construction shall be in accordance with the specifications of the Town. The Governing Body may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Governing Body shall not approve any preliminary plat of a subdivision, and the Zoning Administrator shall not approve the construction plans for any land development that does not make adequate provision for storm and floodwater runoff. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.
2. **Method of Design and Capacity-** Use of conventional storm sewers is discouraged in exurban and rural areas. If unavoidable, stormwater pipes and sewers shall be designed in accordance with Section 28.4.1 of this Code. Drainage swales are preferred in lieu of stormwater piping, and techniques such as pervious paving, infiltration recharge basins, vegetative filter strips and sand filter strips (see details in Section 12.3.13 of this Code) are encouraged to minimize the need for detention/retention basins. Capacity for a 25-year frequency storm event shall be provided for in all circumstances.
3. **Location-** Drainage facilities such as swales and ditches shall be located in the road right-of-way where it is feasible and shall be constructed in accordance with standards and specifications of the City Engineer or designated official of the Town. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.

4. **Discharge-** Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters as a result of the use of water quality Best Management practices (BMPs) that meet the approval of the Governing Body. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.
5. **Grading and Site Drainage-** Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and paved areas shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.
6. **Cross-drain Pipes-** Where a watercourse separates the buildable area of a lot or land development from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer or designated official of the Town. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drain pipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All cross drain pipes shall be minimum eighteen (18) inches in diameter and slopes shall be equal to or greater than one percent. Construction shall be in accordance with the specifications of the Town.
7. **Easements-** Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 27.4.2. Water

1. **Generally-** All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.
2. **Water Main Requirements-** When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the Town and the Georgia Department of Natural Resources Environmental Protection Division (ref: "Minimum Standards for Public Water Systems, 2000, Georgia Environmental Protection Division, <http://www.dnr.state.ga.us/dnr/enviro/>). In all cases, the size of water mains shall be justified by hydraulic analysis performed by a professional engineer. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.

3. **Wells-** If a County and/or municipal public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the Governing Body, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the County Health Department for its approval, and individual wells shall be approved by the County Health Department. Approvals shall be submitted to Director prior to final subdivision plat approval.
4. **Community Water System-** If a County and/or Town water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each prospective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the applicable County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.
5. **Fire Hydrants-** Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Maysville Fire Department. Location and construction of fire hydrants shall be in accordance with the Town's specifications and shall meet the current AWWA Standard C502. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right of-way shared by such underground utilities.

Section 27.4.3. Sewer

1. **General-** All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.
2. **Connection to Public Sewerage System-** In exurban and rural areas, it is generally anticipated that a public sewerage system will not be reasonably accessible to serve new development. In the case that connection to a public sewerage system is proposed by a developer, the specifications of Section 28.4.3 of this Code shall be followed regarding connection to the public sewerage system.
3. **Alternative Provision-** In exurban and rural areas, on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the applicable County Health Department and according to specifications adopted by the Governing Body.
4. **Septic Tanks-** Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the applicable County Health Department.

Section 27.4.4. Utilities

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. 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. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least ten (10) feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least ten (10) feet in width shall be provided alongside lot lines with satisfactory access. Location or relocation of utilities shall be accomplished in accordance with the specifications of the Town.

Section 27.4.5. Oversizing of Improvements and Utilities

The subdivider or land developer shall construct such oversized improvements and utilities that the Governing Body (in the case of a subdivision) or Zoning Administrator in the case of a land development), as determined necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider or land developer agrees to a proposal by the Governing Body or Zoning Administrator, as the case may be, to share in the cost arrangements for over-sizing improvements and utilities. A formula may be developed by the City Engineer to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

Section 27.4.6. Procedure for Administrative Inspection and Acceptance of Public Improvements

At specified stages of construction and upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article 26 of this code to be approved by the local Governing Body shall be forwarded to the Governing Body by the Zoning Administrator.

ARTICLE 28

SUBURBAN/URBAN DESIGN AND IMPROVEMENT REQUIREMENTS

CHAPTER 28.1	GENERAL PROVISIONS
CHAPTER 28.2	DESIGN REQUIREMENT FOR STREETS
CHAPTER 28.3	DESIGN REQUIREMENTS FOR LOTS AND BLOCKS
CHAPTER 28.4	STORM DRAINAGE AND UTILITIES

CHAPTER 28.1

GENERAL PROVISIONS

Section 28.1.1. Purpose
Section 28.1.2. Definitions
Section 28.1.3. Authority
Section 28.1.4. Applicability and Exemption
Section 28.1.5. Engineered Drawings
Section 28.1.6. Permits for Construction in Public Right-of-Way
Section 28.1.7. Improvements to Abutting Land

Section 28.1.1. Purpose

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments in Residential Zoning Districts and Commercial and Industrial Zoning Districts as established in Articles 7 and 8, respectively, of this Land Use Management Code.

Section 28.1.2. Definitions

Definitions pertaining to this Article shall be as provided in Chapter 2.2 and Chapter 26.2 of this Land Use Management Code.

Section 28.1.3. Authority

The Governing Body is hereby authorized to review and approve or deny preliminary plats of subdivisions as more fully specified in Article 26 of this Land Use Management Code. The Governing Body is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements for subdivisions and land development provided in this Article.

The Zoning Administrator, Governing Body, is hereby authorized to review and approve certain subdivision specified in Article 26 of this Land Use Management Code and to administratively approve construction and development plans for land developments in compliance with the requirements of this Land Use Management Code.

Section 28.1.4. Applicability and Exemption

This Article shall apply in all Residential (R) Zoning Districts and Commercial and Industrial Zoning Districts as established in Articles 7 and 8, respectively, of this Land Use Management Code. The improvement requirements specified in this Article shall apply to all developments, except that the improvement requirements specified in this Article shall not apply to individual lots proposed for development as a detached, single-family dwellings or manufactured homes, although such lots may be a part of a land subdivision that has initially met the requirements of this Article. Also see Section 9.2.4, "Driveway Permit Required," which shall apply to all developments. All improvements required to be constructed as part of a major subdivision, minor subdivision, or land development shall be constructed and improved in accordance with the standards and specifications for construction as required by this Article.

No person to whom this Article applies shall commence construction of any improvements on any land prior to the approval of construction plans and engineering plans for said improvements as required by Article 26 of this Land Use Management Code, in accordance with the improvement standards specified in this Article and any additional specifications as may be adopted by the Governing Body. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land unless it meets the improvement requirements specified in this Article and any additional specifications as may be adopted by the Governing Body pursuant to this Article.

Section 28.1.5. Engineered Drawings

Engineering drawings for public streets, including cross section and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia (or if authorized under state law, a registered land surveyor or professional landscape architect) shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article 28 and other applicable approval provisions of this Land Use Management Code for development permits and land disturbing activities (See Chapter 23.1. and Article 13). Prior to approval and recording of a final plat, or subdivider/developer shall submit copies of all finished, as built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this Article and certifying that the plans accurately reflect actual construction and installation. The Zoning Administrator shall maintain all as built street and utility plans for future use and reference.

Section 28.1.6. Permits for Construction in Public Right-of-Way

Permits shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the Zoning Administrator and if applicable, City Engineer. Permit fees shall be determined by the Governing Body.

Section 28.1.7. Improvements To Abutting Land

The existing public streets that subdivisions and land developments abut/and or will be connected to for access will be assessed to determine if they are of sufficient size and construction, as specified in Section 28.2.2 to adequately carry the additional vehicle traffic. If they are not, then the Governing Body will require the subdivider or land developer to make improvements according to the standards and specifications in this Article or adopted pursuant thereto along all abutting public streets accessed.

When a subdivision or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with the road design standards specified in this Article. Said improvements shall be from the subdivision or land development entrance to the paved county or city road which the Zoning Administrator determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

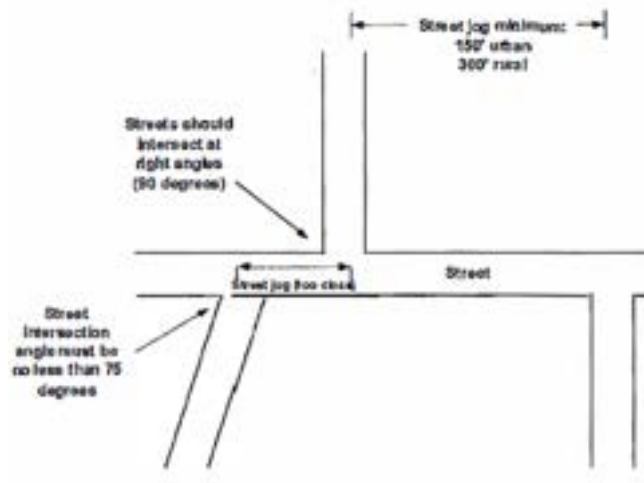
CHAPTER 28.2

DESIGN REQUIREMENTS FOR STREETS

Section 28.2.1.	Standards for Configuring New Streets
Section 28.2.2.	Requirements for Streets
Section 28.2.3	Curb Cuts and Access Specifications
Section 28.2.4.	Street Lighting
Section 28.2.5.	Street Signs
Section 28.2.6.	Curbs and Gutters
Section 28.2.7.	Sidewalks

Section 28.2.1. Standards For Configuring New Streets

- Street Alignment-** Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 150 feet (urban areas).
- Continuation of Existing Streets and connections-** Existing streets, and their rights-of-way, shall be continued at the same or greater width, but in no case less than the required width. The Governing Body may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.
- Street Plans for Future Phases of the Tract-**
Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the subdivider or land developer.
- Dead-end Streets and Cul-de-sacs-** Streets that dead-end shall terminate in a cul-de-sac meeting the requirements of this Article. The maximum length of such streets shall be 600 feet in suburban/urban areas. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the Governing Body.

