

Chapter 78 SUBDIVISIONS¹

ARTICLE I. IN GENERAL

Sec. 78-1. Purpose and intent.

This chapter is enacted pursuant to the authority contained in Ga. Const. art. IX, § II, ¶ I for the following purposes:

- (1) To encourage the development of economically sound and stable communities;
- (2) To ensure the provision of required streets and, where practical, utilities and other facilities and services to new land development;
- (3) To ensure the adequate protection of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land development;
- (4) To ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and
- (5) To ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the community as it exists or may be established.

(6) To ensure that all plats are submitted consistent with OCGA 15-6-67 – Recordation of plats and condominium plans; specifications and Georgia Administrative Code 180-78-.07, Maps and Plats, as amended.

(Ord. No. 134, § 1-2, 5-11-2000)

Sec. 78-2. Interpretation of certain terms and words.

For the purpose of this chapter, certain words or terms used are interpreted as follows:

- (1) The term "lot" includes the term "plot" or "parcel."
- (2) The term "used" or "occupied," as applied to any land or building, shall be construed to include the term "intended," "arranged," or "designed to be used or occupied."

¹Cross reference(s)—Any ordinance dedicating or accepting any subdivision plat saved from repeal, § 1-6(11); buildings and building regulations, ch. 22; environment, ch. 38; floods, ch. 42; manufactured homes and trailers, ch. 54; planning, ch. 66; one-way travel in Lincoln Park subdivision, § 86-91; utilities, ch. 90; zoning, app. A.

State law reference(s)—Approval by planning commission or governing authority on plat of subdivision required for filing or recording in superior court clerk's office, O.C.G.A. § 15-6-67(d).

(3) The term "structure" includes the term "building."

(Ord. No. 134, § 2-1, 5-11-2000)

Sec. 78-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative officer means the person designated by the county planning commission to be responsible for the administrative functions required in connection with the enforcement of this chapter.

Block means an area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundary of the subdivision, or a combination of such with a river or lake.

Building line means a line over which no foundation wall or part of the structure of any building projects, with the exception of roof overhangs, steps, and the subsurface projection of a footing. Such a line may coincide with the building setback line.

Building setback line means a line parallel to and a specified minimum distance from the front, side or rear property lines, as specified, beyond which no foundation wall or part of the structure of any building projects, with the exception of roof overhangs, steps, and the subsurface projection of footings.

Comprehensive plan means any part or element of the overall plan for development of the county adopted by the planning commissionboard of commissioners.

Crosswalk means a right-of-way within a block dedicated to public use, intended primarily for pedestrian use, and designed to provide access to adjacent roads and lots.

Design standards means the specifications to landowners or subdivider for the preparation of plats, both preliminary and final, indicating among other things the optimum, minimum, or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

Easement means a grant by a property owner for the use of a strip of land for the specified purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways and gas lines. For the purpose of this chapter, it does not include legal ingress and egress provisions.

Final plat means a finished drawing or map of a subdivision, meeting all of the requirements of this chapter, in such form as required by the local jurisdiction, and showing, completely and accurately, all legal design and engineering information and certified as necessary for recording.

Flag lots means an irregularly shaped lot that has a very limited amount of street or road frontage. The portion of the lot nearest the street, the "flagpole," is substantially narrower than the rest of the lot. The wider part of the lot, the "flag," is back further from the road frontage.

Hearing means an unadvertised but official session of the county planning commission, held to afford a subdivider or his agent an opportunity to present and confer on a plat of subdivision with the planning commission.

Lot means a portion, plot, or parcel of land separated from other portions, plots, or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of this chapter, the term does not include any portion of a right-of-way.

Lot, corner, means a lot abutting upon two or more streets at their intersection.

Lot, double-frontage, means a lot other than a corner lot abutting two streets.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of the superior court of the county, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in such office. If a portion of a parcel has been conveyed at the time of the adoption of the ordinance from which this chapter derives, the remaining portion of the lot or parcel shall be considered a lot of record.

Lot remnant means any portion of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of the lot to adjoining lots.

Lot width means the width of the lot at the front building line measured parallel to the street right-of-way or, for a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

Owner of record means the owner of property as specified on the deed of the lot of record.

Parks and playgrounds mean public or community land, open spaces, or recreation areas represented on a plat of subdivision as dedicated or reserved or to be reserved for recreational purposes.

Pedestrian way means a crosswalk or other area designed and marked specifically for pedestrian traffic.

Percentage of grade, on a street centerline, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

Planned unit development means any coordinated large-scale or comprehensive group development which may not follow standard design practices.

Preapplication review means an initial and informal stage of subdivision review at which the developer may make known preliminary plan proposals and the planning commission may respond and/or advise the developer concerning this chapter.

Preliminary plat means a tentative drawing or map of a proposed subdivision meeting requirements of this chapter and showing the proposed layout in sufficient detail, although not completely computed, to indicate unquestionably its workability.

Private drive means a nonpublic, privately owned means of access.

Private street means any street within a planned unit development which meets appropriate public street design standards but, for purposes of controlled access or privacy, is not dedicated to the county and is not public.

Protective covenants means contracts made between private parties or conditions recorded with an approved plat and running with the title to the land, specifying the manner in which land may be used, developed, or improved with the intent of protecting and preserving the physical and economic integrity of any given area.

Public hearing means an official session of the planning commission, advertised according to law and called for purposes specified in the public notice.

Reserve strip means a strip or parcel of land along, around, or between properties, the purpose of which is to restrict access.

Review agency means any so designated agency other than the planning commission which may review appropriate parts of plat submissions because of technical capability, authority or interest.

Right-of-way means a strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

Road means a public or private right-of-way affording primary access by pedestrians and vehicles to and between properties, however designed as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place. The term is further defined as follows:

- (1) *Alley and service drive* mean a minor accessway used for service access, or property access under specified circumstances, to the back or side of properties otherwise abutting on a street.
- (2) *Cul-de-sac* means a local street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (3) *Half street* means a street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.
- (4) *Major or minor arterial* means a street so designated on the comprehensive land use plan of the county, and those streets which otherwise function to move high volumes of traffic between principal traffic generators, such as residential, commercial, and industrial sectors, at moderate speeds and with minimum conflict to movements.
- (5) *Major or minor collector* means a street so designated on the comprehensive land use plan of the county, and those streets which otherwise function to serve local traffic movements by collecting or distributing traffic from or to local, other collector, and/or arterial streets. Such a street may also function to provide access to abutting properties in the same manner as a local street.
- (6) *Marginal access street* means a residential street parallel and adjacent to a major thoroughfare or arterial street and which provides access to abutting properties with protection from through traffic.
- (7) *Minor or local street* means a street used primarily for access to the abutting properties and serving travel demands in the immediate area.
- (8) *Road width* means the shortest distance between lines of lots delineating the road right-of-way.
- (9) *Tangent* means a straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

Subdivider means any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this chapter.

Subdivision means the division of a lot of record at the time of enactment of the ordinance from which this chapter derives into three or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards set forth in this chapter.
- (2) ~~Reserved. The transfer of property by the owner to a member of the immediate family (parent, spouse or child).~~
- (3) The transfer of unsubdivided land or the transfer of a lot or parcel of land established by deed or plat recorded in the office of the clerk of the superior court prior to the initial effective date of the ordinance from which this chapter derives.
- (4) The division of land among heirs by judicial decree.
- (5) Any additional subdivision of lots previously subdivided into two lots in the previous twelve (12) months shall trigger the subdivision review process as if the property was divided similarly at the same time. The purpose of this provision is to eliminate the serial splitting of lots in to two lots over time to avoid the subdivision review process.

(Ord. No. 134, § 2-2, 5-11-2000)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 78-4. Jurisdiction.

This chapter covers all unincorporated areas of the county.

(Ord. No. 134, § 3-2, 5-11-2000)

Secs. 78-5—78-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 78-31. Duty of planning commission.

In addition to other responsibilities and authorities noted in other sections of this chapter, the duty of administering, interpreting, and enforcing this chapter is hereby conferred upon the planning commission. Any and all resources of or available to the county commissioners' office, as necessary to carry out these responsibilities, shall be utilized with the approval of the county commissioners.

(Ord. No. 134, § 9-1, 5-11-2000)

Sec. 78-32. Administrative procedures.

The planning commission shall define and establish the procedures for the administration of this chapter, except as otherwise provided by this chapter, and may, with the approval of the county commissioners, designate an administrator to carry out certain administrative functions.

