

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITE, GEORGIA FOR CITY PURPOSES FOR THE PURPOSE OF **AMENDING THE LAND SUBDIVISION REGULATIONS OF THE CITY OF WHITE, BEING CHAPTER 6-11 OF THE CODE OF ORDINANCES OF WHITE; AMENDING THE TITLE; AMENDING THE PROCEDURES REGARDING VARIANCE; ADDING ENFORCEMENT PROVISIONS; AMENDING VARIOUS OTHER PROVISIONS; AND FOR OTHER PURPOSES** AT THE REGULAR MEETING OF THE WHITE CITY COUNCIL HELD ON APRIL 5, 2010.

WHEREAS, the City of White is anticipating continued growth and development, and desires to regulate such growth and development in accordance with the police power, the best interests of the citizens, and to preserve the public health, safety and welfare; and

WHEREAS, the preexisting Land Subdivision Regulations of the City of White having been adopted in 2005, and needing further changes and amendments to better serve the citizens of White and the evolving conditions in the City, including the potential for subdivision development, and needing provisions for variances and enforcement matters;

NOW THEREFORE BE IT ORDAINED AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the City Council by law, that the Land Subdivision Regulations of the City of White, Chapter 6-11 of the Code of the City of White, are amended as follows:

1. Section 6-11-1 is deleted and replaced with the following:

§6-11-1 TITLE

These regulations shall be known and may be referred to as the “Development Regulations of White, Georgia” or the “Development Regulations.”

2. Section 6-11-3 is amended by deleting the definition of “Director” and replacing it with the following:

Director: The City Manager of the City of White, or his or her designee.

3. References in Sections 6-11-7, 6-11-24.1, 6-11-25.3, 6-11-26.2, 6-11-33.3 and 6-11-37 to “Code Enforcement Officer” are changed to “Director.”

4. Section 6-11-4 is deleted and replaced with the following:

§6-11-4 AUTHORITY AND DELEGATION

§6-11-4.1 Authority of City Council. These regulations are adopted pursuant to powers vested in cities by the State of Georgia Constitution, home rule powers, state administrative rules for the adoption and implementation of Comprehensive Plans, and the protection of vital areas of the State. The City Council of White shall have the final decision on all approvals of preliminary plats and final plats. The signature of the Mayor, signifying approval by the City Council, shall be required on all final plats prior to recording with the Bartow County Superior Court. The City Council shall also hear appeals from decisions by the Board of Appeals.

§6-11-4.2 Planning and Zoning Commission. The White Planning and Zoning Commission shall review and make recommendations (whether of approval, approval with conditions, table for more information, or disapprove) the following: preliminary plats of subdivisions and final plats of subdivisions.

§6-11-4.3 Delegation of Powers to Director. The Director shall be authorized to review subdivisions and re-subdivisions for conformity to the requirements of this Ordinance, and to make reports and recommendations to the Planning and Zoning Commission and City Council on subdivisions and re-subdivisions, and to administer, interpret, and enforce the provisions of this Ordinance.

§6-11-4.4 Delegation of Powers to City Engineer. The City Engineer is vested with the authority to make recommendations to the Planning and Zoning Commission and the Mayor and City Council on requirements for land development improvements and to make requirement recommendations for improvement guarantees for public improvements as specified in this Ordinance. The City Engineer shall also review for approval or disapproval the construction plans for subdivisions, and the plans for non-residential developments.

5. References in Section 6-11-14 to “the Planning and Zoning Commission and the Mayor and City Council” are deleted and replaced with “City Engineer.” It is the intent of this change that construction plans be reviewed and approved only by the City Engineer.

6. Existing Article III (Sections 6-11-38, -39, -40, and -41) are deleted and replaced with the following Articles III, IV and V as follows:

ARTICLE III

ADMINISTRATION, ENFORCEMENT, AND PENALTIES.

§6-11-38 ENFORCEMENT ACTIONS.

(a) Enforcement of this ordinance may be through criminal prosecution, civil administrative fines, or other civil proceedings. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended or which shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be subject to an enforcement action. Both the owner of the property and the individual agent(s) of the owner responsible for the violation (including without limitation developers, builders, contractors, etc.) may be cited, where appropriate.

(b) Representatives of the City (including the Building Inspector), the City Engineer, City Police Officers, and code enforcement officers shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this Ordinance, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection.

(c) No person shall refuse entry or access to any authorized representative or agent of the City who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

§6-11-39 VIOLATIONS.

(a) Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation, subjecting the offender to a new civil administrative fine, citation, or other civil or criminal proceeding. Each separate action, omission, or occurrence relating to any specific provision of this Ordinance shall be a separate violation, subjecting the offender to a separate citation.