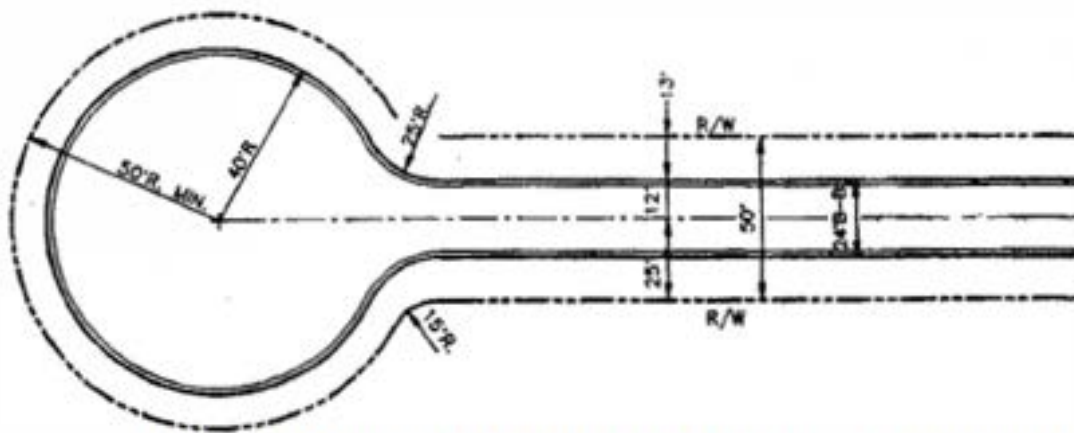


Intersection Angles and Street Jogs

5. **Marginal Access Streets-** Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Governing Body at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Governing Body may also require a 20-foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said highway do not have access thereto.
6. **Alleys and Service Access-** Alleys may be provided. If they are provided, they must be paved. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed (also see Chapter 9.2 and Article 12 of this Land Use Management Code).

Section 28.2.2. Requirements for Streets

1. **Bridges-** Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards, as determined by the Governing Body.
2. **Grading and Stabilization of Street Rights-of-Way-** When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Zoning Administrator in a manner acceptable to the Governing Body. All streets shall be graded to lines, grades, and cross sections approved on plans. All unsurfaced, disturbed portions of street rights-of-ways shall be stabilized by seeding, fertilizing, and mulching, or by another equally effective method.
3. **Radius at Street Intersections-** The right-of-way radius at street intersections shall be a minimum of fifteen (15) feet, with larger radii for streets serving nonresidential development, as approved by the Governing Body. The minimum pavement (curb) radius at street intersections shall be twenty-five (25) feet).
4. **Street Grades-** No street grade shall be less than one percent. No street grade for an arterial or collector street shall exceed eight (8) percent. No other local street grade shall exceed twelve (12) percent, unless the Governing Body finds that due to topographic conditions a steeper grade is necessary, in which case the street grade shall not exceed fifteen (15) percent. Grades between 12 and 15 percent shall not exceed a length of 150 feet.
5. **Minimum Street Right-of-Way and Pavement Widths-** Street right-of-way and pavement widths shall at minimum meet the following:



Residential Street With Curb and Gutter Cross Section Detail
Cul-de-sac Detail

STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM PAVEMENT WIDTH (FEET)
Major arterial street	Per thoroughfare plan	Per thoroughfare plan
Collector street	80	36*
Local street with curb and gutter	50	30
Cul-de-sac turn around radius	50	40 (back of curb)
Alley	30	16

* Width may vary based on proposed design of collector road, subject to approval of the Governing Body.

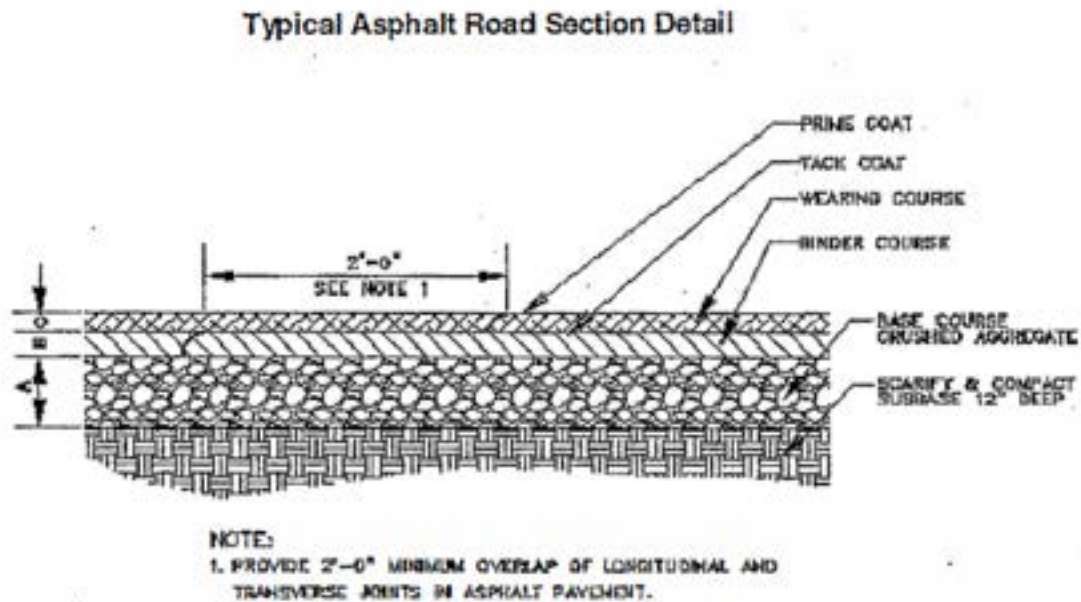
6. **Street Horizontal Alignment and Reverse Curves-** Street horizontal alignments and reverse curves shall at minimum meet the following:

STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major arterial street	1250	250
Collector street	500	100
Local street with curb and gutter	100	100
Dead-end street	100	100

7. **Street Paving Standards-** All new streets shall be paved. Street paving must at minimum meet the following:

Fill (Subgrade) Compaction: After grading of the roadway has been completed, the subdivider shall proofroll the cut subgrade using a heavy rubber tired vehicle to verify that exposed subgrades are stable and to identify loose or soft areas requiring under cutting or stabilization. Proofrolling shall be under the observation of an independent testing laboratory or engineer and the subdivider shall provide certification of successful proofrolling testing.

Base Compaction: Before paving is commenced, the subdivider shall provide two copies of a certificate from an engineer or certified private testing laboratory of the compaction test on the graded aggregate base course.



Base and Paving: The minimum base and paving shall be as follows; however, the Town shall have the right to increase these specifications should the projected traffic for the development exceed the capacity of these minimum specifications.

Commercial/Heavy Roads

- (a) 10.0 inches of graded aggregate base course compacted to 95%.
- (b) 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- (c) 1.5 inches of asphaltic concrete wearing surface type "P".

Residential/Subdivision Streets

- (a) 6.0 inches of graded aggregate base course compacted to 95%.
- (b) 2.0 inches of type "B" asphaltic concrete binder course compacted to 95%.
- (c) 1.5 inches of asphaltic concrete wearing surface type "F".

Section 28.2.3. Curb Cuts and Access Specifications

Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the Governing Body, in accordance with State or local specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation prior to the construction of such entrances or exits and prior to the issuance of any development permit or building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any public street shall be approved by the City Engineer prior to the construction of such entrances or exits and after issuance of a driveway permit as specified in Article 9.2 of this Land Use Management Code.

The following factors may be considered during the review and approval of a specific location of an entrance: the location of existing or planned median breaks; separation requirements between the entrance and major intersections; separation requirements between other entrances; the need to provide shared access with other sites; the need to align with previously approved or constructed access points on the opposite side of the street; and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

Section 28.2.4. Street Lighting

Streetlights shall be required and must be installed in accordance with local utility companies' standards in all subdivision developments. Installation and maintenance of the streetlights shall be the responsibility of the developer, and payment for operations and maintenance shall be assigned to a homeowners association unless responsibility for payment for operations and maintenance is accepted by the Governing Body.