(Ord. No. 134, § 9-2, 5-11-2000)

Sec. 78-33. Effect of other regulations and authorities.

When other local or state agencies have regulations and authority affecting any aspect of the development of a subdivision, it shall be the duty of those agencies to enforce those regulations, and it shall be the responsibility of the subdivider to submit appropriate documents and materials to those agencies and receive statements of acceptance or approval, accordingly, before submitting any plats to the planning commission.

(Ord. No. 134, § 9-3, 5-11-2000)

Sec. 78-34. Relief.

Whenever the administration or interpretation of this chapter or the application of standards in this chapter result in extreme difficulties, injustice or hardship in the opinion of the subdivider, the subdivider may seek relief from the county commissioners. The county commissioners, after a report from the planning commission, may direct the planning commission to make reasonable changes in its interpretation of this chapter, alter its

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administrative procedures, or exercise its authority under section 78-66 or 78-67 in varying or waiving any standards or requirements of this chapter, as long as the public welfare and interests of the county are protected and the general intent and spirit of this chapter are preserved.

(Ord. No. 134, § 9-4, 5-11-2000)

Sec. 78-35. Changes and amendments.

Any regulations or sections of this chapter may be changed and amended from time to time by the county commissioners; provided, however, that such changes or amendments shall not become effective until after a study and report by the planning commission and until after a public hearing has been held thereon, the time and place of which shall have been published in a newspaper of general circulation at least 15 days prior to such hearing. It will also contain the location where maps, plats, or information on the proposed amendments may be examined by the public prior to the hearing.

(Ord. No. 134, § 12-1, 5-11-2000)

Sec. 78-36. Violations and remedy.

Any person accused of a violation of this chapter shall, upon conviction, be punished as provided in section 1-11.

(Ord. No. 134, § 11-1, 5-11-2000)

Secs. 78-37—78-65. Reserved.

DIVISION 2. VARIANCES AND WAIVERS

Sec. 78-66. Variances.

When there is a request from a subdivider, in written form, and where the planning commissionBoard of Commissioners finds that extraordinary or unnecessary hardships may result from strict compliance with this chapter, the planning commissionBoard of Commissioners may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations are not in conflict with the requirements of another authority having jurisdiction and will not have the effect of nullifying the intent and purpose of the official map, the master plan, or the zoning ordinance in appendix A to this Code, if any of such exist. The Planning Commission shall provide review and recommendation prior to Board of Commissioners consideration.

(Ord. No. 134, § 10-1, 5-11-2000)

Sec. 78-67. Waivers.

When there is a request from a subdivider, in written form, and where the planning commissionBoard of Commissioners finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequate or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the planning commissionBoard of Commissioners may waive such requirements subject to appropriate conditions. The Planning Commission shall provide review and recommendation prior to Board of Commissioners consideration.

(Ord. No. 134, § 10-2, 5-11-2000)

Sec. 78-68. Conditions of variances.

In granting variances and modifications to this chapter, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. No. 134, § 10-3, 5-11-2000)

Secs. 78-69—78-95. Reserved.

ARTICLE III. PLATTING

DIVISION 1. GENERALLY

Sec. 78-96. Applicability.

Any person proposing to subdivide land within unincorporated areas of the county shall submit to the planning commission plats of the proposed subdivision, which shall conform to all sections in this chapter.

(Ord. No. 134, § 3-1, 5-11-2000)

Sec. 78-97. Platting authority.

- (a) From and after the effective date of the ordinance from which this chapter derives, the planning commission shall be the official platting authority, and no plat of a land subdivision shall be entitled to record in the office of the clerk of the superior court of the county unless it shall have the approval of the planning commission.
- (b) The filing or recording of a plat of a subdivision without the approval of the planning commission as required by this chapter is declared to be a misdemeanor.

(Ord. No. 134, § 3-3, 5-11-2000)

Sec. 78-98. Physical development.

No subdivider or person shall proceed with any construction work on a proposed subdivision before obtaining preliminary plat approval from the planning commission, certified thereon.

(Ord. No. 134, § 3-4, 5-11-2000)

Sec. 78-99. Use of plat without final certification.

The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of or other use of a plat of a subdivision that has not been given a final certificate of approval by the planning commission and recorded in the office of the clerk of the superior court of the county is prohibited, and the description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from penalties.

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(Ord. No. 134, § 3-5, 5-11-2000)

Sec. 78-100. Opening and improving streets.

No land designated, reserved, proposed or dedicated as a street shall be accepted, opened, or improved, nor shall any utilities or other facilities be installed therein, unless such street shall have been accepted or opened as or otherwise shall have received the legal status of a public street prior to the adoption of the ordinance from which this chapter derives or unless such street corresponds in its location and lines with a public or private street shown on a preliminary or final plat approved by the planning commission or on a plat made and adopted by the planning commission. However, the county commissioners may locate and construct or may accept any other street if it is first submitted to the planning commission for review and comment. Approval of a plat by the planning commission shall not be deemed as acceptance of any street shown thereon by the county commissioners.

(Ord. No. 134, § 3-6, 5-11-2000)

Cross reference(s)—Roads and bridges, ch. 70.

Sec. 78-101. Erection of buildings.

No building permit shall be issued and no building shall be erected on any lot in any subdivision unless the street given access thereto has been approved by the planning commission as meeting the standards of a public street in accordance with this chapter or unless such street has attained the status of a public street prior to the effective date of the ordinance from which this chapter derives.

(Ord. No. 134, § 3-7, 5-11-2000)

Sec. 78-102. Public Street Prescriptive Rights-of-Way (RoW).

Where a subdivision is proposed with frontage on a prescriptive RoW, understood as a circumstance where the County does not own the RoW, such RoW must be dedicated to the County prior to subdivision plat approval. The standards and processes for RoW acceptance shall be as otherwise defined in the Upson County code of ordinances.

Secs. 78-1023—78-125. Reserved.

DIVISION 2. PROCEDURES

Sec. 78-126. General platting stages.

The procedure for the formal review and approval of a subdivision plat consists of one recommended stage and three required stages. These are the preapplication review stages (recommended), preliminary plat stage (required), final plat stage (required), and recording and dedication (required), respectively.

(Ord. No. 134, § 4-1, 5-11-2000)

Sec. 78-127. Prepreliminary plat stage.

Whenever the subdivision of a tract of land is proposed, the subdivider is urged to consult early and informally with the planning commission as provided in division 1 of article II of this chapter. The subdivider may

submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed development layout of the subdivision. The purpose of the prepreliminary plat stage is to facilitate the subsequent preparation of plans and plats by clarifying matters relating to the proposed subdivision and this chapter.

(Ord. No. 134, § 4-11, 5-11-2000)

Sec. 78-128. Preliminary plat stage.

Prior to making any street improvements or installing any utilities or selling any lots in a subdivision, the developer shall submit to the planning commission for approval a preliminary plat of the proposed subdivision prepared in accordance with the provisions of this chapter as provided in division 1 of article II of this chapter. The developer also shall furnish copies of such preliminary plat to all utility companies serving the area. Approval of the planning commission shall be indicated on the face of the preliminary plat.

(Ord. No. 134, § 4-12, 5-11-2000)

Sec. 78-129. Final plat stage.

After completion of the physical development or proper arrangements for the development of all or part of the area shown on the subdivision preliminary plat as approved by the planning commission and before selling any lots, a final plat together with the required certificates shall be submitted to the planning commission for approval as provided in division 1 of article II of this chapter. The developer also shall furnish copies of such final plat to all utility companies serving the area.

(Ord. No. 134, § 4-13, 5-11-2000)

Sec. 78-130. Recording and dedication stage.

After the subdivision final plat is approved and duly signed by the planning commission, the final plat and appropriate documents become the instrument to be recorded in the office of the clerk of the superior court of the county. After recording, the appropriate deeds and documents shall be presented to the appropriate local governmental agency for dedication and acceptance.

(Ord. No. 134, § 4-14, 5-11-2000)

Sec. 78-131. Exception for minor subdivisions.

Subdivisions which do not involve the platting, construction, or opening of new streets, sewers, or water facilities or improvement to existing streets shall be defined as minor subdivisions and, as such, are subject to only the requirements of the final plat stage and the recording and dedication stage. Subdivisions so defined shall be reviewed and accepted by the administrative officer prior to being submitted for filing at the clerk's office.

(Ord. No. 134, § 4-15, 5-11-2000)

Secs. 78-132—78-160. Reserved.