(b) In the event ongoing construction is taking place under a building permit or land disturbance permit, violation of this Ordinance shall authorize issuance of a stop work order in conjunction with the citation or fine, preventing further work or development until said matter is resolved, or until the applicable fine is paid. See § 6-11-42

§6-11-40 CRIMINAL PROSECUTION.

(a) The Director, his or her authorized representatives, including code enforcement personnel and other authorized personnel, including City Police Officers, may issue criminal citations for violations of this ordinance, or violation of any stop-work order.

(b) Criminal prosecutions for violation of this Ordinance shall be commenced by the completion, signing, and service of a citation by an authorized City official or zoning enforcement officer. The original of the citation shall be personally served upon the accused, his or her authorized representative or, if a corporation, an officer of the corporation or its on-site representative or the person or persons in charge of the activity on the property; a copy shall be promptly filed with the Municipal Court. A stop-work order may be issued in conjunction with a citation.

(c) Fines shall be assessed in accordance with §6-11-43.

(d) Persons cited criminally are also subject to the following criminal penalties:

1. Incarceration. In addition to monetary penalties, any person cited with a criminal violation, and found guilty in magistrate court, may be punished by a sentence of imprisonment not exceeding 60 days in jail in addition to the minimum fine.
2. Community Service. In lieu of, or in addition to, any fine or incarceration, community service may be ordered by the magistrate court as punishment for a violation of this Ordinance. Said community service shall be not less than 20 hours but not more than 250 hours, which must be performed within one year from the date of conviction for a violation of this Ordinance.
3. Any person placed on community service or otherwise placed on probation for a violation of this Ordinance shall pay such supervisory fees as may be authorized by law.

§6-11-41 OTHER CIVIL PROCEEDINGS.

In addition to or in lieu of any other remedy, the Director, any appropriate City authority, the City Attorney, any person who is an aggrieved person, or any person who is or would be damaged by such violation, may seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any provision of this Ordinance. Such action may also seek fines at the rates specified for violation of this Ordinance, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of this Ordinance. The City shall be entitled to its reasonable attorney's fees and costs for bringing an action in superior court wherein any relief is granted or fine assessed.

§6-11-42 STOP WORK ORDERS.

Upon notice from the Director or his or her agent, work on any project that is being done contrary to the provisions of this Ordinance shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Stop-work orders may be issued on their own, or in conjunction with criminal citations, civil administrative fines, or other civil proceedings in superior court. Where an emergency or other exigent circumstances exist, no written notice shall be required, and a verbal stop-work order may be issued, with a written order to be provided within three working days. Issuance of a stop work order may be appealed to the Board of Zoning Appeals.

§6-11-43 FINES.

(a) Fines assessed under this Ordinance shall be assessed according to the following mandatory schedule. The maximum permissible fine shall be \$1,000 per offense. In no event shall a fine be reduced below the mandatory minimum, as set forth below. As a deterrent to violation, second and subsequent violations by the same offender of any provision of this Ordinance, whether violations of the same or different provisions of this Ordinance as the initial violation, and whether involving the same or different property, shall increase the fine owing.

(b) For the first violation of any provision of this Ordinance by any violator (whether an individual or corporation), the fine shall be a minimum of \$200.

(c) For the second violation of any provision of this Ordinance (whether the same or different as the first violation) by the same violator (whether an individual or corporation), the fine shall be a minimum of \$400.

(d) For the third and subsequent violation of any provision of this Ordinance (whether the same or different as the prior two violations) by the same violator (whether an individual or corporation), the fine shall be a minimum of \$600

§6-11-44 RESERVED

ARTICLE IV

BOARD OF APPEALS; VARIANCES

§6-11-45 BOARD OF APPEALS.

The board of appeals as established by the City of White Zoning Ordinance shall function as the Board of Appeals for this ordinance.

§6-11-46 POWERS AND DUTIES OF THE BOARD OF APPEALS.

The board of appeals shall have the following powers and duties:

(a) *Administrative review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Director or City Engineer in the enforcement or interpretation of this ordinance.

(b) *Variances.* To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. (The existence of a non-conforming use of neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.)

Such variance may be granted in such individual case of unnecessary hardship upon a finding by the zoning board of appeals that **all** of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
2. The application of this ordinance to this particular piece of property would create an unnecessary hardship.
3. Such conditions are peculiar to the particular piece of property involved.
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

(c) In compliance with Federal law, if the variance is requested by a place of worship or church, in connection with the exercise of religion, the board shall additionally consider whether the regulation imposes a substantial burden on the exercise of religion, whether the regulation serves a compelling governmental interest, whether the denial is the least restrictive means to serve that interest, or whether the variance can be granted without harming that interest.

