

**ORDINANCE NO. 2017-13**

**AN ORDINANCE TO CREATE A NEW ORDINANCE TO BE KNOWN AND DESIGNATED AS "SUBDIVISION ORDINANCE FOR SOCIAL CIRCLE, GEORGIA 2017".**

**TITLE** This provision is designated to set forth the Subdivision Ordinance for Social Circle, Georgia 2017 which includes the following items:

General Provisions, Definitions, Subdivision Application Procedure and Approval Process, Requirements for Improvements, Reservations, and Design, Assurance for Completion and Maintenance of Improvements, Construction Schedule, Legal Status Provisions and Adoption, a copy of which is attached hereto as Exhibit "A".

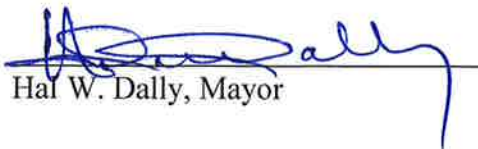
**WHEREAS**, the Mayor and Council are authorized to adopt a code of Ordinances for the City of Social Circle pursuant to Section 2.25 of the City Charter, and

**WHEREAS**, it is in the best interest of the health, safety and welfare of the citizens of Social Circle to maintain such a code of Ordinances and this new code shall be entitled the "Subdivision Ordinance for Social Circle, Georgia," and also designated as "Subdivision Ordinance for Social Circle, Georgia 2017",

**THE COUNCIL OF THE CITY OF SOCIAL CIRCLE HEREBY ORDAINS**, that the "Subdivision Ordinance of the City of Social Circle" be designated as "Subdivision Ordinance for Social Circle, Georgia 2017," and be is hereby adopted as an Official Code of the City of Social Circle, Georgia pursuant to the authority of Section 2.25 of the Charter of the City of Social Circle, Georgia as enacted by the General Assembly of Georgia.

The City Clerk is hereby authorized to retain the services of an electronic municipal code compilation company for the purpose of satisfying the electronic display requirements of the Georgia Code and the updating procedures required by Section 2.25 of the City's Charter.


SO ORDAINED this 20<sup>th</sup> day of June, 2017.

  
Hal W. Dally, Mayor

ATTEST:

  
Susan M. Roper, City Clerk

*APPROVED AS TO FORM:*

  
\_\_\_\_\_  
Anthony O. L. Powell, City Attorney  
Webb, Tanner & Powell P.C.

Adopted by the City Council at a regular meeting on June 20, 2017.

4 Council members voting in favor

0 Council members voting against

0 Council members abstaining

AN ORDINANCE  
REGULATING THE SUBDIVISION OF LAND  
IN SOCIAL CIRCLE, GEORGIA  
FINAL COPY  
JANUARY 10, 2000

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**TITLE**

An Ordinance regulating the subdivision of land in the City of Social Circle, Georgia requiring and regulating preparation and presentation of preliminary and final plats for such purpose; establishing minimum subdivision design standards; requiring minimum improvements to be made or guaranteed to be made by the sub divider; setting forth the procedure to be followed by the Mayor and Council in applying these rules, ordinances, and standards; and prescribing penalties for the violation of its provisions.

The Mayor and Council of Social Circle do hereby ordain and enact into law the following articles and sections:

## **ARTICLE I. GENERAL PROVISIONS**

### **1.1 Title**

This Ordinance shall officially be known, cited, and referred to as the Subdivision Ordinance for Social Circle, Georgia (hereinafter "this Ordinance").

### **1.2 Policy**

It is declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City of Social Circle (hereafter the "City") pursuant to the comprehensive plan of the City for the orderly, planned, efficient, and economical development of the City.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.

The existing and proposed public improvements shall conform to and be properly shown in the Comprehensive Plan, Official Map, and the capital budget and program of the City, and it is intended that this Ordinance shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, Official Map and land use plan, and the capital budget and program of the City.

Land that has been subdivided prior to the effective date of this Ordinance should, whenever possible, be brought within the scope of this Ordinance to further the purposes of ordinance(s) identified in Section 1.3 of this Ordinance.

### **1.3 Purposes**

This Ordinance is adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the City.
2. To guide the future growth and development of the City in accordance with the Comprehensive Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development,

promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, and to protect environmentally critical areas and areas premature for urban development.

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

14. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

#### **1.4 Authority**

1. This Ordinance is adopted in accordance with, and under the power of, the 1983 Constitution of the State of Georgia (Article XI, Section II, Paragraphs I and IV). The Mayor and Council are vested with the authority to review, approve, conditionally approve, or disapprove applications of the subdivision of land, including sketch, preliminary, and final plats. The Mayor and Council may grant a variance from this Ordinance pursuant to the provisions of Section 1.13 of this Ordinance.
2. By the same authority, the Mayor and Council are vested with authority to review, approve and disapprove plats of land subdivision prior to the recording of said plats in the office of the Clerk of the Superior Court of Walton County, Georgia, or the office of the Clerk of Superior Court of Newton County; as appropriate, within the incorporated sections of Social Circle, Georgia, which show lots, blocks or building sites with or without new streets.
3. By the same authority, the Mayor and Council are vested with the authority to review, approve or disapprove the development of a platted subdivision of land already recorded in the office of the Clerk of Superior Court of Walton County or the office of the Clerk of the Superior Court of Newton County as appropriate, if said plat was recorded after November 1971, without prior approval of the Mayor and Council and more than fifty percent (50%) of the platted lots have not been sold to individual owners for the purpose of providing residence for the owner, provided that any review, approval or disapproval shall concern only the lots yet to be sold to individual owners.

#### **1.5 Jurisdiction**

1. This Ordinance applies to all subdivision of land, as defined under subdivision in Section 2.2 of this Ordinance, located within the corporate limits of the City of Social Circle.
2. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Mayor and Council in accordance with this Ordinance
3. The Mayor and Council have the authority to review and approve, conditionally approve or disapprove the sale, lease, or development of lands subdivided prior to or following the effective date of this Ordinance as follows:
  - a. The plat of the subdivided land was recorded without the prior approval of the Social Circle Mayor and Council whether or not prior approval was required at the time the land was subdivided and the plat contains contiguous lots in common ownership where one or

more lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

- b. The plat of the subdivided land has been of record in such appropriate Clerk of the Superior Court office for more than five (5) years, was not approved after the effective date of this Ordinance and contains contiguous lots in common ownership where one or more of the contiguous lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
  - c. The plat has been of record in such appropriate Clerk of Superior Courts office for more than five (5) years, was approved after the effective date of this Ordinance and contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped and one or more is nonconforming under the Zoning Ordinance, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
4. No land described in this Section 1.5 of this Ordinance shall be subdivided or sold, leased, transferred or developed until each of the following conditions has occurred in accordance with this Ordinance:
- a. The subdivider or his agent has submitted a conforming sketch plat of the subdivision to the Planning Commission for review and recommendation to the Mayor and Council; and
  - b. The subdivider or his agent has obtained approval of the sketch plat, a preliminary plat when required, and the final plat from the Mayor and Council; and
  - c. The subdivider or his agent files the approved plats with the Clerk of the Walton County or Newton County Superior Court, as appropriate.
5. No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision Ordinances, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with this Ordinance.

## **1.6 Enactment**

In order that land may be subdivided in accordance with these purposes and policies, this Ordinance is hereby adopted and made effective the date of adoption hereof. All applications for subdivision approval, including final plats, pending on the effective date of adoption of this Ordinance shall be reviewed under this Ordinance except that this Ordinance will not apply if preliminary plat approval was obtained prior to the effective date of this Ordinance and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the City unless the

Mayor and Council determine on the record that application of this Ordinance is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

## **1.7 Interpretation and Conflict**

### **1. Interpretation.**

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

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

## **1.8 Saving Provision**

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

## **1.9 Reservations and Repeals**

Upon the adoption of this Ordinance according to law, the Subdivision Ordinance of Social Circle adopted December 10, 1979, and as amended, is hereby repealed, except as to those sections expressly retained in this Ordinance.

### **1.10 Amendments**

For the purpose of protecting the public health, safety, and general welfare, the Mayor and Council may from time to time propose amendments to this Ordinance which shall then be approved or disapproved by the Mayor and Council at a public meeting following public notice. Before enacting any amendment to this Ordinance, the Planning Commission, shall hold a public hearing thereon. The Planning Commission shall hold said hearing and make a report of the proceeding to the City within thirty (30) days of the date of the submission of a request for an amendment. Public notice shall be given at least fifteen (15) days prior to the public hearing in accordance with Georgia law.

### **1.11 Resubdivision of Land**

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

#### **1. Procedure for Resubdivision**

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

#### **2. Resubdivision Includes:**

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

#### **3. Waiver.**

Whenever the Mayor and Council, in their sole discretion, make a finding on the record that the purposes of this Ordinance may be served by permitting resubdivision by the procedure established in this Section 1.11(3), the Mayor and Council may waive the requirement of Section 1.11(1) after notice and public hearing as provided in Section 1.13 of this Ordinance.

Whenever there is a request for recombination and resubdivision of three or less lots to make fewer lots, the applicants shall submit six (6) copies of recordable plats to the City Manager for approval or denial. If the City Manager approves, he shall obtain the Mayor's signature on the plat for recording purposes. If the City Manager denies the request, the decision may be appealed to the Mayor and Council.