DIVISION 3. PRELIMINARY PLATS

PART II - CODE
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Subdivision I. In General

Subdivision I. In General

Sec. 78-161. Submission.

At least 15 days prior to the planning commission's regularly scheduled monthly meeting at which the subdivider desires planning commission action on the subdivision preliminary plat, the subdivider shall submit the following:

- (1) A letter and/or application requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of hearing and approval by the planning commission on the preliminary plat shall be sent.
- (2) Six copies of the preliminary plat and supporting data. At such time the planning commission may direct the subdivider to furnish additional copies for the review agencies having appropriate technical expertise or proper authority for consideration and comment.

(Ord. No. 134, § 4-21, 5-11-2000)

Sec. 78-162. Official date of submission.

The official date of submission of the subdivision preliminary plat shall be the date of the next regularly scheduled monthly meeting of the planning commission.

(Ord. No. 134, § 4-22, 5-11-2000)

Sec. 78-163. Preliminary plat review.

The planning commission shall review the subdivision preliminary plat for conformance to this chapter and other relevant regulations and shall consider the comments or suggestions of the appropriate review agencies requested to review the preliminary plat. The planning commission shall indicate on the plat or by a written memorandum attached thereto any comments and suggested changes that are necessary to meet the intent of this chapter or to serve the best interests of the county.

(Ord. No. 134, § 4-23, 5-11-2000)

Sec. 78-164. Hearing.

No subdivision preliminary plat shall be acted upon by the planning commission without affording the subdivider a hearing thereon, notice of the time and place of which shall be sent by first class mail not less than five days before the date fixed therefor.

(Ord. No. 134, § 4-24, 5-11-2000)

Sec. 78-165. Action by planning commission or administrative official.

Not more than 30 days after the official date of submission of the subdivision preliminary plat, the planning commission shall either issue a certificate approving the plat, issue a certificate conditionally approving the plat with the conditions of approval noted on the plat or attached thereto, or disapprove the plat or any portion thereof, in which case the planning commission shall notify the subdivider in writing, stating the reasons therefor. Action of the planning commission shall be noted on two copies of the preliminary plat and on the original if approved. One copy and the original shall be returned to the applicant and the other copy retained and made a part of the planning commission's records. If the plat is conditionally approved, the planning commission or administrative official shall issue a certificate of approval once the subdivider has satisfactorily completed or complied with the conditions indicated.

(Ord. No. 134, § 4-25, 5-11-2000)

Sec. 78-166. Failure to take action.

Failure of the planning commission or administrative official to act within 30 days of the official date of submission of the subdivision preliminary plat shall be deemed approval of such plat, and a certificate to that effect shall be issued to the subdivider at his request, provided the plat was submitted for approval at least 15 days prior to the regularly scheduled planning commission meeting date on which action on the plat was requested or the subdivider does not consent in writing to an extension of time, if requested by the planning commission for further study of the plat.

(Ord. No. 134, § 4-26, 5-11-2000)

Sec. 78-167. Effect of approval.

Approval of a subdivision preliminary plat is only tentative, pending submission of the final plat, and shall be effective and binding upon the planning commission for a period not to exceed two years. Thereafter the plat shall expire and shall be null and void except to the extent that work on the subdivision has progressed, unless a request for an extension of time has been submitted to and is subsequently approved by the planning commission.

(Ord. No. 134, § 4-27, 5-11-2000)

Sec. 78-168. Improvements authorized.

Approval of the subdivision preliminary plat is authorization to proceed with installation of any required improvements, subject to the approval of agencies having the proper authority and the preparation of the final plat or unit division or phase thereof as provided in section 78-192(4).

(Ord. No. 134, § 4-28, 5-11-2000)

Secs. 78-169—78-190. Reserved.

Subdivision II. Specifications

Sec. 78-191. Scope.

The subdivision preliminary plat shall meet the minimum standards of design set forth in this chapter and shall include the information in this subdivision.

(Ord. No. 134, § 4-3, 5-11-2000)

Sec. 78-192. General contents.

The general contents of the subdivision preliminary plat shall include the following:

- (1) A title block shall be provided, which shall include the proposed name of the subdivision and the name of the former subdivision if any or all of the proposed subdivision has been previously subdivided.
- (2) A plat key shall be provided, which shall include the following:
 - a. The name and address of the person in charge of plat preparation.
 - b. The date of plat preparation with a space for revision dates.
 - c. A graphic scale of one inch equals 200 feet or larger.
 - d. North point, identified as magnetic, true or grid north.
 - e. The area of the proposed subdivision in acres.
 - f. An appropriate legend of symbols used on the plat.
- (3) The plat shall include a location sketch map locating the subdivision in relation to the immediately surrounding area and showing generally the following:
 - a. Well-known landmarks such as railroads, highways, bridges, creeks, etc.
 - b. The zoning district classification of land to be subdivided and adjoining properties.
 - c. City and/or county jurisdictional boundaries and land lot lines, if applicable.
- (4) The subdivider may and is encouraged to submit a preliminary plat of his entire tract even though his present plans call for the actual development of only a small part of the property. Regardless of the area covered by the preliminary plat, any unit divisions or phasing thereof intended in the preparation of the final plats shall be represented on the preliminary plat.
- (5) For resubdivision, a copy of the existing plat with the proposed resubdivision superimposed thereon shall be provided.
- (6) All elevations shall refer to mean sea level datum, if a known U.S. Geodetic Benchmark is within 1,000 feet of the subdivision. Otherwise, the surveyor shall assume a base elevation for the purpose of showing the contours of the property surveyed.
- (7) Sheet size. Sheet size shall be no larger than 36 inches wide and 24 inches long leaving a margin of two inches in width on the left end for binding purposes and a one-half-inch margin on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

(Ord. No. 134, § 4-31, 5-11-2000)

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Sec. 78-193. Exhibit conditions.

The subdivision preliminary plat shall exhibit the following:

- (1) The location, estimated dimensions, of all property boundary lines of the subdivision.
- (2) Where requested by the planning commission, the topography by contours at vertical intervals of not more than five feet as determined by a field survey or accurate aerial survey, where deemed necessary.
- (3) The location of natural features including streams and watercourses, with direction of flow and acreage of the drainage area affecting the proposed subdivision; water bodies; swamps; and floodplains.
- (4) The location and/or size of existing cultural features on or adjacent to the proposed subdivision, including the following:
 - a. Right-of-way and pavement widths and names of existing and platted streets.
 - b. Railroads and railroad rights-of-way.
 - c. Bridges, buildings, and other structures.
 - d. All surface utility lines within easements or rights-of-way on or adjoining the tract, showing the location of towers or poles.
 - e. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or adjoining the tract; grades and invert elevation of sewers shall be shown.
 - f. All other easements and rights-of-way.

(Ord. No. 134, § 4-32, 5-11-2000)

Sec. 78-194. Proposed conditions.

The subdivision preliminary plat shall show the following proposed conditions:

- (1) The layout of all streets and other accessways with right-of-way and pavement widths and proposed street names.
- (2) Such street cross sections, grades, and centerline profiles as may be required.
- (3) The layout of all lots, including building setback lines; scaled dimensions on lots; utility easements with width and use; block number; and lot numbers.
- (4) Indicate provisions for sewage disposal systems (individual, community and/or public) with such preliminary or tentative approval by type of system proposed.
- (5) Indicate provisions for water supply (individual, community and/or public systems) with such preliminary or tentative approvals by type of system proposed.
- (6) Provisions for proper drainage.
- (7) Such soil erosion and sediment control plans or evidence of official approval of such plans separately attached to the plat, as are required by local ordinance.
- (8) Designation of lands to be reserved or dedicated to public use.
- (9) All land including the area to be used for uses other than single-family dwellings as follows:

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- a. Multifamily.
- b. Commercial.
- c. Industrial.
- d. Recreation, open space or other facilities and areas.

(Ord. No. 134, § 4-33, 5-11-2000)

Sec. 78-195. Certificate of tentative approval.

A certificate of tentative approval of the subdivision preliminary plat by the planning commission shall be inscribed on the plat.

(Ord. No. 134, § 4-34, 5-11-2000)

Secs. 78-196—78-220. Reserved.

DIVISION 4. FINAL PLAT

Subdivision I. In General

Sec. 78-221. Submission.