Section 28.2.5. Street Signs

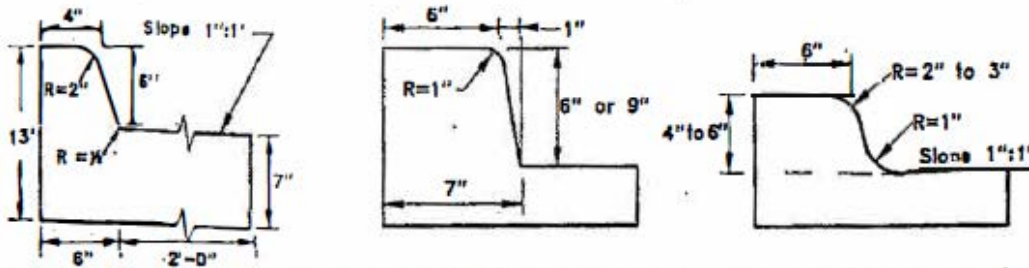
Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Governing Body. Street signs on exterior/boundary streets shall be installed at the subdivider or developer's expense by the subdivider or developer in accordance with specifications of the Governing Body and the participating municipality. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the Governing Body.

Unless otherwise adopted by the Governing Body, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven (7) feet with a minimum burial depth of three (3) feet.

Section 28.2.6. Curbs and Gutters

Curbs and gutters shall be installed in accordance with the standards and specifications of the Governing Body. Subdivisions consisting totally of lots intended for single family residential use containing a minimum of two (2) acres shall not require curbs and gutters. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of lots. When property fronting on an existing county or city street is subdivided or developed, and the subdivision or land development uses said existing street for access, then curbs and gutters shall be required along said street along the entire property frontage of said streets.

Curbs shall be concrete which shall be class A 3000 psi strength at 28 days. The typical curb minimum section shall be six inches by twenty- six inches by twenty-four inches by twelve inches (also see figure).

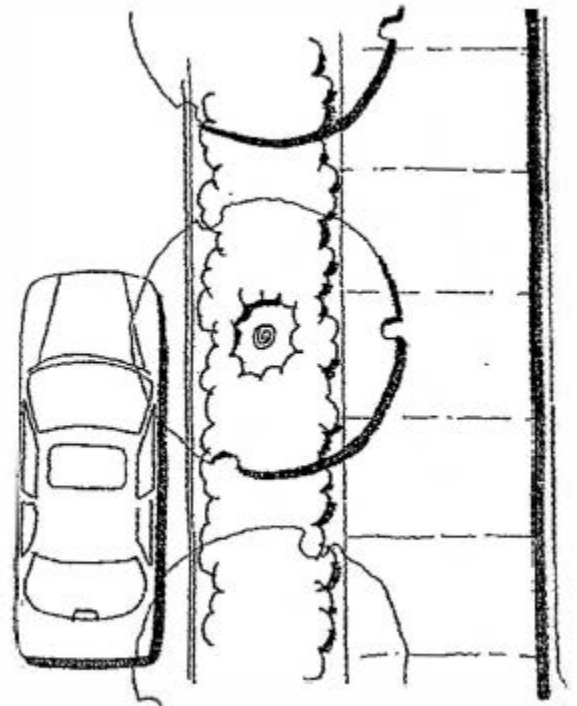


Source: Tanner, J. Thomas. 2002. "Suburban Street Design." In The Dewberry Companies, *Land Development Handbook* (2nd ed.). Figure 20.10, p. 370. New York: McGraw-Hill.

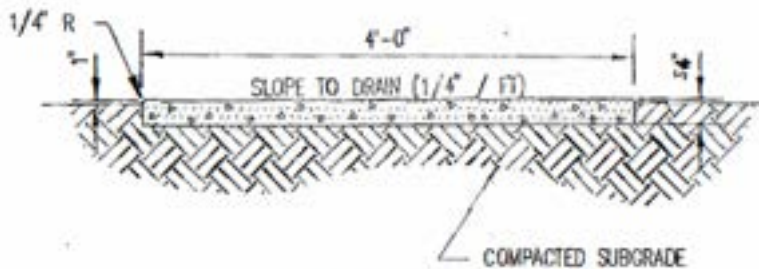
Vertical Curb Details

Section 28.2.7. Sidewalks


1. **When required-** Sidewalks shall be provided in accordance with the Comprehensive Plan of the Town, unless the Zoning Administrator determines that no public need exists for sidewalks in a certain location. Sidewalks shall be required when land developments and subdivisions are located within one-mile of a public school. Sidewalks are required to be installed along both sides of the street internal to a major subdivision, except in cases where the average lot size of the major subdivision is two (2) acres or more.
2. **Location-** Sidewalks shall be included within the dedicated non-pavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the Governing Body may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

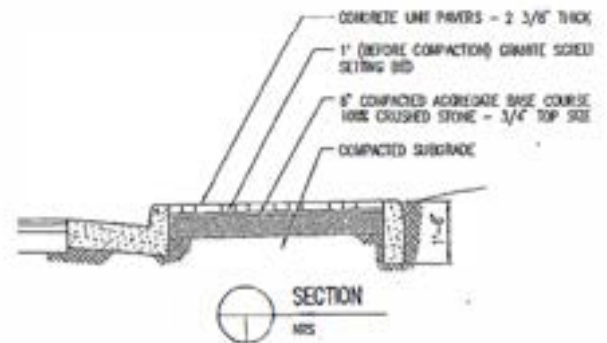



3. **Specifications-** Sidewalks shall be a minimum of four (4) foot wide. A median strip of grassed or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs in residential areas, except as may be otherwise approved pursuant to this Section. Pavement shall be per specifications in this Subsection. Sidewalks shall be also constructed to meet applicable requirements of the Americans with Disabilities Act relative to curb ramp access.

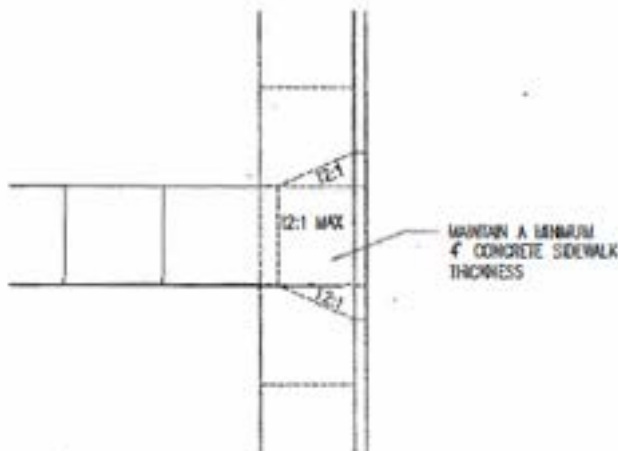


1. PROVIDE CONTROL JOINTS SPACED AT A MINIMUM OF 6 FEET.
2. PROVIDE EXPANSION JOINTS WHERE SIDEWALK MEETS ENTRANCE PADS OR ADJACENT TO BUILDING FLOOR SLAB.

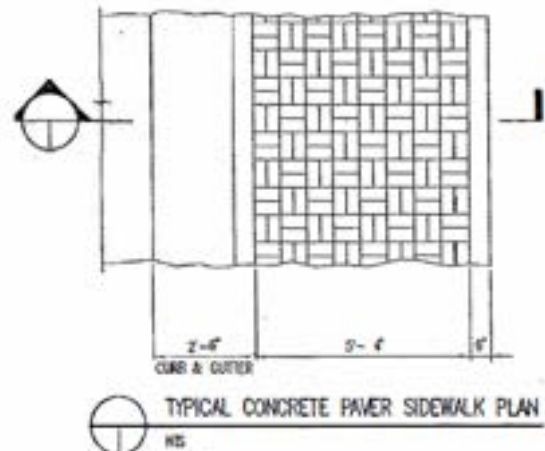
 TYPICAL SIDEWALK
NTS




 SECTION
NTS



 SIDEWALK RAMP
NTS



 TYPICAL CONCRETE PAVER SIDEWALK PLAN
NTS

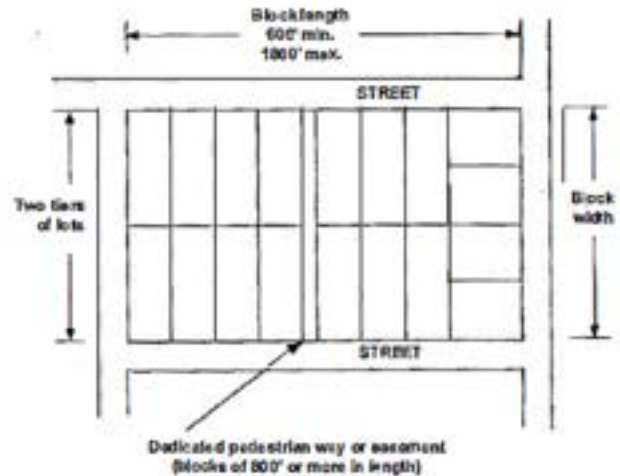
CHAPTER 28.3

DESIGN REQUIREMENTS FOR LOTS AND BLOCKS

- Section 28.3.1. Design Requirements for Blocks
Section 28.3.2. Design Requirements for Lots

Section 28.3.1. Design Requirements for Blocks

1. **Block Length-** Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed one thousand two hundred (1200) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required by the Governing Body near the center of blocks.