(d) If the variance is related to a Group Home for Persons with a Disability, the board shall additionally consider what reasonable accommodations in this Ordinance can be made to provide persons with a disability equal opportunities to use and enjoy dwellings, while not abrogating the purposes of this Ordinance. Any reasonable accommodation should only relate to the disability.

§6-11-47 APPEALS TO THE BOARD OF APPEALS.

(a) Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of White affected by any decision of the Director or the City Engineer under this Ordinance. Such appeal shall be taken within 30 days, by filing with the building inspector and with the board of appeals a written notice of appeal specifying the grounds thereof. The Director shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

§6-11-48 NOTICE AND HEARING.

(a) Notice of hearings on an appeal or variance request shall be advertised at least one time at least seven (7) days prior to the hearing, in a newspaper of general circulation in White. The cost of the advertisement shall be borne by the applicant. For variances, the applicant shall post, at least seven (7) days prior to the board of appeals' public hearing, in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted, a sign or signs containing information as to the application number, date, time and place of the public hearing.

(b) The applicant for said appeal or variance shall also give actual notice of the appeal or variance and the public hearing thereon to all property owners adjoining the property for which said appeal or variance is made or sought. Such notice shall be given to each adjoining property

owner by first class mail, with proof of mailing obtained from the post office. Only owners reflected on the records of the Bartow County Tax Assessors as of the date of the application shall be entitled to notice. In determining the adjoining property owners, road, street or railroad rights-of-way shall be disregarded. A copy of each letter and proof of mailing shall be provided to the zoning administrator before the public hearing. Said notice must be mailed at least seven (7) days prior to the date of said scheduled public hearing.

(c) The notice required herein to be published and to be served upon adjacent property owners shall contain the following information: name and address of the applicant; address and location of the property for which the appeal or variance is sought; current zoning of the property for which the appeal or variance is sought; the variance requested or the subject matter of the appeal and the reason for the requested variance or the appeal; and the date, time and place of the public hearing on said requested appeal or variance.

(d) The applicant may arrange for and provide a certified court reporter to transcribe the hearing before the board of appeals, at the expense of the applicant. Upon appeal of the decision of the board of appeals, said transcript shall be made part of the record for review. Board hearings shall also be recorded by video or audio tape.

(e) Stay of proceedings. An appeal to the board of appeals stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than be a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the building inspector, and on due cause shown.

§6-11-49 CONDUCT OF HEARING.

(a) All persons who wish to address the board of appeals at a hearing concerning an appeal or variance under consideration by the board of appeals shall first sign up on a form to be provided by the City prior to the commencement of the hearing.

(b) The Secretary will read the proposed appeal or variance under consideration. The zoning administrator, or his designee, shall then present the basis of the appeal or variance, along with the pertinent departmental reviews, if any, prior to receiving public input on the proposed appeal or variance. Appeals or variances shall be called in the order in which they were filed. Any appeal or variance that has not complied with all notice and other requirements of this Ordinance shall be deemed out of order and shall not be considered at that hearing. It shall be tabled for one month, and if it is still out of order at the next meeting, shall be deemed denied.

(c) The Secretary of the board of appeals shall call each person who has signed up to speak on the appeal or variance then before the board in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his/her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless two-thirds of

the members of the board of appeals present at the hearing allow the person to speak to the appeal or variance, notwithstanding the failure of the person to sign up prior to the hearing.

(d) The applicant or appellant and those in favor of the variance or appeal shall have fifteen (15) minutes to speak, total. Those opposed to the application or appeal shall have fifteen (15) minutes to speak, total. The board may extend these times upon majority vote. Each individual speaker shall have no more than three minutes to speak, except the applicant, who can take as much of the fifteen minutes as is desired. The applicant may reserve time for rebuttal. Upon vote of a majority of the board, either side may be granted additional time in any amount the board desires, but in such event, the other side shall be granted the same additional time. Each side shall have the opportunity to present evidence and witnesses which shall be entered into the record. Cross-examination of opposing witnesses shall be allowed by the chair, but decorum shall be maintained. The board may require the applicant and opponents to designate one person to conduct any desired cross-examination.

(e) Each speaker shall speak only to the merits of the proposed appeal or variance under consideration and shall address his/her remarks only to the members of the board of appeals. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed appeal under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.

(f) Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on the appeal or variance is conducted in a fair and orderly manner.

§6-11-50 Decisions of the board of appeals.

(a) In exercising its powers, the board of appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the Director and/or City Engineer.