After the preliminary plat of the proposed subdivision has been given tentative approval by the planning commission and required improvements have been completed or proper arrangements made therefor, the subdivider may, within two years from tentative approval, apply for final plat approval. The subdivider shall submit to the planning commission, at least 15 days prior to the planning commission's regular monthly meeting at which the subdivider desires planning commission action, the following:

- (1) A letter and/or application requesting review and approval of a final plat and giving the name and address of the person to be notified of the planning commission's action on the final plat.
- (2) Three paper copies of the final plat and other documents, as may be specified, and the original tracing or reproducible print thereof drawn in the permanent ink or equivalent on drafting cloth or film. The scale on the plat shall not be less than 200 feet to the inch.

(Ord. No. 134, § 4-41, 5-11-2000)

Sec. 78-222. Official date of submission.

The official date of submission of the subdivision final plat shall be the date of the next regularly scheduled monthly meeting of the planning commission.

(Ord. No. 134, § 4-42, 5-11-2000)

Sec. 78-223. Review.

The planning commission shall check the subdivision final plat for conformance with the tentatively approved preliminary plat.

(Ord. No. 134, § 4-43, 5-11-2000)

Sec. 78-224. Hearing.

No subdivision final plat shall be acted upon by the planning commission without affording the subdivider a hearing thereon, notice of the time and place of which shall be sent by certified mail not less than five days before the date fixed therefor.

(Ord. No. 134, § 4-44, 5-11-2000)

Sec. 78-225. Action by planning commission or administrative official.

Not more than 45 days after the official date of submission of the subdivision final plat, the planning commission shall either issue a certificate of approval for recording, approve the plat conditionally with the conditions of approval noted on the plat or attached thereto, or disapprove the plat or any portion thereof, in which case the planning commission shall notify the subdivider in writing, stating the reasons therefor. Action of the planning commission shall be noted on two copies of the final plat and on the original, if approved. One copy of the original shall be returned to the applicant and the other made a part of the planning commission's records. If the plat is conditionally approved, the planning commission or administrative official shall issue a certificate of approval for recording once the subdivider has satisfactorily completed or complied with the conditions indicated.

(Ord. No. 134, § 4-45, 5-11-2000)

Sec. 78-226. Failure to take action.

Failure of the planning commission or administrative official to act within 45 days of the official date of submission of the subdivision final plat shall be deemed approval of such plat, and a certificate to that effect shall be issued to the subdivider at his request, provided the plat was submitted for approval at least 15 days prior to the planning commission's regular monthly meeting at which action on the plat was requested or the subdivider does not consent in writing to an extension of time if requested by the planning commission for further study of the plat.

(Ord. No. 134, § 4-46, 5-11-2000)

Sec. 78-227. Approval.

Approval of the subdivision final plat authorizes the subdivider to proceed with the recording and dedication procedures.

(Ord. No. 134, § 4-47, 5-11-2000)

Secs. 78-228—78-250. Reserved.

Subdivision II. Specifications

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Sec. 78-251. Scope.

The subdivision final plat shall conform substantially to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at any one time, provided that such portion conforms to the unit phasing established in the approved preliminary plat. The final plat shall meet the minimum standards of design set forth in this chapter and shall include the information in this subdivision.

(Ord. No. 134, § 4-5, 5-11-2000)

Sec. 78-252. General information.

(a) General information on the subdivision final plat shall include the following:

- (1) Title block including the following:
 - a. Proposed name of the subdivision and the name of the former subdivision if any or all of the proposed subdivision has been previously subdivided.
 - b. Name and address of the owner of record.
- (2) Plat key including the following:
 - a. Name and address of the person in charge of plat preparation.
 - b. The date of plat preparation with a space for revision dates.
 - c. Graphic scale of one inch equals 200 feet or larger.
 - d. North point, identified as magnetic, true or grid north.
 - e. Area of the proposed subdivision in acres.
 - f. Appropriate legend of the symbols used on the plat.
- (3) Location sketch map locating the subdivision in relation to the immediately surrounding area and showing generally the following:
 - a. Well-known landmarks such as railroads, highways, bridges, creeks, etc.
 - b. The zoning district classification of land to be subdivided and adjoining properties.
 - c. City and/or county jurisdictional boundaries and land lot lines, if applicable.

(b) *It is recognized that electronic filing is now required for recording approved plans. For county review purposes, sheet sizes for submittal shall be at least 24" x 36" or larger if necessary, for legibility of scale purposes. The administrative official may alter this requirement for efficiency, accuracy or convenience. shall be no more than 18 inches wide and 24½ inches long leaving a margin of two inches wide on the left end for binding purposes and a one-half inch margin on the other three sides. Where more than one sheet is required, an index map shall be required at the same sheet size.*

(Ord. No. 134, § 4-51, 5-11-2000)

Sec. 78-253. Contents.

The subdivision final plat shall show the following:

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- (1) Courses and distances to the nearest existing street intersections or benchmarks or other recognized permanent monuments, such as land lot line intersections with right-of-way lines, centerlines of streams, or other land lot lines, shall be provided.
- (2) Accurate locations, materials, and descriptions of monuments and markers.
- (3) Exact boundary lines of the tract, to be indicated by a heavy line, at a minimum giving distances to the nearest 1/100foot and angles to the nearest minutes, which shall be balanced and closed with a minimum error closure of one to 5,000. The error of closure shall be stated.
- (4) If required by the planning commission, topography by contours at vertical intervals of not more than five feet as determined by a field survey or accurate aerial survey.
- (5) Location of physical features such as streams and watercourses with direction of flow, water bodies, swamps, floodplains, rock outcroppings, springs, etc.
- (6) Location of adjoining property lines and the names of owners of record and/or the location of adjoining subdivision lines and names.
- (7) All existing buildings and structures to be maintained within the proposed subdivision.
- (8) Exact locations, widths, and names of all streets and public accessways within and immediately adjoining the platted property.
- (9) Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- (10) Lot lines with dimensions to the nearest 1/100foot area; necessary internal angles; arcs and chords, and tangent or radii of rounded corners.
- (11) Building setback lines with dimensions.
- (12) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the lot width at the building lines shall be shown.
- (13) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (14) Location, dimensions, and purpose of all drainage structures and of any easement, including slope easements, if required, and public service utility right-of-way lines; any areas to be reserved, donated, or dedicated to public use and sites for other than single-family residential, with designations stating the purpose or proposed use, area, and, if any, use limitations, and of any areas to be reserved by deed covenants for common uses of all property owners. All public service rights-of-way are to be located as per instructions of local utility companies and county ordinances.
- (15) Any private covenants to be recorded with the plat attached. [-If it is intended that there will be no private/restrictive covenants or deed restrictions, the plat must include a statement to that intent.](#)

(Ord. No. 134, § 4-52, 5-11-2000)

Sec. 78-254. Certifications.

- (a) The following certifications shall be in form and substance approved by the planning commission and inscribed directly on the subdivision final plat. [- All certificate signatures must be present before plat recording. The certificate of plat approval shall be the final signature applied to the plat:](#)
 - (1) An engineer's or surveyor's certification [which, at a minimum, meets the requirements of OCGA 15-6-67\(3\) and any other associated rules or codes, as they may be amended.](#)

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- (2) An owner's certificate -, signed by at least 51% of the property ownership or by a legally appointed representative of at least 51% of the ownership, stating the signers' (s) legal status relative to the property or property owners and stating that permission has been granted to draft and record the approved plat as submitted to the county.
- (3) A certificate of approval for recording by the planning commission or the administrative officer.

(b) The following certificates or statement shall be attached to the final plat when applicable:

- (1) Certificate or statement of guaranty to dedicate.
- (2) Certificate or statement of approval of streets, whether or not the streets are to be dedicated to the public.
- (3) Certificates or statements of approval of the sewage disposal system in the proposed subdivision.
- (4) Certificates or statements of approval of the water system in the proposed subdivision obtained from the county department of health, the environmental protection division of the state department of natural resources, and/or the board of commissioners, as applicable.
- (5) A certificate or statement of approval of the drainage provisions within the proposed subdivision.

(Ord. No. 134, § 4-53, 5-11-2000)

Secs. 78-255—78-275. Reserved.

Subdivision III. Recording and Dedication Procedures

Sec. 78-276. Recording.

Upon approval of a final plat, the subdivider shall have the final plat recorded in the office of the clerk of the superior court of the county. The subdivider shall be responsible for the payment of the recording fee at the time of recording the final plat.

(Ord. No. 134, § 4-61, 5-11-2000)

Sec. 78-277. Dedication of platted streets, other public spaces and utilities.