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

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

##### **1.12 Public Purpose**

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

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

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

Where the Mayor and Council find that extraordinary hardships or practical difficulties may result from strict compliance with this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposal. They may after a public hearing before the Planning Commission, approve a variance to this Ordinance so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of this Ordinance; and further provided the Mayor and Council shall not approve a variance unless they shall find, based on the evidence presented, that all of the following conditions are met:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property;
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not generally applicable to other property;
- c. Because of the particular physical surroundings, shape, or topography of the specific property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance was carried out;
- d. The variance will not in any manner vary the provisions of the following: (a) Code of Ordinances of Social Circle, Georgia; (b) Zoning Regulations of Social Circle, Georgia; (c) Official Map of Social Circle, Georgia; (d) Future Land Use Plan of Social Circle, Georgia; (e) Long Range Transportation and Thoroughfare Plan of Social Circle,

Georgia; (f) the Social Circle Soil & Sediment Control Ordinance; all of which shall remain in full force and effect.

**2. Conditions.**

In approving variances, the Mayor and Council may require conditions necessary to achieve the objectives of this Ordinance.

**3. Procedures.**

Applicants must submit a plat of the survey and a petition with any variance request. The petition shall comprehensively state the grounds for the request and all facts relied upon by the applicant. A \$150.00 fee shall be paid at submittal.

The applicant shall at his expense erect a sign approved by the Building Inspector notifying the public of the application. This shall be done no less than fifteen (15) days nor more than forty-five (45) days before the date of the public hearing in a conspicuous place on the property in question.

Between fifteen (15) and forty-five (45) days before the public hearing, the City Clerk shall advise the date, time and purpose of such hearing in the legal organ of Walton or Newton County as applicable.

The Planning Commission shall hold a public hearing and submit findings to the Mayor and Council.

A property owner or his appointed agent may not request a variance for the same parcel of land more than once every twelve (12) months.

**1.14 Enforcement, Violations, and Penalties**

**1. General.**

- a. It shall be the duty of the Building Inspector to enforce these requirements and to bring to the attention of the City Manager any violations thereof or lack of compliance herewith.
- b. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Mayor and Council in accordance with the provisions of this Ordinance and filed with the Clerk of the Superior Court of Walton County or Newton County, as appropriate.
- c. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.

- d. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this Ordinance, nor shall the City have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of this Ordinance.

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

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

## **3. Civil Enforcement.**

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

### **1.15 Contribution Disclosures**

When any applicant has made, within two (2) years before filing of an application for variance or a proposed amendment to this Ordinance, campaign contributions totaling \$250.00 or more, or made gifts having an aggregate value of \$250.00 or more to the Mayor or a member of the Council or to a member of the Planning Commission, it shall be the duty of the applicant and any attorney representing the applicant to file a disclosure report with the Mayor and Council showing:

1. The name of the official to whom the campaign contribution or gift was made;
2. The dollar amount of each campaign contribution made by the applicant to the official within two (2) years before the filling of the application for the variance or amendment and the date of each such contribution; and
3. An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the official within two (2) years before the filing of the application for the variance or amendment.

### **1.16 Public Hearing Procedures and Policies**

Whenever a public hearing is required by this Ordinance or by state law prior to a hearing on a variance request or a proposed amendment to this Ordinance, such public hearing, whether conducted by the Mayor and Council or the Planning Commission, shall be conducted in accordance with the following procedures, which are adopted pursuant to O.C.GA 36-66-5)(a), as amended:

1. Minutes of the meeting will be taken by the secretary of the Planning Commission or the City Clerk. Should a complete transcript of the meeting be requested, it will be provided at the expense of the person making the request.
2. The public hearing shall be called to order by the presiding officer.
3. The presiding officer shall explain the procedure to be followed in the conduct of the public hearing.
4. If the subject of the hearing is a proposal initiated by a petitioner other than the City Council, the petition or petitioner's agent shall be recognized first and shall be permitted to present and explain the request. If the request is initiated by the Mayor and Council, all members of the governing authority of the City shall be allowed to speak as they are recognized by the presiding officer, regardless of whether such officials speak in favor of or in opposition to the proposal. Thereafter, all individuals who so desire shall be permitted to speak in favor of the proposal.
5. After all individuals have had an opportunity to speak in accordance with paragraph 4 above, those individuals present at the public hearing who wish to speak in opposition to the proposal shall have an opportunity to speak.
6. Any person who wishes to speak at the public hearing shall raise his/her hand. After being recognized by the presiding officer, he/she shall stand and give his name and address, and make any appropriate comment.
7. No time limit shall be imposed upon any person speaking at a public hearing, but all speakers are urged to make their comments brief and avoid repeating other's comments.
8. The applicant shall have an opportunity, after all comments in opposition have been made, to make a presentation of data, evidence and opinion.
9. The applicant and the opponents shall have an equal time period of no less than ten minutes per side for presentation of data, evidence and opinion.
10. Thereafter, the presiding officer shall announce that the public hearing for the proposal is closed. The Planning Commission shall then convene its business session to consider the proposal and shall, at that time, take action on its recommendation to the Mayor and Council. At the close of the public hearing before the Mayor and Council, that body shall immediately convene its business session and consider the recommendation and take action on the proposal.

### **1.17 Construction of Provisions**

This Ordinance and all inspections conducted and permits issued hereunder are hereby declared to be remedial, and shall be construed to secure the beneficial interest and purpose thereof which are

public safety, health and general welfare through structural strength, stability, sanitation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems. Quality control of materials and workmanship is not within the purview of this Ordinance except as it relates to the purpose stated herein. The inspection or permitting of any building, system or plan, under the requirements of this Ordinance shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the Mayor and Council nor any City Official nor city employee shall be liable for damages to any entity for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such which may occur.

## ARTICLE II. DEFINITIONS

### 2.1 General

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

### 2.2 Words and Terms Defined

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

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is some other street.

Applicant. See "Subdivider" herein.

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

Bond. Any form of a surety bond in an amount and form satisfactory to the Mayor and Council. All bonds shall be approved by the Mayor and Council whenever a bond is required by this Ordinance.

Building. Any structure, either permanent or temporary, above or below ground, designed, built or used as a shelter or enclosure for persons, animals or property of any kind which has enclosing walls for fifty (50) percent of its perimeter. The term building shall be construed as if followed by the words 'or part thereof.'

Building Inspector. The authorized Building Inspector for the City of Social Circle, Georgia.

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

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

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

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

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

City Clerk. The City Clerk for Social Circle, Georgia.

City Manager. The employee so designated by the Mayor and Council

City Attorney. The attorney so designated by the Mayor and Council.

City Engineer/Consultant. The engineer so designated by the Mayor and Council.

Collector Road. As the principal traffic artery within residential or commercial area, the collector carries relatively high volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic; as such, communities should not encourage parking or residences along a collector. The collector's secondary function is to serve abutting land uses. A collector street may also accommodate transit such as busses.

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

Comprehensive Plan. The Comprehensive Plan which may consist of several maps, data and other descriptive matter, for the physical development of the City or any portion thereof, including any amendments, extensions or additions thereto, indicating the general location for major streets, parks or other similar information. The "Comprehensive Plan" includes component or functional plans for the City, including but not limited to a plan for land use or a plan for transportation facilities.

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

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

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

County Sanitarian. The sanitarian for Walton or Newton County, Georgia.

Developer. See "Subdivider" herein.

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

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

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

Final Plat. The map of a subdivision to be recorded after approval by the Mayor and Council and any accompanying material as described in this Ordinance.

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

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

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

Health Department. The Walton or Newton County Health Department.

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

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

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, or transfer or ownership, or possession, or for building development. A lot must meet the requirements of the zoning district in which it is located and must front on a public street or approved private street.

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

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

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

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of local government facilities or the creation of any public improvements. (see subdivision)

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

Minor Subdivision [as amended March 13, 2000]. All subdivisions not classified as major subdivision, including but not limited to subdivision of two (2) lots but not more than four (4) lots provided that:



1. Each lot in the proposed subdivision abuts an existing street for the minimum distance required by the Zoning Ordinance of Social Circle, Georgia, for the zoning district in which the subject real property is located and the depth shall not exceed three (3) times the width.
2. The proposed subdivision shall be directly accessible to existing required improvements that shall be necessary for connection to existing utilities and other existing facilities.
3. The combination or recombination of portions of previously platted lots is permitted where the total number of lots is not increased and the resultant lots comply with the standards of this Ordinance and all other ordinances and resolutions of Social Circle, Georgia. (See Subdivision herein)

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

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

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

Official Map. "The Official Zoning District Maps for the City of Social Circle, Georgia," adopted November 9, 1998, which is kept on file in the Social Circle City Hall where it is available for public inspection during normal business hours. The Official Map is further defined in Section 401 of the Zoning Ordinance which document is incorporated herein by reference and made a part hereof.

Official Submission Date. The date of the meeting of the Mayor and Council at which the public hearing on approval of a sketch, preliminary or final subdivision plat, including any adjourned date thereof, is closed, shall constitute the Official Submission Date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the sketch, preliminary or final subdivision plat shall commence to run.

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

Owner. See "Subdivider" herein.

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

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

Planning Commission. The Planning Commission of the City of Social Circle, Georgia

Preliminary Plat. The preliminary drawing or drawings described in this Ordinance indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission or Mayor and Council for approval.

Public Hearing. An adjudicatory proceeding held by the Mayor and Council preceded by published notice and at which certain persons, including the applicant, may speak and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted.

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

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

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

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

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

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

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

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

Street. Streets within the City of Social Circle shall be classified as one of the following:

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

Subdivide. The act or process of creating a subdivision.

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

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. The definition of 'subdivision' does not include the division of a tract or parcel of land into lots, building sites, or other divisions, all of which contain five (5) acres or more, all accessed by and fronting on an existing paved public street and not requiring an extension of public utilities. There are two classifications of subdivisions, Major and Minor, as defined separately herein.