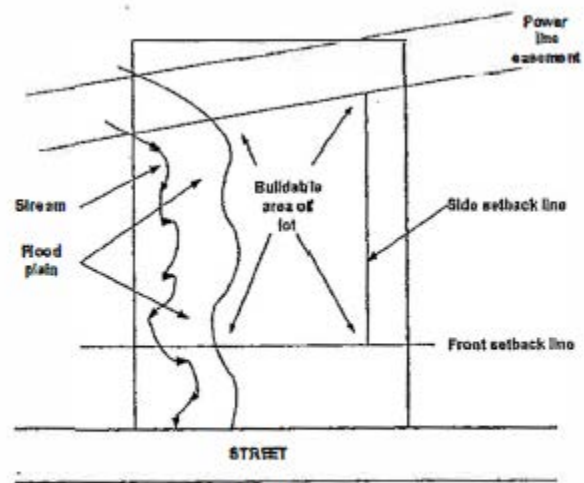
Block Length, Block Width, and Pedestrian Way

2. **Block Width-** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (also See Article 12 of this code).

Section 28.3.2. Design Requirements for Lots

1. **Natural Features and Assets-** In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.
2. **Access and Minimum Lot Frontage-** Each lot shall have access to a public or private street with the minimum lot frontage on a public or private street Specified by Section 5.3.11 of this Land Use Management Code. Lot widths shall be consistent with the dimensional requirements of zoning districts in specified in Tables 6.2, 7.2, and 8.2 of this Land Use Management Code.

3. **Adequate Buildable Area Required-** Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body.



4. **Lot Remnants Not Permitted-** All remnants of lots below any required minimum lot size which may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Zoning Director may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.
5. **Service Areas-** Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended (also See Article 12 of this code).
6. **Lot Area-** The minimum lot area shall not be less than that established by the dimensional requirements of the zoning district in which the property is located (Tables 6.2, 7.2, 8.2).
7. **Lot Width-** No portion of a lot, with the exception of cul-de-sac lots, shall have a lot width less than that established by the zoning district in which the subdivision is located, if applicable.
8. **Lot Depth-** Lots shall have a depth of not less than 100 feet, unless circumstances make these limitations impracticable.
9. **Flag Lots-** No lot shall be approved which constitutes a flag lot except with special approval from the Planning Commission due to extreme topographic circumstances.
10. **Side Lot Lines-** Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
11. **Corner Lots-** Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.
12. **Double Frontage Lots-** Double frontage or "through" lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

CHAPTER 28.4

STORM DRAINAGE AND UTILITIES

Section 28.4.1.	Drainage and Stormwater Management
Section 28.4.2.	Water
Section 28.4.3.	Sewer
Section 28.4.4.	Utilities
Section 28.4.5.	Oversizing of Improvements and Utilities
Section 28.4.6.	Procedure for Administrative Inspection and Acceptance of Public Improvements

Section 28.4.1. Drainage and Stormwater Management

1. **General Requirements-** An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments that are subject to this Article. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor and construction shall be in accordance with the specifications of the Town. The Governing Body may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Governing Body shall not approve any preliminary plat of a subdivision and the Zoning Administrator shall not approve the construction plans for any land development that does not make adequate provision for storm and floodwater runoff. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.
2. **Method of Design and Capacity-** Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Governing Body, and a copy of design computations shall be submitted along with required plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a 10-year storm or rain shall be provided for all street drainage structures such as catch basin, inlets cross drains, etc. Capacity for a 25-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.
3. **Location-** Drainage facilities shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City Engineer or designated official of the Town. Catch basins shall be located at low points of streets. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.

4. **Discharge-** Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters as a result of the use of water quality Best Management Practices (BMPs) that meet the approval of the Governing Body. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.
5. **Grading and Site Drainage-** Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.
6. **Cross-drain Pipes-** Where a watercourse separates the buildable area of a lot or land development from the street by which it has access, provisions shall be made for the installation of a culvert or other structure, the design of which shall be approved by the City Engineer or designated official of the Town. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drainpipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All cross drainpipes shall be minimum eighteen (18) inches in diameter and slopes shall be equal to or greater than one percent. Construction shall be in accordance with the specifications of the Town.
7. **Drop Inlets-** Drop inlets shall be generally three-foot by three-foot boxes with two foot by three foot grates and shall be constructed in accordance with the Town.
8. **Easements-** Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 28.4.2. Water

1. **Generally-** All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.
2. **Water Main Requirements-** When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the Town and the Georgia Department of Natural Resources Environmental Protection Division (ref: "Minimum Standards for Public Water Systems, 2000, Georgia Environmental Protection Division, <http://www.dnr.state.ga.us/dnr/environ/>). In all cases, the size of water mains shall be justified by hydraulic analysis performed by a professional engineer. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.
3. **Wells-** If a County and/or Town public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the Governing Body, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the County Health Department for its approval, and individual wells shall be approved by the County Health Department. Approvals shall be submitted to the Zoning Administrator prior to final subdivision plat approval.
4. **Community Water System-** If a County and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

5. **Fire Hydrants-** Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Fire Department serving the participating municipality. Location and construction of fire hydrants shall be in accordance with the Town Specifications of the Town and shall meet the current AWWA Standard C502. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Section 28.4.3. Sewer

1. **General-** All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.
2. **Connection to Public Sewerage System-** When a public sanitary sewerage system is reasonably accessible with adequate capacity, as determined by the Governing Body, the subdivider or land developer shall connect with same and provide sewers accessible to each lot in the subdivision or to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful for any to maintain upon any such property an individual sewage disposal system. When a public sanitary sewerage system is not immediately accessible but is anticipated to be available within a period of three (3) years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision or land development boundary so that a future connection with the public sewer main can be made. The Governing Body may condition the approval of a subdivision or the Zoning Administrator may require as a condition of land development approval on the agreement to connect to the public sewerage system upon its availability. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. Design and engineering of sanitary sewers shall be in accordance with the Specifications of the Town.
3. **Alternative Provision-** If sanitary sewer is not available at the time of the development of the subdivision or land development, and if sanitary sewer is not anticipated to be available within a period of three (3) years to serve the subdivision or land development in question, then on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the County Health Department and according to specifications adopted by the Governing Body.
4. **Septic Tanks-** Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the applicable County Health Department.

Section 28.4.4. Utilities

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. 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. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least ten (10) feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least ten (10) feet in width shall be provided alongside lot lines with satisfactory access. Location or relocation of utilities shall be accomplished in accordance with the specifications of the Town.

Section 28.4.5. Oversizing of Improvements and Utilities

The subdivider or land developer shall construct such oversized improvements and utilities that the Governing Body (in the case of a subdivision) or Zoning Administrator in the case of a land development), as determined necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the subdivider or land developer agrees to a proposal by the Governing Body or Zoning Administrator, as the case may be, to share in the cost arrangements for over-sizing improvements and utilities. A formula may be developed by the City Engineer to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

Section 28.4.6. Procedure for Administrative Inspection and Acceptance of Public Improvements

At specified stages of construction and upon completion of public improvement construction, the subdivider or land developer shall notify the Zoning Administrator and request an inspection. The Zoning Administrator shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the Zoning Administrator. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article 26 of this code to be approved by the Governing Body shall be forwarded to the governing body with jurisdiction by the Zoning Administrator.