Subdivision final plat approval by the planning commission shall not be deemed acceptance of any dedications to the public. After final plat approval by the planning commission, the subdivider shall prepare appropriate documents and plans as constructed, if required, and request the county and other appropriate authorities to accept dedicated streets, other public spaces and utilities.

(Ord. No. 134, § 4-62, 5-11-2000)

Secs. 78-278—78-305. Reserved.

ARTICLE IV. DESIGN

DIVISION 1. GENERALLY

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Sec. 78-306. Suitability of land.

Land subject to flooding, improper drainage, or erosion or that is, due to topographical or other reasons, unsuitable for development shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or property destruction, unless hazards can be and are corrected.

(Ord. No. 134, § 5-1, 5-11-2000)

Sec. 78-307. Name of subdivision.

The name of the subdivision must have approval of the planning commission. The name shall not duplicate or closely approximate the name of an existing subdivision.

(Ord. No. 134, § 5-2, 5-11-2000)

Sec. 78-308. Access.

Access to every new subdivision that includes road construction shall be provided over a paved public street, and every lot within a subdivision shall be served by a publicly dedicated street or a private street meeting the standards of a public street and approved.

(Ord. No. 134, § 5-3, 5-11-2000)

Sec. 78-309. Conformance to adopted comprehensive plan.

Proposed subdivisions shall conform to the adopted comprehensive land use plan of the county and development policies in effect at the time of submission to the planning commission. When features of the adopted comprehensive plan, such as schools or other public places including sites, parks, major streets, or other land for public uses, are located in whole or in part in a proposed subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

(Ord. No. 134, § 5-4, 5-11-2000)

Sec. 78-310. Reservation or dedication of public use areas.

- (a) *Reservation of plan features.* Where the features of the comprehensive plan, such as school sites, parks, playgrounds, and other public spaces, are located in whole or in part in a proposed subdivision, such features shall be reserved by the subdivider; provided, however, that no more than ten percent of the total area of the subdivision shall be required for reservation to fulfill the requirements of this section. Whenever the land required for such plan features is not purchased, acquired, optioned or condemned by the appropriate public agency within a two-year period from the date of recording the subdivision or by the time that at least 75 percent of the lots are built on and occupied, whichever is sooner, the subdivider may claim the original reservation and cause it to be subdivided in a manner suitable to the subdivider, subject to this chapter. Whenever a public body responsible for land acquisition executes a written release, stating that the reserved land is not to be acquired, the planning commission shall waive the reservation requirements.
- (b) *Reservation omissions.* The planning commission shall not approve any plats of a subdivision when such planned features, as specified by the comprehensive land use plan, are not incorporated into the plat, and the reservation requirements for such features have not been waived.

(c) *Unnecessary or unsuitable reservations.* Whenever the planning commission finds that proposed reservation of land or dedication of land for public use is not required or suitable for such public use, it may require the rearrangement of lots to include such land.

(Ord. No. 134, § 5-5, 5-11-2000)

Sec. 78-311. Large-scale developments.

A comprehensive group development, including large-scale construction of housing units together with necessary drives and ways of access, may be approved by the planning commission, although the design of the project does not include standard streets, lot and subdivision arrangements, if departure from this chapter can be made without destroying its intent. The developers of such proposals are urged to consult early with the planning commission to coordinate, plan, and plat properly.

(Ord. No. 134, § 5-6, 5-11-2000)

Sec. 78-312. Community assets.

In all subdivisions due regard shall be shown for all natural features such as large trees and watercourses and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

(Ord. No. 134, § 5-7, 5-11-2000)

Sec. 78-313. Conservation Subdivisions.

Conservation subdivisions, as defined herein, are provided for as a development option and allowed in accordance with the Zoning Ordinance with respect to residential use, provided that a Conservation Subdivision Concept Master Plan has been approved by the Board of Commissioners at the time of the rezoning of the property or by Planning Commission as part of the development review process as of the effective date of this ordinance.

78-313.01 Purpose

The purposes of a conservation subdivision include:

- (a) To provide residential subdivisions which permit flexibility of subdivision design in order to promote environmentally sensitive and efficient uses of the land.
- (b) To allow clustering of houses and structures on less environmentally sensitive areas to effectively reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (c) To encourage the development of residential communities that are density neutral based on standard zoning and conventional development standards, but designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes.
- (d) To enhance land, water, air, and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging the conservation of environmentally sensitive areas and the provision of open space.
- (e) To reduce infrastructure maintenance costs due to efficient community design.

(f) To provide open space and pedestrian linkages among residential communities and to encourage recreation opportunities.

(g) To preserve and protect contiguous undeveloped areas within the development.

(h) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

78-313.02 Minimum Standards

This Section sets forth the minimum standards for conservation subdivisions, including minimum lot sizes and buffer widths. For comparison, the minimum standards for a conventional subdivision are also included.

(a) Minimum lot sizes.

(1) Conventional Subdivision: Per Zoning Ordinance Standards

(2) Conservation Subdivision: Modified from Zoning Ordinance Standards

a. 2 acres with private water (well) and septic, or as required by the County Health Department.

b. 1 acre with public water and septic or as required by the County Health Department.

c. As per master plan approval with public water and sewer.

(b) Minimum buffer widths.

Minimum buffer widths below are required between lots in a conservation subdivision and an adjoining existing public road right-of-way.

(1) Conventional Subdivision: None required.

(2) Conservation Subdivision: 100 feet or as approved by Planning Commission per condition of zoning approval.

78-313.03 Application Requirements

At the time of development review (i.e., preliminary plat), or zoning action (i.e., rezoning) for the development of a conservation subdivision, the following items shall be provided in addition to the zoning or development application.

(a) Yield Plan.

At time of development review or if a zoning action is proposed, a Yield Plan at the same scale and size as the Site Analysis map and conservation Concept Master Plan, prepared by a registered landscape architect, engineer or land surveyor must be provided to determine the maximum allowable net density for the development.

A Yield Plan shall contain the following information with respect to the tract:

(1) A topographic map prepared from aerial or field data of a contour interval of 5 feet or less;

(2) Exact boundary lines of the tract with bearings and distances;

(3) The location, width and names of all existing or platted streets, easements or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, wetlands, utilities and other significant natural and man-made features;

- (4) Proposed street rights-of-way and pavement locations and widths;
- (5) Proposed lot locations with preliminary lot dimensions noted and designed to the requirements and standards for conventional subdivision design in the underlying zoning district of the Upson County Zoning Ordinance;
- (6) Proposed location of storm water detention or retention facilities;
- (7) Graphic scale and north arrow;
- (8) Notation in table format as to the number of lots on the Yield Plan, the total acreage of the property, minimum lot size, average lot size; and
- (9) Any additional information as may be reasonably required to permit an adequate evaluation of the proposed Yield Plan to accurately determine the maximum number of lots.

(b) Site Analysis Map.

At time of development review, or if a zoning action is proposed, an existing features site analysis, sealed by a registered engineer or landscape architect, must be provided to identify areas that are most significant for designation as conservation areas.

The existing features site analysis shall include the following information:

- (1) Property boundaries
- (2) Topographic contours at intervals no greater than 2 feet
- (3) Delineation of streams, rivers, lakes, wetlands and other hydrologic features to include the source of this information
- (4) All conservation areas labeled;
- (5) General soil types, locations and characteristics;
- (6) Identification of tree lines, woodlands, open fields or meadows;
- (7) Delineation of steep slope areas (i.e. greater than 25% and at least 5,000 square feet contiguous area);
- (8) Identification of known cultural resources, including a brief description of historical and archeological features and structures;
- (9) Identification of existing roads, structures and easements; and
- (10) Identification of open space in adjacent developments including potential connection to existing trails and greenspace

(c) Concept Master Plan and Conservation Subdivision Preliminary Plat.

Based on the density determination (calculation shown in table format on the yield plan) and the existing features site analysis, an overall Concept Master Plan showing development of the entire tract shall be submitted by the developer for review and approval in accordance with the preliminary plat and/or rezoning requirements and procedures of the Upson County Zoning Ordinance.

A Concept Master Plan shall include the following information:

- (1) Delineation and specifications of conservation areas including calculations and exclusions, and any "pocket parks," "greens," play areas, or trail system to be constructed.

- (2) Delineation of residential development lots indicating lot size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.
- (3) Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).
- (4) Designation on each proposed lot of a minimum 25,500 square feet (not including house and pavement footprints) of soil areas suitable for residential septic systems based on a Level II (or higher) Soil Scientist Report, prepared by a Georgia licensed Soil Scientist or other professional licensed by the State of Georgia to perform soil analysis.