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

Subdivision Plat. The final map or drawing, described in this Ordinance, on which the subdivider's plan of subdivision is presented to the Mayor and Council for approval and which, if approved, may be submitted to the Clerk of the Superior Court for Walton County or Newton County for filing.

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

Vested Rights. Right to initiate or continue the establishment of a use which will be contrary to a restriction or ordinance coming into effect when the project associated with the use is completed.

Zoning Ordinance. The Zoning Ordinance of Social Circle, Georgia.

## **ARTICLE III. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**

### **3.1 General Procedure**

#### **1. Classification of Subdivisions.**

Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include two (2) principal steps for a minor subdivision and four (4) principal steps for a major subdivision:

- a. Minor Subdivision.
  - i. Sketch Plat
  - ii. Final Subdivision Plat
- b. Major Subdivision
  - i. Sketch Plat
  - ii. Preliminary Plat
  - iii. Soil Erosion Plan and Water/Sewer Plan
  - iv. Final Subdivision Plat & Construction Drawings

If such use is for commercial or industrial purposes, then such subdivision shall comply with all applicable provisions of this Ordinance. If such use is for agricultural purposes, the provisions of this Ordinance shall not apply.

#### **2. Official Submission Dates.**

For the purpose of this Ordinance, for both major and minor subdivisions, the date of the meeting of the Mayor and Council at which the public meeting or hearing on approval of a sketch, preliminary or final subdivision plat, including any adjourned date thereof, is closed, shall constitute the Official Submission Date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the sketch, preliminary or final subdivision plat shall commence to run.

### **3.2 Sketch Plat**

#### **1. Discussion of Requirements.**

Before preparing the sketch plat for a subdivision, the applicant shall schedule an appointment and meet with the City Manager and City Engineer/Consultant and/or the Building Inspector to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services, including

schools. The City Manager or Building Inspector may also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within the jurisdiction.

## **2. Application Procedure and Requirements.**

Prior to subdividing land and after meeting with the City Manager and City Engineer/Consultant and/or the Building Inspector, the owner of the land, or his authorized agent, shall file an application for approval of a sketch plat with the City Clerk. The application shall:

- a. Be made on forms available in the City Clerk's office;
- b. Include all contiguous holdings of the owner including land in "common ownership" as defined in this Ordinance, with an indication of the portion which is proposed to be subdivided accompanied by an affidavit of ownership, which shall include the dates the respective holdings or land were acquired, together with the book and page where each conveyance to the present owner is recorded in the appropriate Superior Court Clerk's Office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent of any class of stock;
- c. Be accompanied by a minimum of three (3) copies of the sketch plat as described in this Ordinance and complying in all respects with this Ordinance;
- d. Be presented to the Planning Commission for recommendation to the Mayor and Council;
- e. Be accompanied by a fee as determined from time to time by the Mayor and Council; and
- f. The application shall include an address and telephone number of an agent who shall be authorized to receive all notices required by this Ordinance.

## **3. Minor Subdivision.**

If the sketch plat constitutes a minor subdivision, the City Clerk shall place the matter on the next available regular meeting agenda of the Planning Commission for classification, review, and recommendations to the Mayor and Council. The Mayor and Council shall review, approve conditionally approve, or disapprove the sketch plat within sixty (60) days from the Official Submission Date. Subsequent to an approval or conditional approval by the Mayor and Council the applicant may proceed directly to the filing of an application for approval of a final subdivision plat as provided in this Ordinance in Section 3.5.(1) of this Ordinance. The applicant shall have one (1) year from the date that the sketch plat is approved by the Mayor and Council to submit a final subdivision plat, after which time a new sketch plat must be submitted for approval.

The Mayor and Council shall provide notice and hold public hearings on the final plat for a minor subdivision in the same manner required for preliminary plats for major subdivisions Section 3.5(3) of this Ordinance. The Mayor and Council shall generally approve, conditionally approve, or disapprove the final plat within sixty (60) days from the Official Submission Date. Subsequent to an approval or conditional approval and signoff of the final plat by the Mayor and Council, the applicant may proceed to subdivide the land.

#### **4. Major Subdivision.**

If the sketch plat constitutes a major subdivision the City Clerk shall transmit three (3) copies of the sketch plat for review to appropriate officials or agencies of the City of Social Circle (including the Planning Commission) and Walton County or Newton County as appropriate and adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including review by the Northeast Georgia Regional Development Center if the development meets the Developments of Regional Impact (DRI) criteria. The City Clerk shall request that all officials and agencies to whom a request for review has been made, submit their report to the Mayor and Council within thirty (30) days after receipt of the request. The City Clerk shall place the matter on the next regular meeting agenda of the Planning Commission for classification, review, and recommendations to the Mayor and Council. The Planning Commission shall send its recommendation and all reports to the Mayor and Council.

The Mayor and Council will consider all the reports submitted by the officials and agencies concerning the sketch plat and the recommendation of the Planning Commission and shall approve, approve with conditions or disapprove the sketch plat. Approval of the sketch plat shall constitute permission to prepare a preliminary plat.

#### **5. Sketch Plat Content.**

The sketch plat shall represent the entire area which the subdivider contemplates developing, including those units or sections not scheduled for immediate development. Three (3) copies of the sketch plat shall be submitted to the Planning Commission for review with the subdivider. The sketch plat shall include as a minimum the following information:

- a. The sketch plat submitted to the Planning Commission and Mayor and Council shall be prepared in ink or pencil on a reproducible medium and can be a freehand rendering. The sketch plat shall illustrate the ultimate development of the entire parcel owned by the applicant and shall identify the section for which formal plat approval will initially be requested. It shall be prepared at a scale of not more than one (1) inch equal to one hundred (100) feet and shall include site topography at a contour interval of five (5) feet or less. The sketch plat shall include at a minimum the following information:

i. Name

- (1) Name of subdivision if property is within an existing subdivision.
- (2) Proposed name if not within a previously platted subdivision. The proposed name generally shall not duplicate or closely approximate the name of any plat previously recorded.
- (3) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

ii. Ownership.

- (1) Name and address, including telephone number, of legal owner. of property.
- (2) Citation of any existing legal rights-of-way or easements affecting the property.
- (3) Existing covenants on the property, if any.
- (4) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

iii. Description. Location of property by government lot, section, city, county, graphic scale, north arrow, and date.

- (1) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or significant trees twenty-four (24) inches or more in diameter, measured four (4) feet above ground level; and the location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.
- (2) Location, sizes, elevation, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
- (3) Approximate topography, at the same scale of the sketch plat.
- (4) The approximate location and widths of proposed streets.
- (5) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.



- (6) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (7) The location of flood hazard areas taken from the HUD (FEMA) maps, if available.
- (8) Zoning of subject property and adjacent properties.
- (9) The locations of all general topographical features and the approximate slopes and gradients, both present and proposed. Additionally, any changes to be made affecting soil erosion and sedimentation that will be caused by grading, including information as to the conditions of soil types within the subdivision showing the relationship between soil limitations and dwelling density within the subdivision.
- (10) Information and data relating to surface water runoff as it effects storm water drainage and impact on adjacent areas.
- (11) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

## **6. Public Hearings.**

Upon receipt of a formal application for sketch plat approval and all accompanying material, the Planning Commission shall call a public hearing for the next scheduled meeting of the Planning Commission to be held at least thirty (30) days after the date of the application. The City Clerk shall submit a notice for publication at least fifteen (15) days prior to the public hearing and shall maintain file copies of the plat and construction plans when appropriate for public review prior to the hearing.

The Planning Commission shall forward the formal application and a recommendation to the Mayor and Council for consideration.

Upon receipt of a recommendation for sketch plat approval or denial from the Planning Commission and all accompanying material, the Mayor and Council shall call a public hearing for the next scheduled meeting of the Mayor and Council to be held at least thirty (30) days after the date of the application. The City Clerk shall submit a notice for publication at least fifteen (1.5) days prior to the public hearing and shall maintain file copies of the plat and construction plans when appropriate for public review .prior to the hearing

## **7. Sketch Plat Reviews.**

The Planning Commission shall review the sketch plat within sixty (60) days from the official submission. If the sketch plat is found to be inadequate, the Planning Commission shall provide information regarding the required inadequacy to the applicant in writing. The action of

the Planning Commission shall be noted on the copy of the sketch plat, and one (1) copy shall be returned to the applicant. If the Planning Commission does not take action within sixty (60) days of submittal to the Planning Commission, the sketch plat shall be considered recommended to the Council. However, the subdivider may waive this requirement and consent to an extension of time.

### **3.3 Preliminary Plat**

No sooner than thirty (30) days after the date of review of the sketch plat, the applicant may apply for preliminary plat approval. If the applicant fails to apply for preliminary plat approval within 120 days of the review of the sketch plat, a new sketch plat must be submitted. The preliminary plat shall be prepared by a licensed land surveyor, registered professional engineer or licensed landscape architect.

#### **1. Application Procedure and Requirements.**

The applicant shall file six (6) copies of the Preliminary Plat with the City Clerk, an application for approval of a preliminary plat if the applicant elects to proceed. Include five (5) paper copies and one (1) mylar copy of the preliminary plat, and five (5) paper copies of the construction plans to be utilized as follows:

- a. Building Inspector- Mylar copy of preliminary plat  
Paper copy of construction plans
- b. Planning Commission- Paper copy
- c. County Sanitarian- Paper copy
- d. City Council- Paper copy
- e. The fifth paper copy shall be returned to the subdivider or his agent with a notation of the action taken by the Planning Commission.
- f. Post Office- Preliminary Plat only
- g. Include a detail cost estimate of the items to be secured by bond.