(b) The concurring vote of two members of the board shall be necessary to reverse any order, requirement, decision or determination of the building inspector, or to decide in favor of the applicant on any matter on which it is required to pass under this ordinance or to affect any variation of this ordinance.

(c) On all appeals, applications and other matters brought before the board of appeals, said board shall inform, in writing, all the parties involved of its decisions and the reasons therefore. Recourse from a decision by the board of appeals shall be to the City Council.

§6-11-51 RESERVED

ARTICLE V
LEGAL STATUS PROVISIONS

§6-11-52 SEVERABILITY

It is intended the provisions of these regulations be severable and should any portions be held invalid, such invalidity shall not affect any other portions of these regulations.

§6-11-53 VIOLATIONS AND PENALTIES

Any violation of any provisions of the subdivision regulations shall constitute a misdemeanor. In case of multiple violations, each violation shall be considered separately, and each day of violation shall constitute a separate offense, and shall be punished as provided by law.

§6-11-54 CONFLICTING ORDINANCES

Whenever the provisions of these regulations and those of some other statute, ordinance or resolution apply to the same subject matter, the statute, ordinance or resolution requiring the highest, or more strict, standard shall apply.

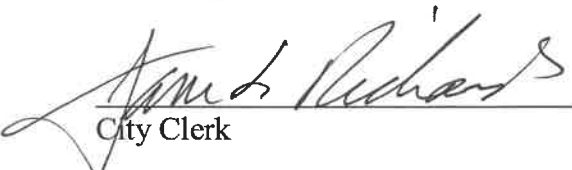
§6-11-55 EFFECTIVE DATE

These regulations shall take as of the date of adoption, and be in force from and after its adoption by White, Georgia, the public welfare demanding.

SO ADOPTED this 5 day of APRIL, 2010, to be effective immediately, the public health, safety, and welfare demanding.

ATTEST:

CITY OF WHITE, GEORGIA



City Clerk

Mayor



CITY OF WHITE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF WHITE SITTING FOR CITY PURPOSES FOR THE PURPOSE OF **ADOPTING AN ORDINANCE TO REGULATE DEVELOPMENT OF SUBDIVISIONS; PROVIDING STREET DESIGN STANDARDS; PROVIDING CURB AND GUTTER, SIDEWALKS, AND UTILITY DESIGN STANDARDS; PROVIDING PRELIMINARY AND FINAL PLAT PROCEDURES; PROVIDING APPEALS AND INTERPRETATION, AND OTHER MATTERS** AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE CITY COUNCIL OF CITY OF WHITE HELD ON May, 2, 2005.

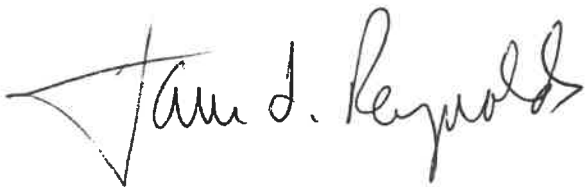
WHEREAS, City of White is anticipating further growth and development by subdivisions and other developments within the City limits, and

WHEREAS, the City Council deems it to be in the best interest of the citizens of City of White to regulate the development of residential and non-residential subdivisions, and to provide standards for streets, utility placement, and the process of development approval, in order to protect the public health, safety and welfare,

WHEREAS, the City Council desires to modify its Code of Ordinances with additional regulations regarding subdivision development and other development; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City of White to adopt regulations governing subdivision development and other developments, under the City's general police power,

NOW THEREFORE BE IT ORDAINED AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the City Council by law that this City of White Subdivision and Land Development Ordinance is adopted as follows, to be effectively immediately, the public health, safety and welfare demanding:



CITY OF WHITE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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LAND SUBDIVISION REGULATIONS WHITE, GEORGIA

§6-11 ARTICLE I: SUBDIVISIONS AND LAND DEVELOPMENT

§6-11-1 TITLE

These regulations shall be known and may be referred to as the Land Subdivision Regulations of White, Georgia.

§6-11-2 PURPOSES

This Ordinance is adopted for the following purposes.