78-313.04 Open Space Standards.

(a) Minimum Area.

The minimum area of open space preserved shall be determined by the net density from the yield plan and the actual lot size.

For example: if the net density for a 50-acre A-1 property computes to be one lot per 2.38 acres (21 lots) per the yield plan and the average lot size proposed by the concept master plan is one acre, then 21 acres will be in lots, about 2.5 acres in right-of-way and the remaining 26.5 acres will be in perpetual open space. This will vary from one subdivision to the next but open space shall be at least 50% of the total site.

(b) Physiographic characteristics.

The types of land area included in the open space shall include all primary conservation areas and such secondary conservation areas as appropriate.

(c) The open space shall be an integrated part of the project rather than an isolated element and fragmentation of the open space shall be minimized. Individual open space parcels generally shall be larger than 3 acres, have a length to width ratio of no less than 4:1 and a width of at least 75 feet. Exceptions may be made for entrances to trails and other particular uses as deemed appropriate by the county.

(d) The open space shall be directly accessible to the largest practical number of lots within the subdivision. Non-adjacent lots shall be provided with safe, convenient access to the open space.

(e) Where practical, open space areas shall also be configured to provide a landscape buffer between adjoining property outside the conservation subdivision and the house sites within the subdivision. With the exception of approved fences and signs, a 50-foot landscape buffer shall be maintained between structures and the exterior boundaries of the subdivision. The intent is to decrease potential conflicts between various land uses (e.g., residential vs. agricultural uses).

78-313.05 Allowed Uses of Open Space.

(a) Uses of open space may include the following, subject to additional restrictions of the Upson County Zoning Ordinance:

- (1) Conservation of natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Walking or bicycle trails;
- (4) Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests;

- (5) Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;
- (6) Easements for drainage, access, and sewer or water lines, or other public purposes;
- (7) Underground utility rights-of-way; and
- (8) Other conservation-oriented uses if approved by the Board of Commissioners.

(b) Non-permitted uses of open space include the following:

- (1) Roads and non-permeable paved surfaces unless approved otherwise by Upson County;
- (2) Above-ground utility rights-of-way unless approved otherwise by Upson County; and
- (3) Other uses inconsistent with the purposes of these regulations.

Secs. 78-3134—78-340. Reserved.

DIVISION 2. STANDARDS

Subdivision I. In General

Secs. 78-341—78-365. Reserved.

Subdivision II. Streets²

Sec. 78-366. Compliance required.

All streets which shall be established in connection with the development of a subdivision after the effective date of the ordinance from which this chapter derives shall comply with the design standards in this subdivision.

(Ord. No. 134, § 6-1, 5-11-2000)

Sec. 78-367. Design standards.

Any street in a subdivision shall be established in accordance with the county road construction and paving ordinance and approved by the appropriate county official.

(Ord. No. 134, § 6-10, 5-11-2000)

²Cross reference(s)—Roads and bridges, ch. 70.

Sec. 78-368. Continuation of existing streets.

Wherever topography will permit, the arrangement of streets in a subdivision shall provide for the alignment and continuation of the projection of existing streets into adjoining areas. Existing streets shall be continued at the same or greater width, but in no case less than the required width.

(Ord. No. 134, § 6-11, 5-11-2000)

Sec. 78-369. Street names.

Streets or roads in a subdivision that are extensions of or obviously in alignment with existing named streets shall bear the same name. The names of new streets and roads shall be subject to the approval of the planning commission and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix "street," "avenue," "way," "boulevard," "drive," "place," or "court."

(Ord. No. 134, § 6-12, 5-11-2000)

Sec. 78-370. Development along major arterial limited access highway or railroad right-of-way.

Where a subdivision abuts or contains a major arterial highway, a limited access highway, or a railroad right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way either as a marginal access or at a suitable distance for an appropriate use of the intervening land, with double fronting lots, reverse frontage, and a nonaccess reservation suitably planted, if applicable. In such cases due regard should be given to requirements for approach grades and future grade separations in determining distances, and lots should have access only from the access street.

(Ord. No. 134, § 6-13, 5-11-2000)

Sec. 78-371. Intersections.

The centerlines of no more than two streets in a subdivision shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than 85 degrees. The angle of intersection is to be measured at the intersection of the street centerlines.

(Ord. No. 134, § 6-14, 5-11-2000)

Sec. 78-372. Jogs.

Street jogs with centerline offsets of less than 125 feet shall not be permitted in a subdivision.

(Ord. No. 134, § 6-15, 5-11-2000)

Sec. 78-373. Culs-de-sac or dead-end streets.

In a subdivision, local streets or courts designed to have one end permanently closed shall be provided with a turnaround at the closed end, having a minimum right-of-way radius of at least 55 feet and pavement with a minimum outside turnaround radius of 40 feet. Dead-end streets and culs-de-sac shall not be longer than 1,200

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feet in length unless approved reviewed by the planning commission and approved by the board of commissioners as a variance.

(Ord. No. 134, § 6-16, 5-11-2000)

Sec. 78-374. Private streets.

Private streets may be permitted by the planning commission in a planned unit development where controlled access or privacy is desired by the developer, provided such streets meet the standards of a public street. Future and permanent provisions for road maintenance shall be specified in writing to be filed with the subdivision final plat.

(Ord. No. 134, § 6-17, 5-11-2000)

Sec. 78-375. Half streets.

Half streets are prohibited in a subdivision. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

(Ord. No. 134, § 6-18, 5-11-2000)

Sec. 78-376. Split-level streets.

Streets which are constructed so as to have two trafficways, each at a different level within the same right-of-way, shall provide such additional right-of-way as necessary to meet the requirements of section 78-380 and a paved traffic surface meeting the requirements of a marginal access street on each level. The slope between the two trafficways should not be less than 2:1.

(Ord. No. 134, § 6-110, 5-11-2000)

Sec. 78-377. Alleys.

Alleys or service drives may be required at the rear of all lots used for multifamily, commercial, or industrial developments in a subdivision, but shall not be provided in one- and two-family residential developments unless the alley or service drive is to provide secondary access to a lot whose natural grade is more than six feet above the finished street grade (see section 78-468) or unless the subdivider produces evidence satisfactory to the planning commission of the need for an alley or service drive.

(Ord. No. 134, § 6-111, 5-11-2000)

Sec. 78-378. Marginal access streets.

Marginal access streets are streets which are constructed so as to provide secondary access only. No more than six lots may abut any such street in a subdivision, and no such street may exceed 1,000 feet in length. Such streets may not be used as through streets and should be permitted only when lots abut an arterial or collector street.

(Ord. No. 134, § 6-112, 5-11-2000)

Sec. 78-379. Street right-of-way and payment widths.

The right-of-way in a subdivision shall be the perpendicular distance across a street from property line to property line. Minimum street rights-of-way and pavement width shall be as follows:

Street Rights-of-way and Pavement Widths

Type of Street	Pavement Width** (Minimum) (feet)	Pavement Width With Curb and Gutter*** (feet)	Right-of-way (Minimum) (feet)
a. Arterial*	-	-	-
b. Collector*	24	28	60
c. Local or residential streets	20	24	60
d. Marginal access	12	16	24
e. Alley or service	12	16	24
f. Cul-de-sac	80	84	110

* As shown or represented in the major thoroughfare plan or on the official map, or as defined by the appropriate local authority.

** Pavement width is measured from the back of the curb to the back of the curb.

*** Streets without curb and gutter shall be graded to provide at least a six foot shoulder on each side of the pavement where cut-and-fill requirements will reasonably permit. Such shoulders shall have at least the slope away from the edge of the pavement as required in the county road construction and paving ordinance.

**** Boulevards and one-way streets may be provided when the total right-of-way meets the standards in this section and pavement width of each lane is at least 12 feet.

(Ord. No. 134, § 6-113, 5-11-2000)

Sec. 78-380. Additional width on existing street.

In subdivisions that adjoin existing streets, the subdivider shall dedicate additional right-of-way to meet the minimum street width requirements in section 78-379 as follows:

- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the street.
- (2) When the subdivision is located on one side of an existing street, one-half of the required right-of-way measured from the center line of the existing roadway shall be provided.

Sec. 78-381. Reserve strips.

Reserve strips or nonaccess reservations which control access to streets, alleys and public grounds should be avoided, but if permitted shall be at least five feet wide and shall be dedicated to the county.