ARTICLE 29

OPEN SPACE CONSERVATION SUBDIVISIONS

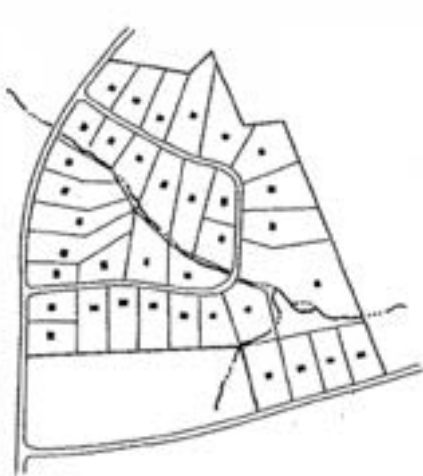
CHAPTER 29.1	PURPOSE AND INTENT
CHAPTER 29.2	APPLICABILITY AND GENERAL PROVISIONS
CHAPTER 29.3	CONSERVATION AREAS AND OPEN SPACES
CHAPTER 29.4	DESIGN GUIDELINES FOR LOT CONFIGURATIONS AND BUILDING ORIENTATIONS
CHAPTER 29.5	DESIGN GUIDELINES FOR STREETS
CHAPTER 29.6	PROCEDURES AND CRITERIA

CHAPTER 29.1

PURPOSE AND INTENT

This Article is intended to provide for residential subdivisions that are designed based first and foremost on the preservation of open space, but that accommodate the full extent of development that would otherwise be legally possible under conventional subdivision designs, and that:

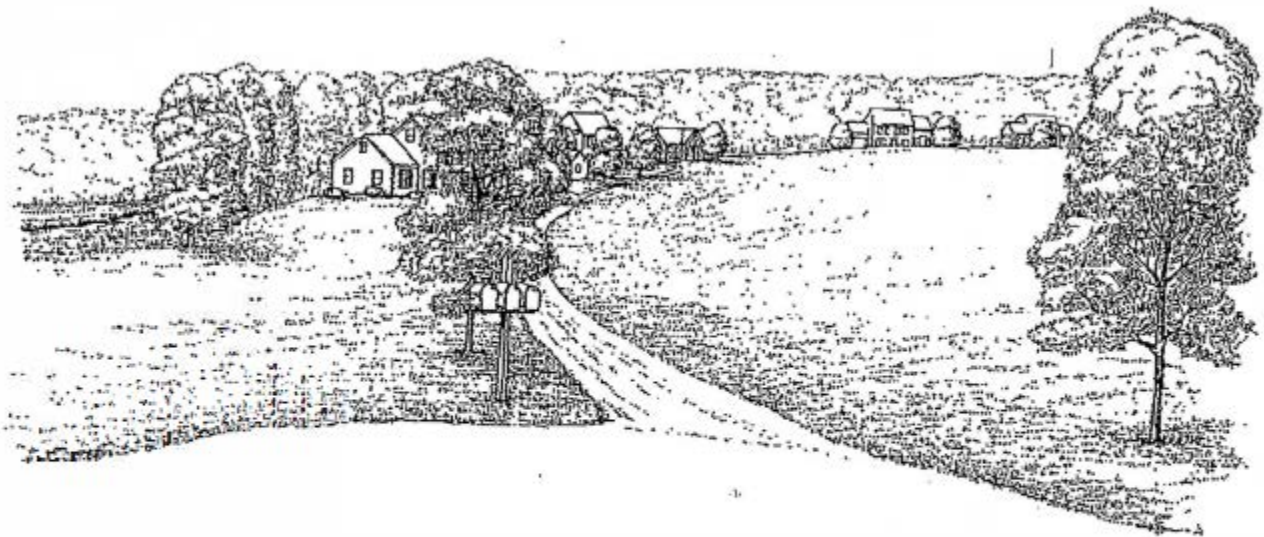
- (a) Minimize the environmental and visual impacts of new development on critical resources and historically and culturally significant sites and structures.
- (b) Contribute to an interconnected network of permanent open spaces in the community and provide for undivided or relatively undivided open spaces within new developments.
- (c) Create a greater diversity of living environments than is possible with conventional residential subdivision developments.
- (d) Foster informal social interaction among neighborhood residents in common open spaces.
- (e) Reduce the demand on public expenditures for open space, parkland, play fields, and other areas for active and passive recreation.
- (f) Encourage compact patterns that reduce capital costs by requiring less linear footage distances of roads and utilities than conventional subdivision development.
- (g) Offer greater opportunities to implement environmentally sensitive sewage treatment and disposal systems.
- (h) Meet design requirements and guidelines established in this Article for the protection of conservation areas, the subdivision of land, the location and orientation of homes and structures, and the installation of improvements.
- (i) Permit open space conservation subdivisions "by right" so that they are no more difficult to gain approval from the governing body with jurisdiction than are conventional subdivisions.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 128.

Conventional Subdivision

Open Space Conservation Subdivision



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 32.

Rural Character of a Conservation Subdivision Development

CHAPTER 29.2 APPLICABILITY AND GENERAL PROVISIONS

Section 29.2.1.	Relationship to Other Regulations
Section 29.2.2.	Sewage Treatment and Disposal Systems

Section 29.2.1. Relationship to Other Regulations

- (a) **Zoning Districts and Permitted Uses-** Open space conservation subdivisions as described and regulated in this Article are permitted as a "by right" permitted use in RR-1, RR-2, RR-3, R-1, R-2, and R-3 zoning districts. They are considered appropriate in exurban, rural, suburban, and urban areas. Use restrictions of the zoning district shall continue to apply.
- (b) **Zoning District Densities-** Open space conservation subdivisions shall not exceed the residential density in units per acre as established for the residential zoning district in which it the open space conservation subdivision is located, as specified in Table 7.2 of this Land Use Management Code.
- (c) **Lot Size and Width-** Minimum lot sizes, minimum lot widths, and building setbacks of the residential zoning district in which the open space conservation subdivision is located, as specified in Table 7.2 of this Land Use Management Code, shall not apply to open space conservation subdivisions, except that no lot shall be platted in a conservation subdivision that is less than fifty percent (50%) of the required lot size or lot width for the zoning district in which it is located.
- (d) **Building Setbacks-** Building setbacks shall be proposed on the preliminary plat and shall be subject to the approval of the Governing Body.
- (e) **Minimum Floor Areas-** Minimum floor areas per dwelling unit as established in Table7.2 for the zoning district in which the open space conservation subdivision is located shall apply.
- (f) **Subdivision Regulations-** Open space conservation subdivisions shall be considered and processed in accordance with preliminary and final plats requirements for major subdivisions.
- (g) **Improvement Requirements-** Open space conservation subdivisions shall meet the improvement requirements of Article 27 (exurban/ rural} or Article 28 (suburban/ urban) of this Land Use Management Code. Where design considerations for lots and blocks as more specifically recommended in this Article, they shall be considered applicable recommendations in lieu of those found in Articles 27 and 28 as would otherwise be applied.
- (h) **Other Design Principles-** The exurban/rural development principles specified in Section 7.8.1 O of this Land Use Management Code for PCD zoning districts shall be considered applicable and strongly recommended for open space conservation subdivisions, except that nonresidential land uses shall not be permitted.

Section 29.2.2. Sewage Treatment and Disposal Systems

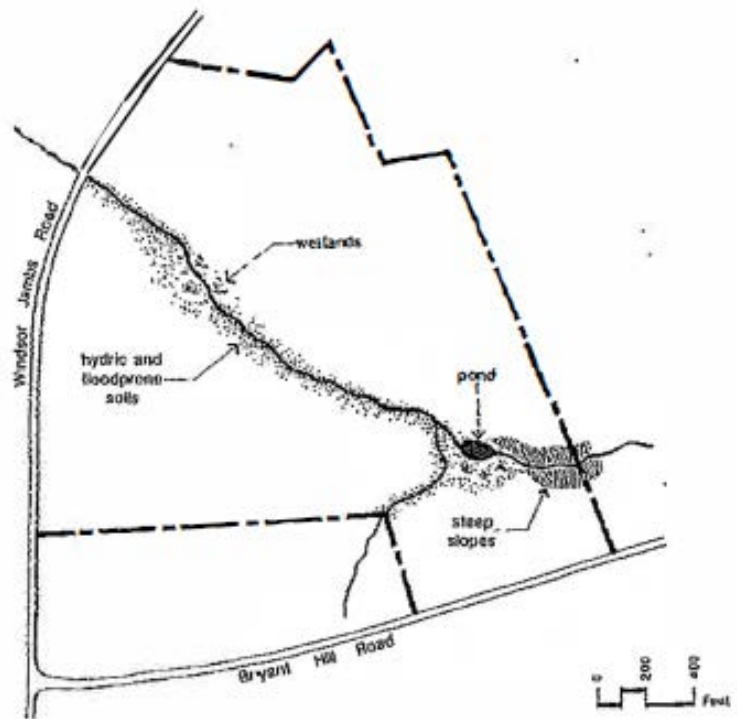
Subject to approval of the Health Department in areas where public sanitary sewer service is not reasonably available, open space conservation subdivisions may, upon demonstration of feasibility, employ an alternative method of sewage treatment and disposal to the conventional method of providing individual septic tanks and drain fields on individual lots per the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems. Alternatives to this conventional method which may be considered include in-ground community sewage plants, community septic systems, individual on-site septic tanks connected to shared drain fields within community open spaces, land treatment, spray irrigation, and wastewater reclamation and reuse facilities.

CHAPTER 29.3 CONSERVATION AREAS AND OPEN SPACES

Section 29.3.1.	Primary Conservation Areas
Section 29.3.2.	Secondary Conservation Areas
Section 29.3.3.	Recommendations for Secondary Conservation Areas
Section 29.3.4	Required Open Space Specifications
Section 29.3.5.	Recommendations for Designing Open Space Networks
Section 29.3.6.	Conservation Easement Required
Section 29.3.7.	Guidelines for Drafting Conservation Easements
Section 29.3.8.	Homeowners Association
Section 29.3.9.	Fee Simple Dedication to the Town

Section 29.3.1. Primary Conservation Areas

Primary conservation areas on lands in conventional subdivisions are permitted to be platted and included in adjacent residential lots. In contrast, an open space conservation subdivision incorporates, and shall include, all primary conservation areas into undivided or relatively undivided, permanent, open spaces. Primary conservation areas, as defined by this code, include the following: habitats for endangered or threatened species, wetlands, aquifer recharge areas, flood plains, water bodies, shorelines, and adjacent riparian zones or upland buffers, historic, cultural, and archaeological sites, and steep slopes.