The preliminary plat shall conform substantially with the approved sketch plat. The application shall:

- a. Be made on any forms furnished by the City Clerk together with a fee as determined by Mayor and Council.
- b. Include all land which the applicant proposes to subdivide, including possible unit divisions not scheduled for immediate development, and all land immediately adjacent extending one hundred (100) feet from the subject property, or of that directly opposite

the subject property, extending one hundred (100) feet from the street frontage of opposite land, with the names of owners as shown in the files. This information may be shown on a separate current Tax Map reproduction from the County Board of Tax Assessors' Office showing the subdivision superimposed on the Tax Map.

- c. Be accompanied by a minimum of six (6) copies of the preliminary plat as described in this Ordinance.
- d. Be accompanied by a minimum of six (6) copies of construction plans as described in this Ordinance.
- e. Comply in all respects with the sketch plat, this Ordinance, the City of Social Circle Zoning Ordinance, and any other applicable regulations, laws, rules and ordinances.
- f. Be presented to the City Clerk at least thirty (30) days prior to a regular Planning Commission meeting. City Council meetings are generally held every third Tuesday night of the month at 6:30 pm. Planning Commission meetings are generally held every fourth Monday night of the month at 6:00 pm.

## **2. Content of Preliminary Plat.**

The preliminary plat, submitted to the Planning Commission and Mayor and Council, shall be in ink on a reproducible medium, prepared in accordance with acceptable professional standards. The submittal copies shall consist of black-line prints on a white background, and the submittal shall include such other documents as necessary to meet the requirements of this Ordinance. If the preliminary plat is prepared by a registered professional engineer, reference must be made to the legal survey of the parcel. A copy of the survey must be included with the preliminary plat if not stamped by a licensed land surveyor. The preliminary plat shall be prepared at a scale of one (1) inch equal to one hundred (100) feet. The recommended maximum dimensions of the sheet size are 24 by 36 inches, provided, however, additional sheets may be used.

The preliminary plat shall contain the following:

- a. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments, the names of adjoining streets.
- b. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot. The boundary lines shall include the entire tract to be subdivided eventually and data as required herein shall apply to the entire tract.
- c. Proposed unit division or stage development, if any, as proposed by the subdivider.

- d. Contour lines based on sea level datum. These shall be drawn at intervals of not more than two (2) feet. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified.
- e. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
- f. The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building set-back lines.
- g. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.
- h. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
- i. The date of the map, approximate true north point, scale, and title of the subdivision.
- j. Sufficient data acceptable to the City Engineer/Consultant to determine readily the location, bearing, and length of all lines, and to reproduce such upon the ground; the location of all proposed monuments. Mathematical closure shall be within a tolerance of one foot in five thousand feet.
- k. Name of the subdivision and all new streets as approved by the Mayor and Council.
- l. Indication of the use of any lot and all uses other than residential proposed by the subdivider.
- m. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions. Outlets shall be lettered in alphabetical order. If blocks are numbered or lettered, outlets shall be lettered in alphabetical order within each block.
- n. List of underground utilities.
- o. Number of units.

- p. All information required on the sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:

Explanation of drainage easements, if any.  
Explanation of site easements, if any.  
Explanation of reservations, if any.  
Endorsement of owner, as follows:

---

Owner	Date
-------	------

- q. Form for endorsement by the Mayor as follows:

Pursuant to the Subdivision Ordinance of the City of Social Circle, Georgia, all the requirements of preliminary approval having been fulfilled, this preliminary plat was given preliminary approval by the Mayor and Council. This preliminary approval does not constitute approval of a final plat. This certificate of preliminary approval shall expire and be null and void on one (1) year from preliminary approval. This preliminary approval does not authorize grading of property.

---

Mayor	Date
-------	------

- r. Include a detailed cost estimate of items to be secured by bond.

The lack of any information under any item specified herein, or improper information supplied by the applicant, shall be a cause of disapproval of a preliminary plat.

### **3. Public Hearing.**

Upon receipt of a formal application for preliminary plat approval and all accompanying material, the Planning Commission shall call a public hearing for the next scheduled meeting of the Planning Commission to be held at least thirty (30) days after the date of the application. The City Clerk shall submit a notice for publication at least fifteen (15) days prior to the public hearing and shall maintain file copies of the plat and construction plans when appropriate for public review prior to the hearing. The Planning Commission shall recommend approval, denial or approval with conditions to the Mayor and Council.

Upon receipt of a recommendation of the Planning Commission for preliminary plat consideration and all accompanying material, the Mayor and Council shall place the matter on the agenda for public hearing to be held at least thirty (30) days after the date of the

application. The City Clerk shall submit a notice for publication at least fifteen (15) days prior to the public hearing and shall maintain file copies of the plat and construction plans when appropriate for public review prior to the hearing. The Mayor and Council shall approve, deny or approve with conditions the preliminary plat.

#### **4. Preliminary Plat Approval.**

No later than thirty (30) days prior to the regular meeting date of the Planning Commission, the applicant shall submit six (6) copies of a preliminary plat to the Planning Commission for review and recommendation to the Mayor and Council. At the meeting, the Planning Commission shall recommend approval, approval with conditions, table, or disapprove the preliminary plat.

No later than thirty (30) days prior to the regular meeting date of the Mayor and Council, the Planning Commission shall forward to the Mayor and Council the six (6) copies of a preliminary plat for review. At the meeting, the Mayor and Council shall approve, approve with conditions, table, or disapprove the preliminary plat. All modifications shall be made on the plat approved by the Mayor and City Council prior to issuing a grading permit. The action of the Mayor and Council shall be noted on the copy of the preliminary plat, and one (1) copy shall be returned to the applicant. If the Mayor and Council does not take action within thirty (30) days of submittal to the Mayor and Council, the plat shall be considered denied.

#### **5. Standards for Approval of Preliminary Plats.**

No preliminary plat of a proposed subdivision shall be approved by the Mayor and Council unless the applicant proves by clear and convincing evidence that:

- a. all requirements of this Ordinance and all applicable government laws, rules, regulations and ordinances have been met by the applicant;
- b. definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
- c. if a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and Ordinances. The plan must also identify any issues with downstream capacity and/or escalating electrical costs associated with the proposed plan. If such costs are to be incurred by the City, the Mayor and Council must approve or deny these expenses as a condition of approval.
- d. all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;

- e. the subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws , regulations, rules and ordinances;
- f. there is no other available subdivided land in the jurisdiction of the city that would be suitable of the applicant's proposed uses of the subdivision;
- g. the proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels:
- h. the subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

The Mayor and Council are authorized to disapprove the preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the Comprehensive Plan if the applicant has not satisfied all of the above requirements.

#### **6. Public Improvements.**

The Mayor and Council may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the Mayor. If the Mayor and Council do not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Mayor, the Mayor and Council shall require that the applicant execute a subdivision improvement agreement and provide security for the agreement as provided in Section 5.1(2) of this Ordinance. The Mayor and Council shall require the applicant to indicate on the plat all roads and public utility improvements which shall be required to be established or extended, and any other special requirements deemed necessary by the Mayor and Council in order to conform the subdivision plat to the applicable Comprehensive Plan.

#### **7. Effective Period of Preliminary Plat Approval.**

The approval of a preliminary plat shall be effective for a period of one (1) year from the date that the preliminary plat is approved by the Mayor and Council, at the end of which time the applicant must have submitted a final subdivision plat for approval. If a subdivision plat is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new plat for sketch plat review subject to all government laws, rules, regulations and ordinances.

#### **8. Zoning and Subdivision Ordinances.**

Every preliminary plat shall conform to existing zoning and subdivision ordinances of the City as well as all applicable government laws, rules, and regulations applicable at the time that the proposed preliminary plat is submitted for the approval of the Mayor and Council.

#### **9. Grading of Site Prior to Final Approval.**

Subsequent to preliminary approval, the developer may apply for a topsoil and excavation permit from the Building Inspector or such other agency or person as the Mayor and Council shall direct, and upon receipt of the permit, may commence construction to the grades and elevations required by the approved preliminary plat, if construction drawings are provided at this stage.

#### **10. Model Homes.**

For the purpose of allowing the early construction of model homes in a subdivision, the Mayor and Council in their sole discretion may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for a minor subdivision, provided the portion derives access from an existing City, county, or state highway, and provided no future road or other improvement is anticipated where the lots are proposed. The subdivision plat of the "minor" portion shall be submitted to the Mayor and Council simultaneously with the preliminary plat of the entire major subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the Mayor and Council may require.

#### **3.4 Amendments to the Preliminary Plat**

An amendment shall be filed no later than thirty (30) days prior to the regular meeting date of the Mayor and Council. The applicant shall submit six (6) copies of a preliminary plat amendment to the Mayor and Council for review. The fact that it is a revised plat must be clearly stated thereon. All modifications shall be made on the plat and approved by the Mayor and Council prior to issuing a grading permit. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Mayor and Council the applicant may withdraw the proposed major amendment. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more or increasing density in the subdivision by ten percent (10%) or more. An applicant may not propose more than two (2) amendments, whether major or minor, to any preliminary plat. The Mayor and Council may, without a public hearing, agree to proposed amendments that are deemed to be minor. If the proposed amendment is major, the Mayor and Council shall hold a public hearing on the proposed major amendment in accordance with the same requirements for preliminary plat approval found in Section 3.2(2) of this Ordinance. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Mayor and Council shall, within thirty (30) days of the public hearing, approve or disapprove the proposed major amendment and may require modifications in the terms and conditions of the preliminary plat approval reasonably related to the proposed amendment. The action of the Mayor and Council shall be noted on the copy of the preliminary plat, and one (1) copy shall be returned to the applicant. If the Mayor and Council do not take action within thirty (30) days of submittal to the Mayor and Council, the plat shall be considered denied.