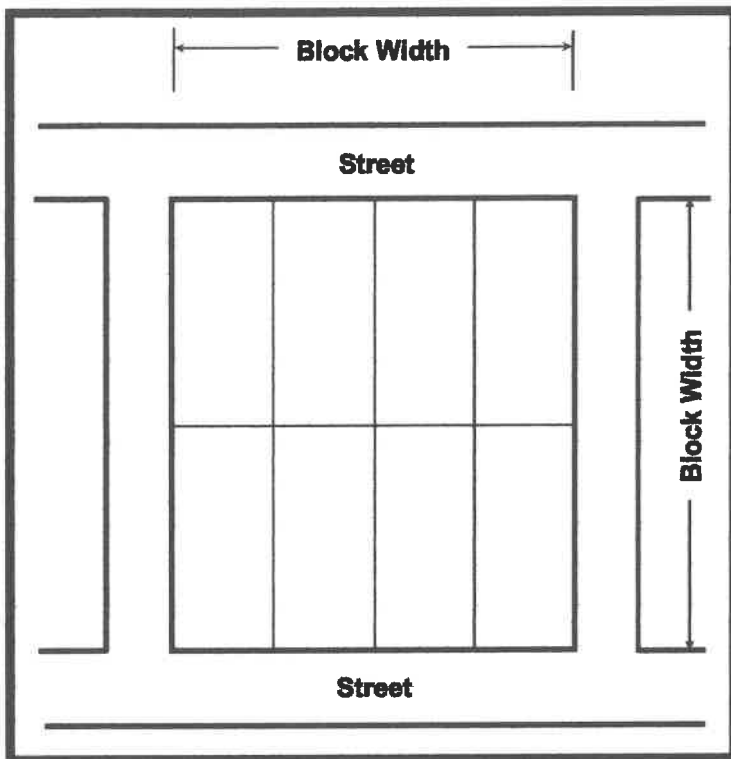
- (a) Promote the orderly, planned, efficient, and economic development of the City and to guide future growth in accordance with the Comprehensive Plan.
- (b) Ensure that lands subdivided are of such character that they can be used for building purposes without danger to the health or safety of residents,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

§6-11-3 DEFINITIONS

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

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries. (See Figure 6-11-3.1).

Figure 6-11-3.1
Block, Block Length and Block Width



Comprehensive plan: Any plan adopted by the Mayor and City Council of the City of White, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the Mayor and City Council.

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

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

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the City Attorney and recorded in the office of the Clerk of Superior Court of Bartow County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Mayor and City Council and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement

cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract's or lot's special resources from negative changes.

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

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

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end (see Figure 6-11-3.2).

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

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

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

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

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

Director: The Code Enforcement Officer, or his designee.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity. (See Figure 6-11-3.3).

Figure 6-11-3.2
Cul-de-sac

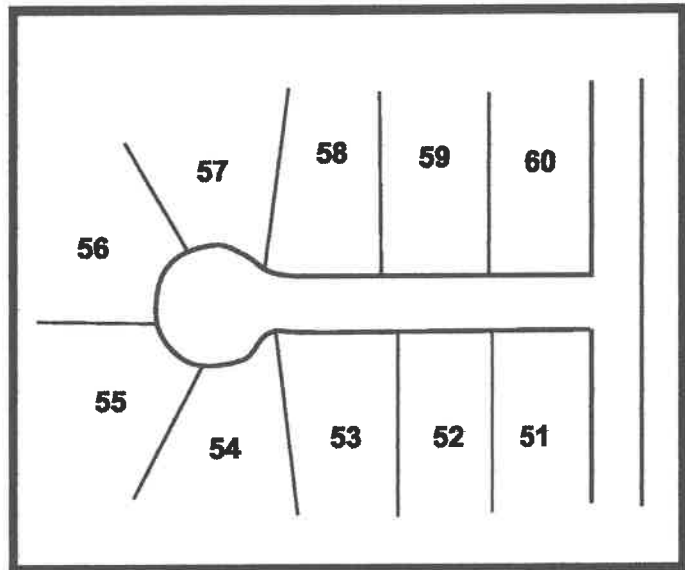
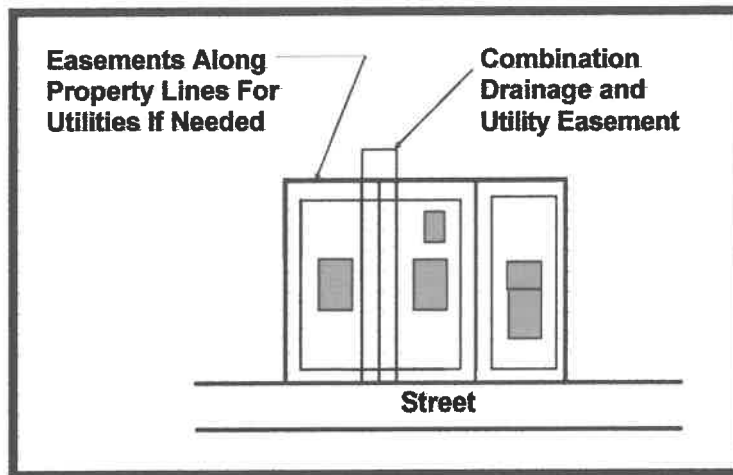