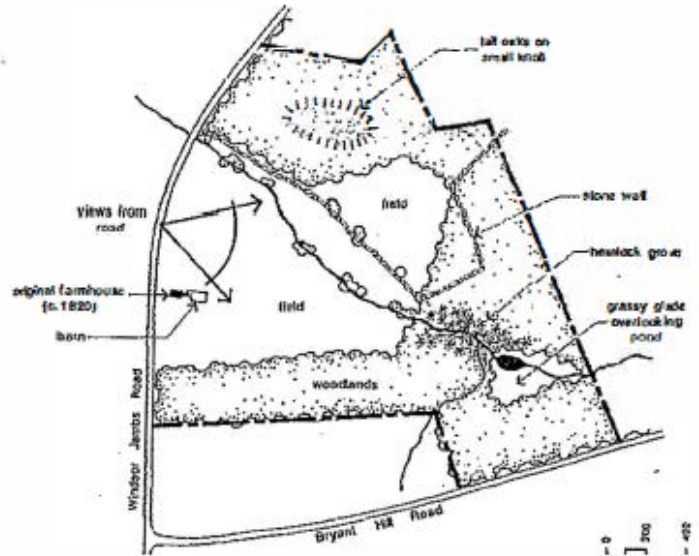
Source: Arendt, Randall G. 1996. *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Washington, DC: Island Press. pp. 72.

Primary Conservation Areas

Section 29.3.2. Secondary Conservation Areas

Secondary conservation areas on lands in conventional subdivisions are rarely identified and conserved. In contrast, an Open Space Conservation Subdivision identifies, and shall identify, secondary conservation areas and shall integrate all or a portion of them into undivided or relatively undivided, permanent, open spaces.

Secondary conservation areas include prime farmlands or open meadows; tree coverage areas and mature woodlands; significant trees, existing trails that connect the tract with neighboring areas, aquifer recharge areas; steep slopes, and scenic views and sites. Secondary conservation areas can also include newly designed and created open spaces such as neighborhood commons and village greens.



Source: Aréndt, Randall G. 1996. *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Washington, DC: Island Press. pp. 72.

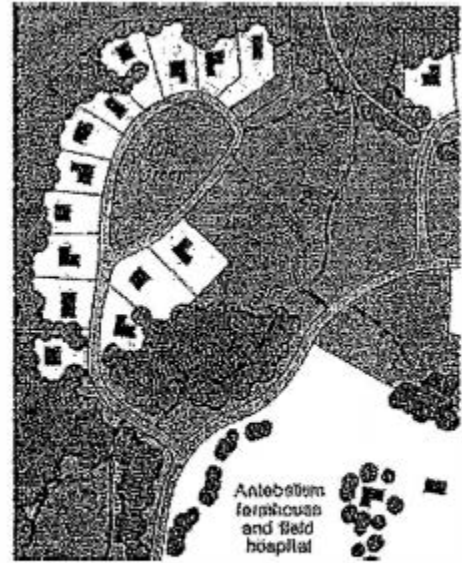
Secondary Conservation Areas

Section 29.3.3. Recommendations for Secondary Conservation Areas

This Section provides recommendations for establishing and protecting secondary conservation areas. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process.

- (a) **Site Values-** Priorities for conserving or developing secondary conservation areas should be based on an understanding of what features of the given property are more special, unique, irreplaceable, environmentally valuable, historic, scenic, or otherwise significant when compared with other similar features and in relationship to neighboring parcels.
- (b) **Site Homes at Edges of Fields-** Open Space Conservation Subdivisions should minimize the number of homes sited in open fields, if farmland protection and meadow preservation are principal objectives. Residences should be located adjacent to tree lines and wooded field edges. Maintain irregular field edges when they occur.

- (c) **Preserve Agricultural Structures-** Existing agricultural structures such as barns should be reserved where possible.
- (d) **Soils-** Development of soils with high erosion susceptibility is discouraged. Hydric soils should be identified and should not be developed unless it can be shown they are not wetlands. House lots should be located on the deepest, driest, or best-drained soils available on the parcel.
- (e) **Buffers Along Scenic Corridors-** Buffers of at least 100 feet in width should be provided along exterior roadways to provide an undisturbed view from such roadways. The 100-foot wide buffer is strongly encouraged and may be required along all roadways designated as scenic corridors. Buffers may incorporate hedgerows, stands of trees, rock formations, stone walls and wildflower planting to provide variety to the visual landscape. Open space conservation subdivisions should be screened from exterior principal roadways.
- (f) **Scenic Views, Sites, and Vistas-** Scenic views, sites and vistas should be unblocked and uninterrupted. Views can be created or opened up further by pruning limbs and selectively removing trees as opposed to clear-cutting.
- (g) **Active Recreational Facilities-** Active recreational facilities should not be located within primary conservation areas. No more than twenty five percent (25%) of the open space required for Open Space Conservation Subdivisions should be devoted to active recreational facilities.



Source: Arendt, Randall G. 1998. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press, p. 102.

Section 29.3.4. Required Open Space Specifications

- (a) **Minimum Percent of Site Area-** Each open space conservation subdivision shall provide a minimum of forty percent (40%) of its total land area as open space, as defined by this code. Areas of above ground utility right-of-way and impervious surfaces must be excluded from the minimum 40%.
- (b) **Minimum Size-** The minimum amount of open space required to qualify for an open space conservation subdivision shall be one and one-half (1.5) contiguous acres. The purpose of this minimum open space acreage is to avoid development proposals where minor subdivisions are used simply to reduce lot sizes and development costs or that provide only small, scattered open spaces that would not functionally contribute to the overall open space network of the surrounding area. At least 25% of the area set aside for open space (i.e., 10% of the total site area) must be suitable for building. Additionally, at least 60% of the open space must be in one contiguous tract.

- (c) **Permitted Uses-** In the case of farmland conversion, part of the open space within an open space conservation subdivision may be permitted to be retained in the hands of the original farmer/landowner or leased to a farmer for agricultural, pasture, or horticulture uses, so long as the activity is undertaken using best management practices to reduce environmental impacts to the extent possible. Open space may not be used for golf courses, roadways, or water impoundments. No more than 25% of the open space may be used for active recreation spaces. Uses not expressly authorized via the preliminary plat process are prohibited.
- (d) **Open Spaces Shall Be Named-** Each open space shall be given a name appropriate to its purpose and design. Acceptable identifying types of names for open spaces include but are not limited to "Common," "Park," "Green," "Meadow," "Woods," "Farm," and "Historic Site."

Section 29.3.5. Recommendations for Designing Open Space Networks

The following section provides recommendations for establishing open space networks. These are not requirements, but are merely intended to provide guidance in the Open Space Conservation Subdivision design process.

- (a) **Minimum Width-** The width of any open space tract should be, at minimum, sufficient to accommodate a path, given the existing terrain, the center of which is at least twenty-five (25) feet from any property line. In cases other than where the open space serves exclusively to provide a buffer or trail, open space tracts should not have a length-to-width ratio in excess of 4: 1.
- (b) **Buffers-** When an open space conservation subdivision abuts an existing conventional subdivision, a buffer of 100 feet or more of open space should be provided between the subdivisions.
- (c) **Location-** When an open space conservation subdivision site abuts an existing conservation area, park, nature preserve, or public undeveloped land, the length of the common boundary between the abutting conservation area and open space on site should be maximized to the greatest extent possible.
- (d) **Pedestrian and Multi-purpose Paths.** Open spaces should provide for pedestrian and/or multi-use paths, not more than eight (8) feet wide. Motorized vehicles should not be permitted on trail systems except for maintenance, construction, or public safety purposes. Where appropriate and feasible, such pedestrian and multi-purpose paths should be made handicapped accessible. Pedestrian and multi-use paths should be constructed with porous paving materials.
- (e) **Path/Street Crossings-** Where path systems cross an internal subdivision street, the access points should be directly across from each other, clearly identified both to the motorist and pedestrian, and located with appropriate sight distance as determined by the Zoning Administrator, subject to the approval of the Governing Body. Where a path crosses any public road, the path should be grade separated (i.e., by a tunnel or bridge), located at a traffic control device approved by the City Engineer, or properly marked as a mid-block crossing subject to the approval of the Zoning Administrator and Governing Body.