### **3.5 Final Subdivision Plat**

#### **1. Application Procedure and Requirements.**

Within twelve (12) months following the approval of the sketch plat in the case of a minor subdivision, or the preliminary plat in the case of a major subdivision, the applicant, if he/she wishes to proceed with the subdivision, shall file with the City Clerk an application for final approval of a subdivision plat. The final plat shall conform to the preliminary plat. It may represent only that portion of the approved preliminary plat, which the subdivider proposed to develop and record at this time.

Failure to submit within this time period shall void the plat unless an extension for a period not to exceed six (6) months is granted by the Mayor and Council. Said extension must be applied for in writing by the subdivider.

#### **2. Content.**

The final plat submitted shall be in ink on a reproducible medium prepared in accordance with accepted professional standards. The submittal copies shall consist of black-line or blue-line prints on a white background and the submittal shall include such other documents as necessary to meet the requirements of this Ordinance. The final plat shall be prepared at a scale of one-inch equals one hundred feet (100) or larger. Sheet size shall be twelve (12) inches by sixteen (16) inches for a minor subdivision and seventeen (17) inches by twenty-one (21) inches for a major subdivision. If the entire final plat cannot be depicted on one sheet, the plat may be divided and an index provided. The final plat shall be made on forms available from the City Clerk, together with a fee as determined by Mayor and Council and shall include:

- a. The entire subdivision, or section thereof, which derives access from an existing state, county, or local government highway.
- b. The name of the subdivision and street names.
- c. The name, address, and telephone number of the owner of record.
- d. The name, address, and telephone number of the subdivider.
- e. Date of survey, date of plat drawing, and revision dates, graphic scale, north point, notation as to the reference or bearings to magnetic, true north or grid north, an indication whether bearings shown are calculated from angles turned or taken from compass readings, the longitude and latitude and state plane coordinates; and the mean sea level datum.
- f. Location of tract (land district and land lot) and acreage.

- g. If part or all of the tract is a portion of a former subdivision, reference shall be made to the former plat, with identification of the former lots and block being resubdivided and including the name of the former subdivision.
- h. Location sketch.
- i. Index map when more than one sheet is required to present plat.
- j. Courses and distances to the nearest existing street lines, bench marks or other recognized permanent monuments, which shall be accurately described, on the plat.
- k. Exact boundary lines of the tract, to be indicated by a heavy line, giving distance to the nearest on - hundredth foot and bearings to the nearest second. Tract boundaries shall be determined by accurate survey in the field, and shall be balanced and closed with an error of closure not to exceed one foot in five thousand feet. The bearing and distance from a first order geodetic control point to the property boundary shall also be shown.
- l. The error of closure, as calculated by latitudes and departures, shall be stated. Surveys shall be coordinated and vertically tied into U.S. Coast and Geodetic Survey Elevations. The benchmark used shall be provided.
- m. Municipal, county or land lot lines accurately tied to the boundary line of the subdivision by distance and angles, when such lines transverse or are reasonably close to the subdivision and boundary line of the subdivision by distance and angles, when such lines transverse or are reasonably close to the subdivision.
- n. Exact location, right-of-way, widths, and names of all streets and alleys within and immediately adjoining the plat, and the exact location and widths of all cross angles of intersections, radii, length of tangents, and arcs and degree of curvature with basis of curve data.
- o. Lot lines with dimensions to the nearest one hundredth (1/100) foot, necessary internal angles, arcs and chords, and tangents of radii of rounded corners.
- p. Building setback lines with dimensions and front yard setback lines with dimension.
- q. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building lines shall be shown.
- r. Blocks lettered alphabetically within each block; lots or sites numbered in numerical order.
- s. The square footage of all lots and the smallest lot.
- t. Location, dimensions and purpose of all drainage structures and .any easement, including slope easements, if required, and public service utility right-of-way lines, and

any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to reserve by deed covenant for common uses of all property owners.

- u. Accurate location, material and description of monuments and markers. Monuments to be placed after final street improvements shall be designated as "future."
- v. The following certification: In addition to any other powers that the City of Social Circle, Georgia may have, this subdivision is/or is not a special drainage district. See Article 2, Section 2, Paragraph 2, Georgia Constitution, 1983.
- w. Certification for final plat approval by the Mayor.
- x. Owner's Certification: The final plat shall contain, in addition to a licensed land surveyor's certification, a statement as follows:

"I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, dedicate all streets, easements, alleys, walks, parks and other open spaces to provide directly or indirectly for maintenance of all common areas or outlots."

This statement shall be signed and dated by the owners, proprietors, or trustees, if any, prior to the final plat submittal. All deed restrictions shall meet or exceed the requirements contained in this Ordinance and the requirements of the Zoning Ordinance.

- y. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the City of Social Circle all the streets, local government uses, easements, parks, and required utilities shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated \_\_\_\_\_, and recorded in the Clerk's Office of Walton County or Newton County Superior Court, as appropriate.

BY: \_\_\_\_\_  
(Owner or Representative)

DATE \_\_\_\_\_

The applicant shall deliver a full covenant and warranty deed to all dedicated lands and improvements in proper form for recording, together with a title policy of the local government

in the sum not less than ten thousand dollars (\$10,000), which sum shall be determined by the City before signing the final subdivision plat.

aa. Notation of approval as follows:

(i) An engineer's or surveyor's certification, directly on the final plat as follows:

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

BY: \_\_\_\_\_  
Registered C.E.

NO: \_\_\_\_\_

BY: \_\_\_\_\_  
Registered Georgia Land Surveyor

NO: \_\_\_\_\_

(ii) An owner's certification, directly on the final plat as follows:

Owner's Certification:  
State of Georgia, City of Social Circle

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

DATE: \_\_\_\_\_

AGENT: \_\_\_\_\_

DATE: \_\_\_\_\_

OWNER: \_\_\_\_\_

- (iii) Certification of individual private water and/or sewer system directly on the final plat as follows:

I hereby certify that the individual private sewerage collection and disposal system and the individual private water supply and distribution systems installed or to be installed and/or the plans for the private sewage meet the requirements of the health department.

LOT NO(s): \_\_\_\_\_

\_\_\_\_\_

Is (are) not approved for private sewage systems.

DATE: \_\_\_\_\_

HEALTH OFFICER: \_\_\_\_\_

- (iv) Certification of community or public water system, directly on the final plat as follows:

I hereby certify that the community or public water supply and distribution systems are to be installed, shown in the subdivision plat attached hereto, meet the requirements of the Georgia Department of Natural Resources water supply section.

LOT NO(s): \_\_\_\_\_

\_\_\_\_\_

Is (are) not approved for community or public water systems.

DATE: \_\_\_\_\_

\_\_\_\_\_

Georgia Department of Natural Resources Water Supply Section

- (v) Certification of community or public sewer systems, directly on the final plat as follows:

I hereby certify that the community or public sewerage collection and disposal system installed or to be installed, shown in the subdivision plat attached hereto, meets the requirements of the Georgia Department of Natural Resources Water Quality Control Section.

LOT NO(s): \_\_\_\_\_

\_\_\_\_\_ Is (are) not approved for community or public water systems.

DATE: \_\_\_\_\_

\_\_\_\_\_ Georgia Department of Natural Resources Water Quality Control Section

- (vi) City Certification

"Certification of Approval of Streets and Utilities"

I hereby certify that the proposed streets and utilities in this subdivision meet all the requirements of the City and the Subdivision Ordinance of Social Circle, Georgia

DATE: \_\_\_\_\_

SIGNATURE \_\_\_\_\_

MAYOR OF SOCIAL CIRCLE

ab. Be accompanied by the subdivision improvement agreement and security, if required, in a form satisfactory and in an amount established by the Mayor and Council upon recommendation of the City Engineer/Consultant and shall include a provision that the subdivider shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Mayor and Council and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.

ac. Be accompanied by a fifty dollar (\$50.00) fee for each street sign shown in the construction plans, which street signs shall be installed by the City.

**3. Notice of Public Meeting.**

Upon receipt of the formal application for final plat approval and all accompanying materials, the City Clerk shall place it on the agenda of the next regular scheduled meeting of the Mayor and Council to be held at least thirty (30) days after the date of application. The City Clerk shall submit a notice for publication to be published at least fifteen (15) days prior to the public and shall maintain file copies of the plat and construction plans for public review prior to the meeting.

#### **4. Public Meeting and Determination.**

No later than thirty (30) days prior to the regular meeting date of the Mayor and Council, the applicant shall submit six (6) copies of a final plat amendment to the Mayor and Council for review. At the meeting, the Mayor and Council shall approve or disapprove the final plat. The action of the Mayor and Council shall be noted on the copy of the final plat, and one (1) copy shall be returned to the applicant. If the Mayor and Council do not take action within thirty (30) days of submittal to the Mayor and Council, the plat shall be considered denied. If there are significant changes from the Preliminary to final plat, the Mayor and Council may require another public hearing to review the plat.

#### **5. Recording.**

Subsequent to the favorable decision by the Mayor and Council the applicants shall file a copy of the final plat with the Clerk of the Walton County Superior Court or the Clerk of the Newton County Superior Court, as appropriate, as well as a copy of the final plat and construction plans with the City Clerk. An approved final plat shall be filed with the Clerk within thirty (30) days after final approval. If the final plat is approved during the Court for recordation it shall be filed with the Clerk of the Superior Court recordation no later than midnight on the 31st day of December of the calendar year of approval. Failure to comply with this provision shall void any approved plat.