Figure 6-11-3.3
Easements



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

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

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

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

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

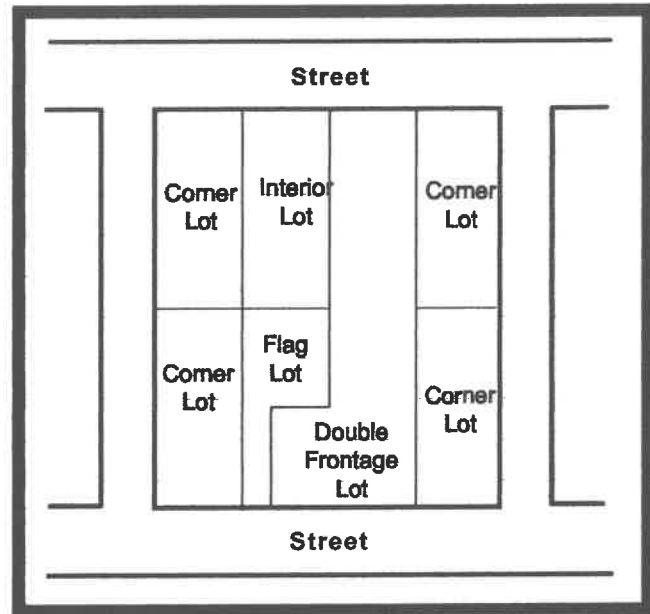
Land suitability analysis: A method used by land planners, in preparing land use plans at a community-wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis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

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

Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not include any portion of a dedicated right-of-way. Types of lots are illustrated in Figure 6-11-3.4.

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

Figure 6-11-3.4
Types of Lots



Lot, depth: The average horizontal distance between the front and rear lot lines. Lot depth is illustrated in Figure 6-11-3.5.

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

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. See Figure 6-11-3.4 for an illustration of a flag lot.

Lot, through: See "Lot, double frontage".

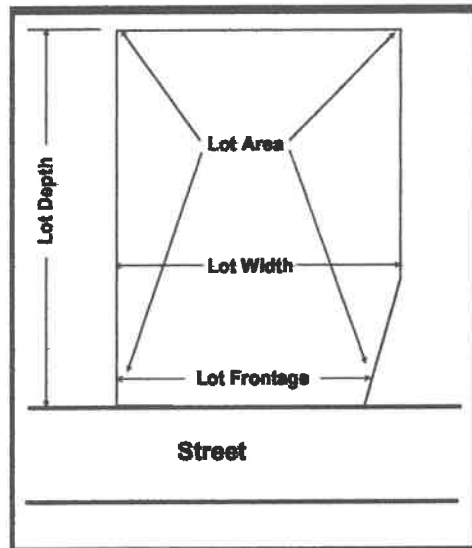
Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any street. Lot frontage is illustrated in Figure 6-11-3.5.

Lot of record: A lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded in the records of the Clerk of the Bartow County Superior Court; or a parcel of land, the deed of which was lawfully recorded in the same office prior to the adoption date of this ordinance by the Mayor and City Council of White.

Lot width: The shortest distance between side lot lines measured at the regulatory/required front building line, or in the absence of a front building line regulation, the distance between side lot lines measured at the front line of the building located or intended to be located on the lot. Lot width is illustrated in Figure 6-11-3.5.

Figure 6-11-3.5

ot Definitions



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

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

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

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as 25 percent of the open space may be devoted to active recreational facilities, as defined. Easements for electric and gas transmission lines shall not be considered open space. Stormwater management features, such as lakes, ponds, and ways, may be considered open space at the discretion of the Planning and Zoning Commission, provided that such areas are designed and maintained in a manner that contributes to open space and the aesthetics of the subdivision.

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

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

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

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

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

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

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

Planned unit development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a slightly more dense setting than allowable on separate zoned lots.

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

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

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

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

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

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

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

Right-of-way:

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

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

Sensitive natural areas: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

- (a) Habitat, including nesting sites, occupied by rare or endangered species;
- (b) Rare or exemplary natural communities;
- (c) Significant landforms, hydroforms, or geological features; and/or
- (d) Other areas so designated by the Department of Natural Resources which are sensitive or vulnerable to physical or biological alteration.

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

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

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

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

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

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

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

- (a) is an existing federal, state, county or municipal roadway;
- (b) is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel;
- (c) is constructed and open to vehicle travel as approved by other official action of the Mayor and City Council; or
- (d) is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office, Bartow County Superior Court prior to the effective date of this Ordinance. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

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

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

Street, major arterial: Unless otherwise defined by the Transportation Plan or Comprehensive Plan, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to large land areas.