(Ord. No. 134, § 6-115, 5-11-2000)

Sec. 78-382. Street grades.

All street grades shall conform to the county road construction and paving ordinance.

(Ord. No. 134, § 6-116, 5-11-2000)

Sec. 78-383. Horizontal curvature.

The minimum radii of counterline curvature of a street in a subdivision shall conform to the state department of transportation's Geometric Design Standards for each class of roads as follows:

- (1) Arterial streets shall conform to class IV roads.
- (2) Collector streets shall conform to class V roads.
- (3) All other streets shall conform to class VI roads.

(Ord. No. 134, § 6-117, 5-11-2000)

Sec. 78-384. Tangents.

The tangents between reverse curves for streets in a subdivision shall conform to the state department of transportation's Geometric Design Standards for each class of road as follows:

- (1) Arterial streets shall conform to class IV roads.
- (2) Collector streets shall conform to class V roads.
- (3) All other streets shall conform to class VI roads.

(Ord. No. 134, § 6-118, 5-11-2000)

Sec. 78-385. Vertical alignment.

Vertical alignment (stopping sight distance), measured between points 4½ feet above the centerline of the street in a subdivision, shall conform to the state department of transportation's Geometric Design Standards for each class of road as follows:

- (1) Arterial streets shall conform to class IV roads.
- (2) Collector streets shall conform to class V roads.
- (3) All other streets shall conform to class VI roads.

(Ord. No. 134, § 6-119, 5-11-2000)

Sec. 78-386. Curbline radii.

Property lines at street intersections in a subdivision shall be rounded with a curb radius of 20 feet. Where the angle of intersection is less than 90 degrees, the planning commission may require a greater radius. The planning commission also may permit comparable cutoffs or chords in place of rounded corners.

(Ord. No. 134, § 6-120, 5-11-2000)

Sec. 78-387. Right-of-way radius.

The right-of-way radius at street intersections in a subdivision shall parallel the curbline radius.

(Ord. No. 134, § 6-121, 5-11-2000)

Sec. 78-388. Steep slope development.

Street design and construction in areas of steep slopes in the county are subject to variance from the uniform standards established in this chapter if deemed necessary by the planning commission and the county commissioners to carry out the intent and purpose of this chapter. If such variance is required the county commissioners or the county engineer shall establish appropriate design and construction standards on an individual subdivision basis.

(Ord. No. 134, § 6-122, 5-11-2000)

Sec. 78-389. Driveway entrance development.

All driveways constructed in a subdivision shall be of a design that promotes free drainage of surrounding public rights-of-way. An approved and properly designed driveway pipe will be required at all driveway points of entrance. An official of the county will make the decision of placement procedures and sizing of the pipe.

(Ord. No. 134, § 6-123, 5-11-2000)

Secs. 78-390—78-415. Reserved.

Subdivision III. Lots

Sec. 78-416. Compliance required.

All lots which shall be established in connection with the development of a subdivision after the effective date of the ordinance from which this chapter derives shall comply with the design standards in this subdivision, unless the proposed subdivision is covered by appropriate provisions of the county zoning ordinance in appendix A to this Code, wherein relevant standards and requirements if different shall take precedence.

(Ord. No. 134, § 6-3, 5-11-2000)

Sec. 78-417. Lot lines.

Insofar as practical, side lot lines in a subdivision shall be perpendicular or radial to street lines.

(Ord. No. 134, § 6-31, 5-11-2000)

Sec. 78-418. Jurisdictional limits and lot lines.

Individual lots in a subdivision shall not be intentionally internally divided by city or county boundary lines, such that the lot falls within multiple local government jurisdictions; jurisdictional lines must fall along property lines.

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(Ord. No. 134, § 6-32, 5-11-2000)

Sec. 78-419. Frontage arrangements.

The subdividing of the land shall be such as to provide each lot with direct abutting access to an existing public street or to an approved street contained within the proposed subdivision. Each lot must front for at least 30 feet upon an approved street or road. See section 78-421 pertaining to panhandle or flag lots.

(Ord. No. 134, § 6-33, 5-11-2000)

Sec. 78-420. Adequate building sites.

Each lot in a subdivision shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by this chapter and any existing ordinance as is appropriate.

(Ord. No. 134, § 6-34, 5-11-2000)

Sec. 78-421. Panhandle or flag lots.

Panhandle or flag lots, of required width and area, will be allowable in a subdivision where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 30-40 feet wide for a flag lot totaling less than 24 acres in size, or not less than 80 feet wide for a flag lot totaling greater than 24 acres in size, and the panhandle access shall not be more than 500 feet long. No two such panhandle access points shall abut each other, nor shall their access strips be closer than 400 feet apart. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other sections of this chapter.

(Ord. No. 134, § 6-35, 5-11-2000)

Sec. 78-422. Double-frontage or reverse-frontage lots.

Double- and reverse-frontage lots, unless required by the planning commission, shall be prohibited in a subdivision except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planting screen reservation of at least five feet in width and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other disadvantageous use.

(Ord. No. 134, § 6-36, 5-11-2000)

Sec. 78-423. Commercial and industrial lots.

Size, shape, and arrangements of commercial and industrial lots, where platted and classified as a subdivision, shall be subject to the approval of the planning commission. Where public water and/or sewer are not available, minimum lot size and minimum coverage shall be based on lot area needed for proper sewage disposal and/or water supply. In no case shall the building setback on all streets be closer than 15 feet from the front property line of the lot, and within such space no permanent surface structures or facilities shall be constructed.

(Ord. No. 134, § 6-37, 5-11-2000)

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Sec. 78-424. Lot remnants.

Lot remnants shall be prohibited in a subdivision. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

(Ord. No. 134, § 6-38, 5-11-2000)

Sec. 78-425. Easements.

Easements shall be required in subdivisions for the following purposes:

- (1) *Utility easements.* When it is found to be necessary and desirable to locate public utility lines in other than street rights-of-way, easements shall be shown on the plat for such purposes. Such easements shall not be less than 12 feet in width and, where possible, shall be centered on rear or side lot lines.
- (2) *Watercourse and drainage easements.* Where a proposed subdivision is traversed by a watercourse, drainageway, or stream, appropriate provisions shall be made to accommodate stormwater and drainage through and from the proposed subdivision. Such easement shall conform substantially with the lines of the watercourse and shall be of sufficient width or construction or both as to be adequate for the purpose.
- (3) *Ingress, egress.* For the purpose of this chapter, easements will not be recognized as a means of legal ingress or egress.

(Ord. No. 134, § 6-310, 5-11-2000)

Secs. 78-426—78-460. Reserved.

ARTICLE V. IMPROVEMENTS

DIVISION 1. GENERALLY

Sec. 78-461. Performance and specifications.

A well-designed subdivision means little to a prospective lot buyer until he can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a well-designed subdivision is not an asset to the community until the necessary improvements have been installed. In order that prospective lot purchasers may get usable products and new subdivisions may be an asset rather than a liability to the community, every subdivider shall be required to make the improvements outlined in this division in accordance with the specifications in this division or otherwise adopted by the planning commission. The improvements can be made by the appropriate local authority at the expense of the subdivider, or the subdivider can make the improvements with the approval of the appropriate local authority concerned.

(Ord. No. 134, § 7-1, 5-11-2000)

Sec. 78-462. Grading.

- (a) *Required.* All streets, roads, and alleys shall be graded by the subdivider in such a manner that pavements and other improvements (sidewalks and curb and gutter, if provided or required) can be constructed to the

required cross section. The minimum width of grading shall be the pavement width as specified in section 78-379, plus six feet on each side measured from the back of curb or pavement edge. Deviation from this section will be allowed only when due to special topographical conditions.

- (b) *Preparation.* Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectional materials and all trees not intended for preservation.
- (c) *Cuts.* All tree stumps, boulders, and other obstructions shall be removed to a depth of two feet below the subgrade. Rock, when encountered, shall be scarified to a depth of 12 inches below the subgrade.
- (d) *Fill.* All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clay, etc., shall be removed from the roadway. The fill shall be spread in layers not to exceed 12 inches, loose and compacted. The filling of utility trenches and other places not accessible to the roller shall be mechanically tamped.
- (e) *Subgrade.* The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the lines, grades, and typical cross sections as shown on drawings, if required, and approved by a department or official designated by the county commissioners. Unsuitable material shall be excavated and replaced with acceptable compacted material.

(Ord. No. 134, § 7-2, 5-11-2000)

Sec. 78-463. Storm drainage.