### **3.6 Construction Plans**

Prior to installation of any required improvements, the subdivider shall submit two (2) copies of construction plans to the City Manager. No improvements shall be installed until the City Engineer/Consultant formally approves the construction plans. Construction plans shall be prepared only by a registered professional engineer, registered land surveyor, or registered landscape architect.

#### **1. Content.**

All construction plans submitted to the City Manager shall be prepared in accordance with acceptable professional standards in ink, on a reproducible medium. The submittal copies shall consist of black-line or blue-line prints on a white background. Construction plans shall be prepared in accordance with the design standards contained in this Ordinance and shall be drawn at a scale of not more than one (1) inch equal to one hundred (100) feet with a centaur

interval not to exceed two (2) feet. Drawing sheets size shall not exceed twenty-four (24) by thirty-six (36) inches. Construction plans shall be submitted for all required improvements and amended when necessary. The following shall be depicted:

- a. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown approximate radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
- b. Where slopes in excess of twenty (20%) percent occur on cross slopes, the City Engineer/Consultant may require that cross sections of all proposed streets at fifth foot stations be shown at five (5) points as follows:  
  
On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line and points fifty (50) feet inside each property line.
- c. Plans and profiles showing the location and typical cross-section of street pavements including curbs and gutters, sidewalks if provided, drainage easement, right-of-way, manholes, and catch basins; the location, size and invert elevations of existing and proposed storm sewers, drains, and exact location and size of all existing water, gas or underground utilities or structures. All utilities proposed for location underground shall be duly noted.
- d. Location and size of all existing and proposed drainage structures including retention ponds, catch basins, grates, head walls and any extensions thereof. The acreage of the drainage area and all pipe and ditch sizing calculations shall be provided.
- e. The engineer preparing the construction plans shall certify the center line of all streets and drainage ways based upon a field run survey.
- f. Plans for water systems and plans for profiles for sewer system and storm drainage pipes.
- g. All information required by the City of Social Circle's construction standards and specifications.
- h. An approved sedimentation and erosion control plan.
- i. A hydrological study including the drainage plan for the area.
- j. Title, name, address, stamp, and signature of professional engineer and date, including revision dates.



- k. Typical street section to include asphalt and base thickness, curb, road width, shoulder slope, and right-of-way.
- 2. Other Conditions**
- a. Remaining Land. Whenever a plat covers only a part of the subdivider's contiguous holdings, the applicant shall submit, at a sufficient scale, a map showing the relationship of the proposed subdivision to the total holding and indication of any future development planned for the remainder of the tract.
  - b. Rejection of Documents. The lack of information required by this ordinance of the Mayor and Council, or improper, erroneous, or fraudulent information supplied by the subdivider or his agent, shall constitute grounds for the disapproval of any plat.
  - c. Overall Design. The Mayor and Council shall follow accepted design practices in reviewing and directing the development of any subdivision, in addition to following the requirements of this ordinance.

### **3.7 Suspension and Invalidation of Final Plat**

If the Mayor and Council suspend final plat approval for any subdivision plat under this Ordinance, they shall record a document with the Superior Court declaring that final approval for the subdivision is suspended and that the further sale, lease, or development of property within the subdivision is prohibited except that this prohibition shall not apply to persons or parties who have acquired property from the subdivider unless the person or party acquiring property meets the definition of "common ownership" in Section 2.2 of this Ordinance. If any court of competent jurisdiction invalidates final plat approval for any subdivision, the City shall record a document with the Superior Court declaring that the final plat for the subdivision is no longer valid and that further subdivision activity is prohibited.

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

### **4.1 General Improvements**

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

In addition to the requirements established in this Ordinance, all subdivision plats shall comply with the following laws, rules, and ordinances:

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

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

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

- a. Periodically the Mayor and Council will establish by resolution, after public hearing, guidelines for the determination of the adequacy of public facilities and services. To provide the basis for the guidelines, the City Engineer/Consultant must prepare an analysis of current growth and the amount of additional growth that can be accommodated by future public facilities and services. The Mayor and Council must

require any changes in preliminary plat approval criteria it finds appropriate in light of its experience in administering this Ordinance.

- b. The applicant for a preliminary plat must, at the request of the Mayor and Council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision.
- c. Proposed public improvements shall conform to and be property related to the comprehensive plan and all applicable capital improvement plans.
- d. All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
- e. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The City may require the use of control methods such as retention or detention, and/or the construction of offsite drainage improvements to mitigate the impact of the proposed developments.
- f. Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.
- g. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, waterlines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The City may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

### **3. Self-imposed Restrictions.**

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

**4. Plat Straddling Municipal Boundaries.**

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

**5. Monuments.**

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

- a. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
- b. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than thirty (30) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes at least thirty (30) inches long and two (2) inches in diameter. These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, those points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.
- c. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river changes its radius, and at all angle points in any line.
- d. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least thirty (30) inches long and seven-eighths (7/8) inch in diameter or by round or square iron bars at least thirty (30) inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.
- e. All monuments required by this Ordinance shall be set flush with the ground and planted in such a manner that they will not be removed by frost.
- f. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Mayor and Council recommend approval of the final plat.

## **6. Character of the Land.**

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

## **7. Large Scale Development**

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

## **4.2 Lot Improvements**

### **1. Lot Arrangement**

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

### **2. Lot Dimensions.**

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

**3. Lot Orientation.**

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

**4. Front Yard Setback Lines.**

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

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

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

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

- a. Soil Preservation and Final Grading. No certificate of occupancy shall be issued until final grading has been completed and the lot precovered with soil with an average depth of at least six (6) inches which shall contain no particles more than two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.
- b. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

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

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

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

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

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

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

The applicant shall enter into a separate subdivision improvement agreement secured by a letter of credit or cash escrow to guarantee completion of all lot improvement requirements including but not limited to, soil preservation, final grading, lot drainage, lawn, grass seeding,

removal of debris and waste, fencing, and all other lot improvements required by the Mayor and Council. Whether or not a certificate of occupancy has been issued, the City may enforce the provision of the subdivision improvement agreement where the provisions of this section or any other applicable law, ordinance, or regulation have not been met.

### **4.3 Roads**

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

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

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

- b. Grading and Improvement Plan. Roads shall be graded and improved and conform to the local government construction standards and specifications and shall be approved as to design and specifications by the City Engineer/Consultant, in accordance with the construction plans required to be submitted prior to final plat approval.
- c. Classifications. All roads shall be classified as arterial, collector, subcollector, or access. In classifying roads, the City shall consider projected traffic demands after 20 years of development.
- d. Topography and Arrangement.
  - i. Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades to the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of this Ordinance.



- ii. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map and/or Comprehensive Plan.
  - iii. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
  - iv. Minor or local streets shall be laid out to conform as much as possible to the topography to discourage use by through-traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
  - v. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
  - vi. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Mayor and Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.
  - vii. In business and industrial developments, the streets and their access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- e. Blocks.
- i. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
  - ii. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand two hundred (2,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.

- iii. In long blocks the Mayor and Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
  - iv. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Mayor and Council through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Mayor and Council for prospective use.
- f. Access to Primary Arterials. Where a subdivision borders on or contains an existing or proposed primary arterial, the Mayor and Council may require that access to such streets be limited by one of the following means:
- i. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
  - ii. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel streets, with the rear lines of their terminal lots backing onto the primary arterial.
  - iii. A marginal access or service road (separated from the primary arterial by a planning or grass strip and having access at suitable points).
- g. Road Names. The sketch plat as submitted shall indicate any names for proposed streets. The City Clerk may consult the local postmaster prior to the Mayor and Council determination. Names shall be sufficiently different in sound and spelling from other road names in the City so as not to cause confusion. A road, which is, or is planned as a continuation of an existing road, shall bear the same name.
- h. Road Regulatory Signs. The applicant shall deposit with the city at the time of final subdivision approval the .sum of fifty dollars (\$50) for each road sign required by the City Manager at all road intersections. The City shall install all road signs before issuance of certificates of occupancy for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the City Manager.
- i. Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to the street.

- j. Construction of Roads and Dead-End Roads.
  - i. Construction of Roads. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where the continuation is in accordance with the City's traffic plan. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary T-or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Mayor and Council may limit the length of temporary dead-end streets in accordance with the design standards of this Ordinance.
  - ii. Dead-End Roads (Permanent). Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Mayor and Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Mayor and Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of this Ordinance.
- k. Substandard Roads/Streets In the event that a development has access to a substandard street (i.e. is dirt or gravel road), the following improvements shall be required:
  - i. Improvements to Primary Access Roads. If a development has road frontage on a substandard street, the street shall be paved from the end of the existing pavement to the primary access point into the subject development. Said improvements shall meet the specifications required in Subsection k.ii below and be at developer's expense.
  - ii. Specifications Offsite Improvements Required under subsection k.i above shall, at a minimum, result in full section roadway meeting a standard of 20 feet edge of pavement, with drainage swale ditches as needed. Responsibilities shall be as follows.
    - a) The developer shall design the road and provide the labor, equipment, and materials required for roadway improvements and necessary drainage improvements.

- b) If the City desires the roadway to be improved to a standard greater than that as specified herein, the City shall provide or pay the cost of the additional materials and labor.
- c) All rights of way required for these off-site improvements shall be acquired by the City at the expense of the developer.
- d) The use of "California" or "rollback curve" shall be forbidden.

**2. Design Standards.**

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

b. Rights-of-Way.