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

Street, minor arterial: Unless otherwise defined by the Transportation Plan or Comprehensive Plan, a minor arterial street is a street connecting two or more major areas of the City or serves as the primary access to a large land area. A minor arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

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

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

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

Transportation Plan: The City of White's plan for transportation improvements, street designations, and other transportation related matters, as adopted by the City.

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

Variance: A grant of relief from the strict requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance; a minimal relaxation or modification of the strict terms of this Ordinance as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in practical difficulty.

§6-11-4 AUTHORITY AND DELEGATION

§6-11-4.1 Authority. These regulations are adopted pursuant to powers vested in cities by the State of Georgia Constitution, home rule powers, state administrative rules for the adoption and implementation of Comprehensive Plans, and the protection of vital areas of the State.

§6-11-4.2 Delegation of Powers to Planning and Zoning Commission. The White Planning and Zoning Commission is vested with the authority to review, recommend approval, conditionally approve, and disapprove the following: preliminary plats of subdivisions, construction plans of subdivisions, and final plats of subdivisions; and to recommend variances from the requirements of this Ordinance.

§6-11-4.3 Delegation of Powers to Director. The Director shall be authorized to review subdivisions and re-subdivisions for conformity to the requirements of this Ordinance, and to make reports and recommendations to the Planning and Zoning Commission on subdivisions and re-subdivisions, and to administer, interpret, and enforce the provisions of this Ordinance.

§6-11-4.4 Delegation of Powers to City Engineer. The City Engineer is vested with the authority to make recommendations to the Planning and Zoning Commission and the Mayor and City Council on requirements for land development improvements and to make requirement recommendations for improvement guarantees for public improvements as specified in this Ordinance.

§6-11-5 APPLICABILITY AND GENERAL PROVISIONS

§6-11-5.1 Applicability. These regulations shall apply to all real property within corporate limits of the City of White.

§6-11-5.2 Land is One Tract Until Subdivided. Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

§6-11-5.3 All Land Subdivisions to Comply. No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided under the requirements of this Ordinance. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this Ordinance. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of Bartow County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this Ordinance.

§6-11-5.4 Preliminary Plat and Plans Required Prior to Construction. No person shall commence construction of any improvements on any lot, prior to the approval of a preliminary plat if required by this Ordinance, nor prior to approval of construction plans and engineering plans for said improvements are approved as required by this Ordinance.

§6-11-5.5 Building and Other Permits. No building permit shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this Ordinance that has not been approved in accordance with the provisions of this Ordinance.

§6-11-5.6 Public Streets and Lands. No land dedicated as a public street or for other public

purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this Ordinance and said land and/or improvements are formally approved and accepted as public improvements by the Mayor and City Council in accordance with procedures established in this Ordinance.

§6-11-5.7 Appeals. Any person adversely affected by an interpretation or decision of the Director, City Engineer, or other official responsible for the administration of this Ordinance may file an appeal to the Mayor and City Council. Any person adversely affected by any decision of the Mayor and City Council under this ordinance may appeal to the Superior Court of Bartow County, Georgia, by writ of certiorari, pursuant to the relevant provisions of the Georgia Code.

§6-11-6 EXEMPTIONS FROM PLAT APPROVAL

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this Ordinance; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of Article II of this Ordinance.

- (a) The creation and sale of cemetery plots.
- (b) The sale of lots consistent with previously approved and recorded plats or deeds.
- (c) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds for commercial, industrial, or institutional use.
- (d) The creation of leaseholds for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (e) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the City to issue permits if the resulting lots or parcels fail to meet any applicable regulations of the local jurisdiction.
- (f) The transfer of property by the owner to a member of the immediate family within the third degree, provided that no portion is less than five (5) acres.

§6-11-7 LOT COMBINATIONS

An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat revision process which conforms to the requirements of this Ordinance. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Code Enforcement Officer and recorded as a final plat. Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots. (See Figure 6-11-7.1).