Section 29.3.6. Conservation Easement Required

All primary conservation areas, and all secondary conservation areas shown on the preliminary plat and required to be retained as open space, shall be permanently protected from further subdivision, development, and unauthorized use by a conservation easement. A conservation easement, as defined, shall be approved by the Town and

- 1) co-signed by the Town and donated to a conservation organization or land trust; or
- 2) co-signed by the city, donated to a homeowners association and co-signed by a conservation organization or land trust; or
- 3) donated to the city with jurisdiction if accepted by the city and co-signed by a conservation organization or land trust.

In the case of farmland conversion, part of the open space within an Open Space Conservation Subdivision may be permitted to be retained in the hands of the original farmer/landowner if subject to a conservation easement meeting the requirements of this Chapter.

Section 29.3.7. Guidelines for Drafting Conservation Easements

The following guidelines are offered for drafting conservation easements and may be required by the Town:

- (a) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. The easement must include a map of the tract noting all significant features within the area. The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer.
- (b) The easement specifically and clearly identifies the boundaries of the property subject to the easement, preferably by metes and bounds legal description and survey plat.
- (c) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations may include but may not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property.
- (d) The easement provides for the right of the easement holder and co-signer to inspect the property to assure observance of restrictions. It also provides for enforcement procedures.
- (e) The easement provides for the maintenance of property.
- (f) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered except with the express written permission of the easement holder, property owner, and any co-signers.

Section 29.3.8. Homeowners Association

Open spaces may be owned and managed in common by a homeowners association, subject to compliance with the provisions of this Chapter and the following requirements:

- (a) The developer of the open space conservation subdivision shall provide to the Zoning Administrator for approval, prior to the approval of a preliminary plat, a description of the homeowners association, including bylaws and methods for maintaining open space. The developer of the open space conservation subdivision shall provide a property management plan or an estimate of the costs and staff requirements for the maintenance, operation, and insurance of the open space and any facilities it includes in the description of methods for maintaining the subdivision's open space.
- (b) The homeowners association shall be established by the open space conservation subdivision developer and endowed with a financial subsidy from the developer prior to the approval of a final plat on the property involving an open space conservation subdivision.
- (c) Homeowners association membership of each non-open space lot owner in the open space conservation subdivision shall be mandatory (required) and automatic.
- (d) Unless maintenance is assigned to a conservation organization or land trust, the homeowners association shall be responsible for maintenance, insurance, and taxes on the open space within the open space conservation subdivision. In such cases, the association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share equitably the costs of open space maintenance as indicated in bylaws. The association shall be empowered with the legal ability to place liens on non-open space lot owners for failure to pay association dues.
- (e) Said homeowners association shall not be dissolved without the consent of the Governing Body. If common ownership of open spaces by a homeowners association is proposed and approved, then open spaces shall be subject to permanent deed and final plat restrictions or covenants on the future use, development, and subdivision of open spaces, in addition to the requirement of a conservation easement.
- (f) The Governing Body may, upon recommendation of staff, require that the homeowners association establish a minimum amount of funds to be initially deposited and maintained in a maintenance account.

Section 29.3.9. Fee Simple Dedication to the Town

Dedication in fee-simple ownership to the public for recreational and/or open space use is a possible mechanism for the permanent retention and maintenance of open spaces within the open space conservation subdivision, at the sole discretion of the Governing Body, and subject to the following in addition to other applicable provisions of this Chapter:

- (a) Dedication to the Town shall only be approved if the Governing Body with jurisdiction finds that the size, shape, location, type of open space, or cost of development or maintenance of such open space or the availability of open space would make public ownership desirable or necessary.
- (b) The decision to accept open spaces for fee simple public ownership shall be at the sole discretion of the Governing Body but guided by recommendations of the Zoning Administrator, and the comprehensive plan as it pertains to open space acquisition.
- (c) Said Governing Body generally will require dedication of all open space or park and recreation areas indicated for acquisition in the comprehensive plan or capital improvement program.

The Governing Body may require a maintenance bond or other financial security with a duration of twelve (12) months following public acceptance in an amount sufficient to ensure that such lands do not cause unwarranted public expenditures because of faulty conditions or construction. The Governing Body shall have authority to cash said bond in the event substandard conditions or construction are evident. Otherwise, following the one-year period following public dedication, with satisfactory performance, the Governing Body shall return the performance bond to the subdivider.

In addition to the required conservation easement, a deed for open space lands in a form acceptable to the City Attorney in favor of the Town shall be signed and recorded prior to the approval of any final plat pertaining to land within the open space conservation subdivision.

CHAPTER 29.4

DESIGN GUIDELINES FOR LOT CONFIGURATIONS AND BUILDING ORIENTATIONS

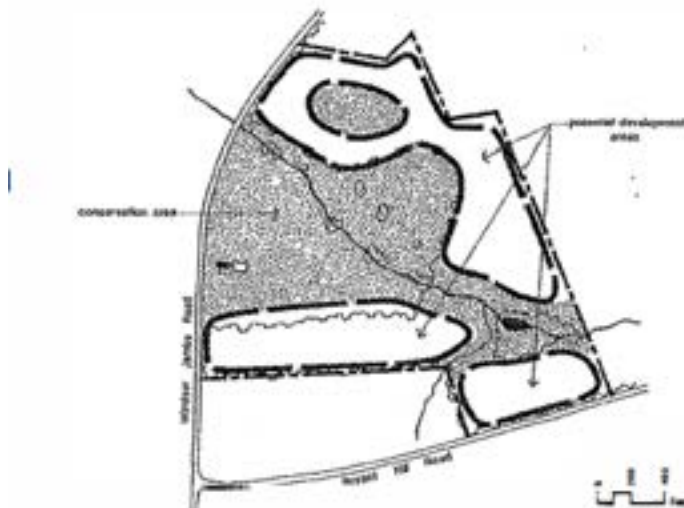
Section 29.4.1.	Generally
Section 29.4.2.	Comparison with Conventional Subdivisions
Section 29.4.3.	Lots as they Relate to Open Space, Streets, and Boundaries

Section 29.4.1. Generally

This Chapter provides recommendations for designing lots in open space conservation subdivisions. These are not requirements but are merely intended to provide guidance in the open space conservation subdivision design process.

Section 29.4.2. Comparison with Conventional Subdivisions

In conventional subdivisions drawing lot lines to meet zoning requirements is one of the first steps in the design process. Identifying lot and house locations should be the third step in the open space conservation subdivision design process, after determining primary and secondary conservation areas. This Chapter provides recommendations for designing open space conservation subdivisions. These are not requirements but are merely intended to provide guidance in the open space conservation subdivision design process.



Source: Arendt, Randall G. 1996. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 73.

Identifying Potential Development Areas

Section 29.4.3. Lots as they Relate to Open Space, Streets, and Boundaries

- (a) Homes should not front directly on off-site streets. No more than two (2) homes should front directly on off-site streets, except in cases where the off-site street is designated a scenic road, collector street, or arterial street, in which cases no homes in an Open Space Conservation Subdivision should be permitted to front directly on said off-site streets unless extensively screened.
- (b) The number of lots that abut or face onto conservation areas should be maximized, which is likely to increase the values of the lots.
- (c) Each lot should be abutted on at least one side by open space. Lots abutted by yards of other lots on all sides should be avoided and are highly discouraged. In cases where this is not feasible, every house should at least have a view of a minor open space like a small neighborhood common or village green.
- (d) Flag lots and wedge-shaped or "pie" lots with frontages as narrow as thirty (30) feet wide may be utilized to maximize individual lot frontages on open spaces, although the number of flag shaped or wedge-shaped lots should not exceed twenty five percent (25%) of the total lots in the open space conservation subdivision.
- (e) Zero lot line configurations are encouraged on lots less than sixty (60) feet in width, because two narrow side yards do not provide as much functionally usable space as does one wider side yard.
- (f) Lots that back up onto permanent open space can be shallower in depth because the existence of open space extends the perceived depths of such lots.
- (g) The minimum building setback for buildings and structures on lots abutting primary conservation areas to the rear or side yard should be 100 feet from the identified edge of the primary conservation area.
- (h) Homes within village areas should have front porches within conversational distance of the sidewalk or road.
- (i) Fencing should not be permitted on the perimeter of open space conservation subdivisions or abutting conservation areas, except in cases where it is demonstrated that such fencing serves an overriding public purpose.
- (j) Setbacks and proposed front, side and rear yards should be determined as appropriate for the subdivision and are subject to approval of the Governing Body through the preliminary platting process.

CHAPTER 29.5

DESIGN GUIDELINES FOR STREETS

Section 29.5.1	Introduction
Section 29.5.2	Location and Alignment
Section 29.5.3	Lengths and Curves
Section 29.5.4	Separate Travel Lanes
Section 29.5.5	Right-of-Way and Clearance
Section 29.5.6	Connections
Section 29.5.7	Cul-de-sac
Section 29.5.8	Reverse Curves
Section 29.5.9	Single-Loading Streets
Section 29.5.10	Curbs and Drainage
Section 29.5.11	Street Trees
Section 29.5.12	Sidewalks
Section 29.5.13	Signage

Section 29.5.1. Introduction

This article provides recommendations for designing streets serving open space conservation subdivisions. These are not requirements, but are merely intended to provide guidance in the open space conservation subdivision design process. After identifying all primary conservation areas, secondary conservation areas, potential development areas, and house sites, the fifth step in the open space conservation subdivision design process is to design the street alignments. Lot lines are drawn as a final step, after the open spaces, house sites, and road network have been determined.