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

Arterial .....	100 feet
Collector .....	64 feet
Subcollector .....	64 feet
Access	
residential .....	50 feet
commercial .....	50 feet
industrial .....	70 feet
Lane .....	60 feet
Alley .....	24 feet

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

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

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

Arterial	.....	26 feet	
Collector	.....	26 feet	
Subcollector	.....	24 feet	
Access			
residential	.....	20 feet	
commercial	.....	20 feet	
industrial	.....	30 feet	
lane	.....	20 feet	
alley	.....	18 feet (res)	20 feet (com)

If pavement width exceeds 20 feet, then right-of-way width must be increased proportionally. Cul-de sac turn around right-of way radius shall be outside of pavement radius plus fifteen (15) feet with curb and gutter and twenty feet (20) without curb and gutter.

d. Paving Requirements.

- i. Clearing and Grubbing Right-of-way. This work shall consist of removing and disposing of all vegetation and debris within five (5) feet of the pavement edge to a depth of at least three (3) feet below finished subgrade. All stump holes shall be back filled below finished subgrade. All stump holes shall be back filled with a suitable material, Class I or II soil.
- ii. Subgrade. This work shall consists of placing, mixing, compacting and shaping the top six (6) inches of soil. This work also includes subgrade stabilization.
- iii. Compaction. The entire surface shall be plowed, harrowed and mixed to a depth of at least six (6) inches. After the material has been thoroughly mixed, the subgrade shall be compacted at ninety-five (95) percent standard proctor of maximum density. Sheepfoot rollers are required. Compaction test shall be at five hundred (500) feet intervals and at every two (2) feet of fill material. Any areas that do not meet with the specified compaction shall be excavated and replaced with suitable material. Test results shall be submitted to the City Manager as conducted. All costs for compaction tests shall be incurred by the developer.
- iv. Subgrade Material. The material shall consist of Class I or II soil. If such material is not available on site, it shall be furnished by the developer.
- v. Base. All residential streets shall have a six (6) inch graded aggregate base or a four (4) inch compacted asphaltic concrete base, if approved by City engineering.

- vi. Paving. All residential streets shall have one and one half inch (1 1/2) binder and a one (1) inch Plant Mix asphalt Type "E" or "F" top weaving surface applied to a properly prepared base.
- vii. Curb & gutter. A curb and gutter section is required on all residential streets.
- e. Shoulder Requirements. The street right-of-way shall be graded twelve (12) feet or if sidewalks are installed then one (1) foot behind the outer edge of the sidewalk, measured from the back of curb or edge of pavement on both sides of the street. Utilities and water lines shall not be installed between curb and outside of drainage ditch, to prevent the encroachment of driveways into the street surface, and to provide walk-ways off the paved vehicular surface; provided, however, the Mayor and Council may waive this requirement in cases where the subdivider can demonstrate that the topography of the land being subdivided is such that compliance with this provision would be impractical. Topsoil, striped and stock piled before paving, shall be spread at a minimum depth of four (4) inches in preparation of the seedbed. The soil shall be thoroughly broken, well pulverized, smoothed and firm before planting. Shoulder shall be seeded with Bermuda applied at a rate of two pounds per one thousand square feet (2 lb./1000 sq.ft.) or fescue applied at a rate of five pounds per one thousand square feet (5 lb./1000 sq.ft.). Mulch shall be used on all seeded areas.
- f. Culverts. Pipe size shall be determined by standard engineering practices. All pipes shall be bituminous coated. A flared-end-section shall be attached to all pipe openings.
- g. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
  - i. In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited."
  - ii. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad right-of-way shall wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
  - iii. When streets parallel to the railroad right-of-way intersect a street which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum

distance required for future separation of grades by means of appropriate approach gradient.

- h. Intersections.
  - i. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Mayor and Council.
  - ii. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect arterials, their alignments shall be continuous. Intersection of arterials shall be at least eight hundred (800) feet apart. All other street intersections must be separated from each other by at least 125 feet.
  - iii. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet and thirty(30) feet maximum of Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
  - iv. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
  - v. Where any street intersection will involve earth banks or existing vegetation, inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
  - vi. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

i. Linear Street Grades: Maximum and minimum linear street grades shall be as follows:

Arterial Street- not more than six (6) percent.

Collector Street - not more than eight (8) percent.

Subcollector Street, Access Streets, and Alleys - not more than ten (10) percent.

No linear street grade shall be less than two (2) percent.

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

Arterial .....	300 feet
Collector .....	200 feet
Subcollector .....	200 feet
Access .....	100 feet
Lane .....	100 feet
Alley .....	to be determined by M&C

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

Arterial .....	400 feet
Collector .....	300 feet
Subcollector .....	200 feet
Access .....	150 feet
Lane .....	200 feet
Alley .....	150 feet

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

l. Cul-de-sacs: The length of all cul-de-sacs shall not exceed twelve (12) times the minimum required lot width or 1,200 feet, whichever is less. Large cul-de-sacs may be approved by the Mayor and Council if topographic conditions pose development constraints or unusual platting exists. Such approvals must be with the consent of the Fire Marshall. For a residential subdivision, the minimum radius for the paved area of a circular turnaround is fifty (50) feet. An off-center turnaround is preferred as it creates visual variety and improves turning ease for the driver. For a non-residential subdivision, the minimum radius for the paved area of a circular turnaround is 50 feet.

m. Private Access Drives: Private access drives shall be permitted to serve no more than two (2) land- locked residential lots where, due to special problems created as a result of necessary unusual platting configuration, or as a result of special physical features, the property could not otherwise be developed. No more than one such drive shall be approved



per subdivision development and must be approved as part of the sketch plat. Private access drives shall have the same right-of-way as is required for local streets.

n. Alleys: Alleys serving residential lots or dwellings may be required for loading at the rear of all lots designated for business and industrial use. Dead-end alleys are prohibited.

o. Slope Maintenance Easement: A slope maintenance easement shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.

p. Primary Highway System: Whenever a proposed subdivision abuts an arterial road or major collector, an access road or lane with curbing extending the full length of the subdivision along such highway and providing limited access thereto may be required at a distance suitable for the use of the land between such access road or lane highway.

q. Visibility: Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to comply with the sight distance required of these regulations.

r. Driveways: Driveways shall have a slope of not more than a positive or negative twelve (12) percent for a distance of ten (10) feet measured along the driveway center line from the right-of-way line, and must be a minimum of six (6) inches above the elevation of the gutter line.

s. Sidewalks: The inclusion of sidewalks within major subdivisions is required. Sidewalks shall be on both sides of the road and within the dedicated non-paved right-of-way of all roads within the subdivision. Concrete curbs are required for all roads where sidewalks are to be installed. The minimum paved width of sidewalks shall be four (4) feet and a median strip of grasses or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs unless the Mayor and Council make an exception.

### **3. Slopes.**

a. General Requirements: Development of subdivisions is to be accomplished with minimal earth moving and disruption to the natural topography of the site. It is the intent of this Ordinance that existing or man-made slopes be modified or designed in such a way as to minimize potential for erosion and to minimize ease of maintenance. Subdivision development shall conform to provisions of the City's Erosion and Sediment Control Ordinance and *Manual for Erosion and Sediment Control in Georgia*.

b. Design Standards.

i. No existing or proposed cut or fill slope shall exceed three (3) horizontal units to one (1) vertical unit within fourteen (14) feet of the edge of pavement or back of curb. If the distance is greater than fourteen (14) feet, the slope may be greater

- than three-to-one (3:1) up to a maximum to one (1) vertical unit, provided that all cut and fill shall be within the prescribed right-of-way of the road or slope easements. All grading as provided within this section shall be completed and approved by the City/Engineer/Consultant prior to the installation of any utilities.
- ii. All fill slopes created for the purpose of street construction shall have a compaction of not less than 95 percent as determined by established engineering practices.
  - iii. Slopes flatter than those set forth in the foregoing paragraphs may be required when, in the opinion of the City/Engineer/Consultant, the general nature of the soil involved warrants a flatter slope. To control surface drainage on existing and proposed slopes, berm ditches may be required at the top and the intersection of the slope and ground line.
  - iv. All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure. Such planting and other protection from erosion and failure shall be completed and shall be undertaken immediately upon creation of any slope steeper than two (2) horizontal feet to one (1) vertical foot and completed without delay in accordance with plans and specifications approved by the City/Engineer/Consultant. In addition, the subdivider may be required to provide a fence, hedge, guardrail or other protective device, specified by the City/Engineer/Consultant along ridges in excess of twenty (20) vertical feet in height and with slopes in excess of 1.5:1 (horizontal:vertical) to prevent dangerous falls for children and other residents of the subdivision. At the option of the City Engineer/Consultant, the developer shall provide certified test results of compaction and any material provided at the location and frequency determined necessary by the City Engineer/Consultant.