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided in a subdivision for the proper drainage of all surface water according to curb and gutter plans and specifications, as required, and approved by a department or official designated by the county commissioners. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit a full-width roadway and the required slopes. The size of pipe to be provided shall be determined and approved by a department or official designated by the county commissioners.

(Ord. No. 134, § 7-3, 5-11-2000)

Sec. 78-464. Sidewalks.

Sidewalks in a subdivision may be required by the planning commission where in its opinion safe and convenient pedestrian movement is essential, leading to or going through commercial areas, school sites, places of public assembly or across unusually long blocks. Required sidewalks or those installed at the option of the subdivider shall have a minimum width of four feet, shall not be adjacent to curbs, and shall otherwise be installed according to plans and specifications, as required, and approved by a department or official designated by the county commissioners.

(Ord. No. 134, § 7-5, 5-11-2000)

Sec. 78-465. Installation of utilities.

In a subdivision, after grading is completed and approved and before any base is applied, all of the underground work within the street right-of-way (water mains, gas mains, etc.) shall be installed completely and approved throughout the length of the road and across the flat section. At the same time all service connections shall be stubbed out to each lot. All underground utilities are to be installed as per slotting arrangements by local utility providers.

(Ord. No. 134, § 7-6, 5-11-2000)

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Cross reference(s)—Utilities, ch. 90.

Sec. 78-466. Water supply system.

- (a) *Public water system.* If a public water supply is available to a proposed subdivision and connection thereto is permitted, water mains and fire hydrants within the subdivision along with connections to each lot shall be provided, according to plans and specifications as required and approved by the board of commissioners.
- (b) *Community water supply system.* If a public water supply is not available, the subdivider may install a community water system developed according to plans and specifications as required and approved by the environmental protection division of the state department of natural resources.
- (c) *Individual water supply.* When a public water supply is not available and a community water system is not proposed by the subdivider, the subdivider shall carefully consider the capability and suitability of the general area of the subdivision to support individual water supplies. Such a water supply provision shall be interviewed by the county health department and their recommendations shall be considered by the planning commission in approving a plat.

(Ord. No. 134, § 7-7, 5-11-2000)

Cross reference(s)—Utilities, ch. 90.

Sec. 78-467. Sanitary sewage disposal.

- (a) *Public sewer system.* When a public sewer system is feasibly available to a proposed subdivision and connection to the system is permitted, the subdivider shall install and connect to the sewage disposal facilities within the proposed subdivision or feasible portions thereof to such public system in accordance with plans and specifications as required and approved by the board of commissioners.
- (b) *Individual sewage disposal system.* When a public sanitary sewer system is not available, an alternate method of sewerage disposal for each lot or a community sewage disposal system may be approved. When an individual sewage disposal method (septic tank) is proposed, appropriate data and information in compliance with the regulations of the county health department shall be provided to and approved by the county health department.
- (c) *Community sewage disposal system.* When a community sewage disposal system is proposed or a public sewer system is not available and individual sewage disposal systems are disapproved, thereby necessitating a community sewage disposal system, the developer shall install the system in accordance with plans and specifications as required and approved by the environmental protection division of the department of natural resources.

(Ord. No. 134, § 7-8, 5-11-2000)

Cross reference(s)—Utilities, ch. 90.

Sec. 78-468. Street, alley and service drive improvements.

All streets to be paved in a subdivision must be prepared and paved according to the following methods or by equivalent methods that are acceptable to the county commissioners and approved by the county road superintendent:

- (1) *Base.* The base shall consist either of select topsoil, sand, clay, or other approved material having a minimum thickness of six inches after being thoroughly compacted and shall be constructed on a

prepared subgrade in accordance with these specifications and in conformity with the county road construction and paving ordinance.

- a. All materials shall be of an approved type.
- b. All materials shall be mixed to the extent necessary to produce a thoroughly pulverized and homogenous mixture.
- c. As soon as the base material has been spread and mixed, the base shall be brought to approximate line, grade and cross section and then rolled with a sheepfoot roller until the roller walks out and finally with a pneumatic tire or general purpose roller until full thickness of the base course has been compacted thoroughly. Defects shall be remedied as soon as they are discovered.
- d. The base course shall be maintained under traffic and kept free from ruts, ridges and dustings, true to grade and cross section until it is primed.
- e. No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.

(2) *Pavement.* Unless otherwise approved by a department or official designated by the county commissioners, pavement shall be constructed as follows: Paving shall be provided as specified in the county road construction and paving ordinance.

(3) *Seals.* Care and precaution shall be taken that all points between such structures as manholes and curbs and the surface mixture are well sealed.

(Ord. No. 134, § 7-9, 5-11-2000)

Sec. 78-469. Street name signs.

Street name signs shall be installed at intersections within a subdivision. The location and design of such signs shall be approved by a department or official designated by the county commissioners.

(Ord. No. 134, § 7-10, 5-11-2000)

Sec. 78-470. Street trees.

The planting of street trees is not required in a subdivision; however, if the subdivider chooses to plant trees along the street to enhance the appearance of a subdivision, such trees shall be planted on any street right-of-way in a manner to ensure that there will be no conflict with utility lines either above or below the ground surface.

(Ord. No. 134, § 7-11, 5-11-2000)

Sec. 78-471. Monuments.

Solid steel rods at least one-half inch in diameter or square, two feet long, shall be set at all street corners in a subdivision, at all points where street lines intersect the exterior boundaries of the subdivision, at angle points and points of curve in each street in a subdivision, and at points of change of direction in the exterior boundaries of the subdivision. The top of the monument shall be set flush or up to six inches above the finished grade. All other lot corners shall be marked with solid steel rods not less than one-half inch in diameter and at least 24 inches long and driven so as to be flush with the finished grade.

(Ord. No. 134, § 7-12, 5-11-2000)

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Secs. 78-472—78-500. Reserved.

DIVISION 2. SURETY FOR COMPLETION

Sec. 78-501. Scope.

In lieu of the completion of the required improvements in a subdivision, the subdivider may provide surety for the completion of such improvements and present a final plat for approval.

(Ord. No. 134, § 8-1, 5-11-2000)

Sec. 78-502. Requirements.

To ensure the construction and installation of required improvements in a subdivision, the subdivider shall deliver to the appropriate public authority a certified check, letter of credit, or cash escrow, bond, or other acceptable surety, whichever is specified by the authority, in such amount as is estimated by the public authority having jurisdiction to be the total cost of the construction and installation of the required improvements, which are the responsibility of the subdivider.

(Ord. No. 134, § 8-2, 5-11-2000)

Sec. 78-503. Conditions.

Bonds posted or other surety provided pursuant to this division shall run to the public authority having jurisdiction over the required improvements for which surety is made and shall provide that the subdivider, his heirs or successors and their agents and servants will comply with all applicable terms, conditions, provisions, and requirements of this chapter, other laws and regulations, and requirements as specified by the appropriate public authority. If bond is offered, it shall be executed by a surety and guaranty company qualified to transact business in the state and approved by the administrative officer.

(Ord. No. 134, § 8-3, 5-11-2000)

Sec. 78-504. Duration and release.

Bonds posted or other surety provided pursuant to this division shall be released, returned or otherwise disposed of by the holder, as the case may be, at such time as the facilities guaranteed or provided therefor have been installed and approved. Approval shall be in writing accurately describing the improvements covered. Facilities shall not be accepted or approved unless they conform to the specifications and requirements of this chapter and the county.

(Ord. No. 134, § 8-4, 5-11-2000)

Sec. 78-505. Default.

- (a) If the construction or installation of any improvements or facilities by the subdivider, for which a bond is posted or other surety is provided, is not completed within the period of performance specified by the public authority at the time the surety is provided or if the construction or installation by the subdivider is not in accordance with the applicable specifications and requirements of the appropriate authority, the

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construction or installation may be completed using the proceeds from such surety deposits to pay for such work. Such work may be done under contract or by the local authority and shall be completed within six months after the date that the construction or installation is determined to be in violation of this chapter.

- (b) To the extent that any portion of a surety deposit is not required or used, the excess surety shall be repaid to the person making the deposit.

(Ord. No. 134, § 8-5, 5-11-2000)

Sec. 78-506. Certification of receipt for required improvements.

A certificate or statement of receipt of the surety by the public authority having jurisdiction shall be inscribed on or attached to the subdivision final plat and executed by the appropriate public authority for the required improvement for which separate surety is provided.

(Ord. No. 134, § 8-6, 5-11-2000)