Section 29.5.2. Location and Alignment

Designers should avoid crossing wetlands with streets. Existing farm roads should be incorporated into open space conservation subdivision designs.

Roads should follow existing contours with a minimum of cut and fill and disturbance for construction. In cases where agricultural protection or meadow preservation is a primary objective, new roads should be placed along the edge of a field, rather than through the middle, so as to be less intrusive on the open space character of the tract.



Source: Arendt, Randall G. 1986. Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington, DC: Island Press. p. 75.

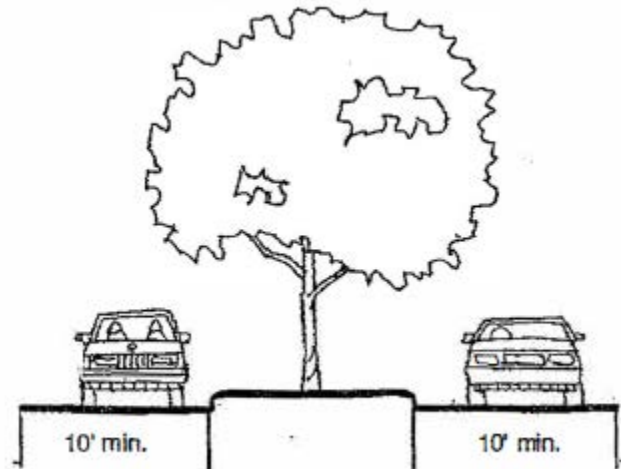
Designing Road Alignments and Trails

Section 29.5.3. Lengths and Curves

The length of roads should be minimized to reduce costs and aesthetic impacts. Long, straight road segments should be avoided. Curvilinear designs are preferred for rural open space conservation subdivisions. Streets should be curved and aligned to produce vistas of open space elements, where possible. Short, straight, interconnected streets (i.e., grid patterns) are appropriate for village areas when included in open space conservation subdivisions.

Section 29.5.4. Separate Travel Lanes

Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane should be ten (10) feet in paved width.



Section 29.5.5. Right-of-Way and Clearance

Rights-of-way should be only wide enough to accommodate the required street width improvement, adequate shoulder bases for utilities, bikeways and/or walkways, and open storm drainage ditches at appropriate bank slope. Drainage easements may be provided in lieu of expanding the right-of-way for drainage ditches if approved by the Governing Body. The entire right-of-way may not necessarily have to be cleared if it can be shown to the satisfaction of the Governing Body that remaining trees or other features do not pose a traffic safety hazard.

Section 29.5.6. Connections

Streets should be connected with one another where possible, preferably in three-way intersections, so that the number of dead ends is minimized. Whenever possible, streets should be designed to connect with adjoining properties.

Section 29.5.7. Cul-de-sac

Cul-de-sac are discouraged. Where cul-de-sacs are unavoidable, such as for topographic reasons, they should be provided with pedestrian and bike linkages to other nearby streets or trail systems. Stub-street extensions should be incorporated at the end of cul-de-sacs for future connections. Cul-de-sac streets should serve no more than twenty dwellings, and their length should not exceed 1,200 feet. Cul-de-sac radii should not exceed forty (40) feet.

Section 29.5.8. Reverse Curves

For roads serving less than 2,000 average daily traffic and where speed limits are controlled to prevent high-speed traffic, reverse curves (e.g., consecutive left and right curves without a straight segment separating them) are considered appropriate and may be encouraged, subject to the approval of the Governing Body.

Section 29.5.9. Single-Loading Streets

"Single-loading streets" (i.e., having houses only on one side) are considered appropriate and encouraged, particularly around village greens or neighborhood commons.

Section 29.5.10. Curbs and Drainage

Because curbs detract from rural character of open space conservation subdivisions, natural drainage systems are encouraged in lieu of curbs in open space conservation subdivisions located in exurban and rural areas. Existing natural drainage ways should be retained where possible. In cases where curbing is required, mountable curbs are favored over vertical curbs except in negative grade cul-de-sacs, where they are highly discouraged.

Section 29.5.11. Street Trees

Street tree plantings are encouraged, provided that they are located so as not to present a traffic safety hazard, as determined by the Governing Body.

Section 29.5.12. Sidewalks

Concrete or asphalt sidewalks are required in suburban/urban areas but they may detract from the character of open space conservation subdivisions in exurban/rural areas. Safe access for pedestrians and bicyclists should be provided via a trail system in the open spaces and where needed along the improved or semi-improved shoulders of roads.

Section 29.5.13. Signage

In cases where it is determined that signs are permitted (see Article 17 of this Land Use Management Code), signs should be constructed of materials compatible with open space conservation subdivision design.

CHAPTER 29.6 PROCEDURES AND CRITERIA

Section 29.6.1	Pre-application Conference
Section 29.6.2	Existing Features and Site Analysis
Section 29.6.3.	Justifiable Grounds for Denial
Section 29.6.4.	Evaluation Criteria for Approval

In addition to the application procedures for preliminary, and final plats, as specified in Chapter 26.4 of this Land Use Management Code, open space conservation subdivisions and subdividers thereof shall comply with the following procedures.

Section 29.6.1. Pre-application Conference

A pre-application conference with the Zoning Administrator is required prior to the submission of a preliminary plat application for an open space conservation subdivision. At the time of a preapplication conference, the Zoning Administrator shall make available all relevant information about primary and secondary conservation areas, including soil survey, natural resource maps, and geographic information. The Zoning Administrator may charge reasonable reproduction costs for the provision of such information. Ideally, the pre-application conference will be preceded by the submittal of a boundary survey of the property to be subdivided with sufficient time for the Zoning Administrator to collect applicable information.

Section 29.6.2. Existing Features and Site Analysis

As a part of the preliminary plat application, the applicant for an open space conservation subdivision shall submit an analysis of existing features on the site, which shall minimum include the following:

- (a) Significant wildlife habitats, if any. If information on habitats is not available, the wildlife potential of various soil types on the site shall be identified and examined.
- (b) Soils, including analysis of suitability for septic tanks, erosion potential, prime farmland, and identification of hydric ,soils.
- (c) Wetlands.
- (d) Floodplains. Areas of 100-year flood plains as identified on flood hazard boundary maps or flood insurance rate maps developed by the Federal Emergency Management Agency.
- (e) Steep mountain slopes and steep slopes, as defined by this code.
- (f) Historic, archaeological, and cultural features.
- (g) Tree cover/woodlands.
- (h) Views into and out from the site, and any scenic qualities.
- (i) Aquifer recharge areas.
- (j) Property boundaries.
- (k) Existing roads and structures.
- (l) Greenspaces and trails traversing or adjacent to the site.
- (m) Planned boundaries of open space.

Section 29.6.3. Evaluation Criteria for Approval

Approval or denial of a preliminary plat for an open space conservation subdivision shall be based on the extent to which the plat meets the following criteria:

- (a) All primary conservation areas are protected as permanent open space.
- (b) A sufficient amount of secondary conservation areas are protected as permanent open space, as opposed to being devoted to lots and other uses.
- (c) The configuration of the open space tract is contiguous and undivided, or open space is provided in relatively undivided tracts that cannot reasonably be reconfigured into one contiguous, undivided tract.
- (d) The open space conservation subdivision meets the regulations specified in this Article and is reasonably consistent with the recommended design guidelines established by this Article.

Section 29.6.4. Justifiable Grounds for Denial

Reasons for the denial of a preliminary plat of an open space conservation subdivision include but are not limited to the following:

- (a) The application fails to fully identify primary and secondary conservation areas.
- (b) The proposed method of sewage treatment is inappropriate for the site or found to be potentially dangerous to public health.
- (c) One or more of the lots within the open space conservation subdivision are too small to meet the minimum lot size established by this Article or even if compliant are out of character with residences on adjoining or nearby properties.
- (d) One or more of the lots are significantly large or wide, such that their design contributes to an unnecessary decrease in the amount of open space retained on site.
- (e) The street configuration does not provide for connectivity, or preserve natural features, or it is found to be inconsistent with the open space character of the subject property and its surroundings.
- (f) The proposed open space network is divided, not functional, inconsistent with open space plans of the city with jurisdiction, or does not provide for the protection of the most valuable secondary conservation areas on the site given the natural and scenic properties inherent on the site.
- (g) The proposed open space network fails to maximize the length of the common boundary between conservation areas on site and conservation areas or parkland abutting the open space conservation subdivision site.
- (h) The preliminary plat appears to be submitted for the major purpose of circumventing minimum lot size or minimum lot width requirements or improvement requirements that would otherwise be required for conventional subdivisions pursuant this Land Use Management Code.