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

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

- a. General Requirements: The storm water drainage system and easements shall be separate and independent of any sanitary sewer system and easement. The Mayor and Council shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water runoff channels or basins. Storm water runoff and storm sewer or channel design shall be designed by a method as approved by the City Engineer/Consultant, and a copy of design computations shall be submitted along with the Construction Plans. Inlets shall be provided so that surface water is not carried for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be

made for flow at that point. Natural drainage channels existing within a subdivision shall be improved by the subdivider to specifications approved by the City/Engineer/Consultant (if erosion, flooding, or hazard will be created by the continued existence thereof, as determined by the City/Engineer/Consultant).

b. Nature of Storm Water Facilities

- i. Location: The applicant may be required by the City/Engineer/Consultant to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the requirements of the City/Engineer/Consultant.
- ii. Accessibility to Public Storm Sewers: When a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm water, subject to the specifications of the City/Engineer/Consultant. If a connection to a public storm sewer will be provided eventually, as determined by the City/Engineer/Consultant, the developer shall make arrangements for further storm water disposal by a public utility system at the time the final plat receives final approval.
- iii. Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision. The City Engineer/Consultant shall approve the necessary size of the facility which has been designed by a registered Professional Engineer, based on 110 percent of the current storm runoff for the 100-year storm for culverts under streets, and the 25-year storm for all other culverts. Minimum pipe size shall be eighteen (18) inches.
- iv. Effect of Downstream Drainage Areas: The developer shall study and the City Engineer/Consultant shall review and approve the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Drainage studies, together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Mayor and Council shall withhold approval of the subdivision until provision has been made for other improvement of said condition. No subdivision shall be approved unless adequate drainage is provided to an adequate watercourse or facility.

v. Dedication of Drainage Easements

- (a) General Requirements: Where a subdivision is transversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Whenever possible, it is desirable that drainage be maintained by appropriate means of adequate width for maximum potential volume or flow.
- (b) Drainage Easement: Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across to the road. Easement shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. Easements less than twenty (20) feet may be approved by the City/Engineer/Consultant. When a proposed drainage system will carry water across private land outside this subdivision and outside a natural drain, appropriate drainage rights must be secured and indicated on the plat. The applicant shall dedicate, either in fee simple or by drainage easement, land on both sides of existing watercourses, for a distance to be determined by the City/Engineer/Consultant. Low-lying land along watercourses suspect to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Final plats for all subdivisions shall show (or include by note) a ten (10) foot wide drainage easement along every property line whether the developer intends to channel water in these easements or not.

**4.5 Water Facilities.**

**1. General Requirements.**

- a. Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing domestic water use and fire protection.
- b. Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and City Authorities.
- c. All water mains shall be at least eight (8) inches in diameter for fire protection. Water main extensions shall be approved by the City of Social Circle, City Engineer/Consultant and the Environmental Protection Division (EPD), when appropriate.

- d. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat and the cost of installing same shall be included in the improvement guarantee to be furnished by the developer.
- e. A copy of the as-built water plans shall be submitted to the City of Social Circle and the City Engineer/Consultant before a certificate of occupancy is issued.

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

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

## **3. Fire Hydrants.**

Fire hydrants shall be required for all subdivisions except those served by individual wells or central water systems. Fire hydrants shall be located no more than eight hundred feet (800) feet apart and within five hundred (500) feet of any structure and shall be approved by the Fire Chief. To eliminate future street openings, all underground utilities for fire hydrants, together with fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat. All fire hydrants shall be set plumb with outlets eighteen (18) inches above finished grade or twelve (12) inches above a finished concrete surface. All fire hydrants shall have at least two (2) two and one-half (2 1/2) inch discharge outlets and one (1) four and one-half (4 1/2) inch discharge outlet. All threads shall comply with local and State firefighting equipment standards. All four and one-half (4 1/2) inch discharges shall face the street. All fire hydrants shall be equipped with isolation valves from main to provide for service. All hydrants shall be painted silver when installed.

## **4. Individual Disposal System Requirements.**

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

## **4.6 Utilities**

### **1. Location.**

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

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

### **2. Easements.**

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

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

Significant trees with a diameter of six (6) inches or over and located in buffer or setback areas shall be shown on development and/or building site plans. It shall be the intent of this section to retain as many trees as possible for the visual attractiveness, natural preservation and energy conservation benefit gained by doing so. Each lot shall have two ornamental trees in the front yard and two in the back yard and said trees being a minimum of six (6) feet in height. This provision shall not apply to individual owner-occupied parcels of land.

Existing features that would add value to residential development or to the local government as a whole, such as trees, as herein defined, watercourses and beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade.

The sketch plat shall show the number and location of existing trees as required by this Ordinance and shall further indicate all those marked for retention.

#### **4.8 Nonresidential Subdivisions**

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

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

##### **2. Standards.**

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

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

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

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

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

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

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

- a. Agreement. The Mayor and Council in their sole discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required public improvements no later than two (2) years following the date on which the Mayor signs the final subdivision plat. The applicant shall covenant to maintain each required public improvement for a period of one (1) year following the acceptance by the governing body of the dedication of that completed public improvement and also shall warrant that all required public improvements will be free from defect for a period of two (2) years following the acceptance by the governing body of the dedication of the last completed public improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the Mayor and Council.
- b. Covenants to Run. The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The subdivision improvement agreement will be adopted by the Mayor and Council, and when necessary, the governing body, pursuant to applicable state and local laws, rules, regulations and Ordinances.
- c. Security. Whenever the Mayor and Council permit an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a letter of credit or cash escrow as security for the promises contained in the subdivision improvement agreement. Either security shall be in an amount equal to one hundred twenty percent (120%) of the estimated cost of completion of the required public improvements, including lot improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the Mayor and Council.



- i. Letter of Credit. If the applicant posts a letter of credit as security for the promises contained in the subdivision improvement agreement, the credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods.
- ii. Cash Escrow. If the applicant posts a cash escrow as security for its promises contained in the subdivision improvement agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to return of any of the funds except as provided in Section 5.2(2)(b) of this Ordinance; and (2) that the escrow agent shall have a legal duty to deliver the funds to the City whenever the City presents an affidavit to the agent attesting to the City's right to receive funds whether or not the subdivider protests that right.

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

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

All required improvements shall be made by the developer, at its expense, without reimbursement by the local government

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

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

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

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

### **5.2 Inspection of Improvements**

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

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

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

- a. **Certificate of Satisfactory Completion.** The governing body will not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the City Engineer/Consultant has submitted a certificate stating that all required improvements have been satisfactorily completed and until (1) the applicant's engineer or surveyor has certified to the City Engineer/Consultant, through submission of a detailed "as built" survey of the subdivision, indicating location, dimension, materials, and other information required by the Mayor and Council or City Engineer/Consultant, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision, and (2) a title insurance policy has been furnished to and approved by the City indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City and City Engineer/Consultant, the Mayor and Council shall thereafter accept the improvements for dedication in accordance with the established procedure.
- b. **Reduction of Escrowed Funds and Security.** If the security posted by the subdivider was a cash escrow, the amount of the escrow shall be reduced upon actual acceptance of the dedication of public improvements. and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below

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

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

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

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

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

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

#### **5.4 Maintenance of Improvements**

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

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

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

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

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

been fully completed and the local government has accepted the developer's offers to dedicate the improvements.

## **ARTICLE VI. CONSTRUCTION SCHEDULE**

### **6.1 Prior Approval**

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

### **6.2 Grading**

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

### **6.3 Utilities**

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

### **6.4 Inspections**

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

### **6.5 Sale and Transfer**

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

### **6.6 Building Permits**

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

## **6.7 Occupancy**

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

## **ARTICLE VII. LEGAL STATUS PROVISIONS AND ADOPTION**

### **7.1 Appeals of Administrative Decisions**

Appeals to the City Council may be taken by any person aggrieved by any official of the City affected by any decision of the City Manager when it is alleged there is an error in any order, requirement, decision or determination made by the City Manager in the enforcement of this Ordinance. Such appeal shall be taken within thirty days after the decision or interpretation has been either made in writing or by statements made at a public hearing of which a record will be provided in the minutes of the hearing by filing with the City clerk a Notice of Appeal specifying the grounds thereof. The City Clerk shall forthwith transmit to the City Council all papers constituting the record on which the action appealed was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the City Manager certifies to the City Council that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by the City Council or by restraining order granted by the court of record on application, and notice to the City Manager for good cause.

Upon making a decision upon the consideration of an appeal, the City Council may, in conformity with the provisions of this Ordinance, reverse decisions or determinations from which the appeal is taken and, to revoke or direct the issuance or revocation of a building or other permit.

### **7.2 Appeals of Actions of the Mayor and Council**

Any person or persons severally or jointly aggrieved by any decision of the Mayor and Council may present an appeal to the Superior Court. Such an appeal to the Superior Court shall be the same as the appeal to the Superior Court except from any decision made by the Probate Court and as specified in the official code of Georgia except the appeal shall be filed within thirty (30) days from the date of the decision of the Mayor and Council. Upon failure to file within thirty (30) days, the decision of the Mayor and Council shall be final.

### **7.3 Conflict with Other Laws**

Whether the regulations of this Ordinance require lot width or depth or size of yards, or impose other more restrictive standards than are required in or under any other statute or covenants require more

restrictive standards than are required by this Ordinance, the provisions of such statute or covenants shall govern.

#### **7.4 Severability**

In the event any article, section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Mayor and Council hereby declare that it would have adopted the remaining parts of this Ordinance it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

#### **7.5 Repeal of Conflicting Ordinances**

All Ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

#### **7.6 No Prejudice to Pending Applications**

Notwithstanding anything to the contrary herein, this Ordinance shall not in any way prejudice or affect any pending application for rezoning before the Planning Commission or the Mayor and Council.

#### **7.7 No Legality to Nonconforming Uses**

Nothing contained in this Ordinance shall be considered to approve or give legality to any non-conforming use which has been discontinued more than one (1) year within the City of Social Circle.

#### **7.8 Effective Date for Social Circle, Georgia**

This Ordinance shall take effect, and shall be in force from and after the date of its adoption, the public welfare demanding it.

**7.9 Effective Date**

This ordinance shall take effect and be in force from and after its adoption, the public welfare demanding it.

Adopted and approved by the Mayor and Council on the 10th day of January, 2000.

APPROVED:

City of Social Circle, Georgia (seal)

By: /s/ James V. Burgess, Mayor

/s/ Arthur Barrett, Vice Mayor

/s/ Grady Lemonds, Council Member

/s/ Angela Porter, Council Member

/s/ Charles B. Peppers, Council Member

Attest:

/s/ Debbie Rutherford, City Clerk

City Seal Affixed