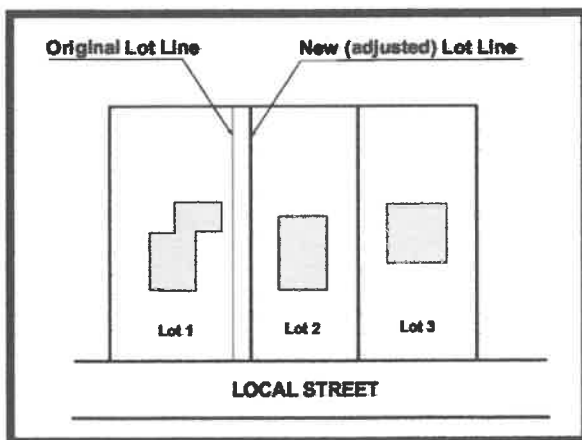
Figure 6-11-7.1
Lot Combinations



§6-11-8 BOUNDARY LINE ADJUSTMENTS

One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the Director and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the Director and recorded. Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots. (See Figure 6-11-8.1)

Figure 6-11-8.1
Boundary Line Adjustment

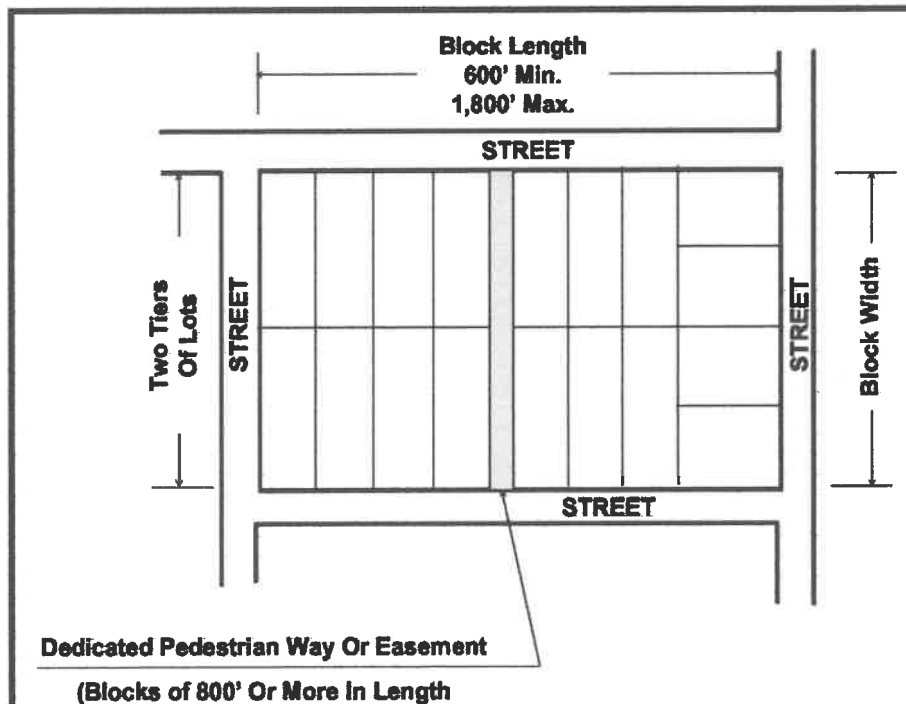


§6-11-9 DESIGN REQUIREMENTS FOR BLOCKS

§6-11-9.1 Block Length. Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed 1,800 feet nor be less than 600 feet in length, except where topography or other conditions justify a departure from these standards. The Planning and Zoning Commission may require pedestrian ways and/or easements through the block be located near the center in blocks longer than 800 feet.

§6-11-9.2 Block Width. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries. (See Figure 6-11-9.2.1).

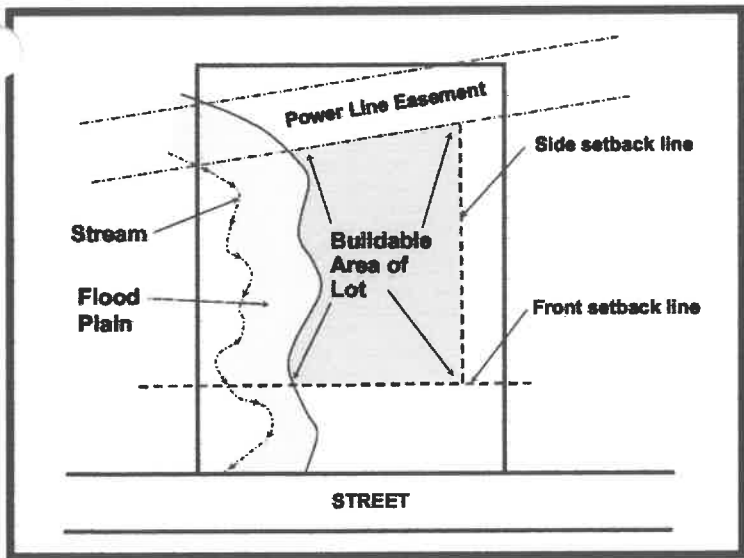
Figure 6-11-9.2.1
Block Length, Block Width, and Pedestrian Way



§6-11-10 DESIGN REQUIREMENTS FOR LOTS

- §6-11-10.1 Natural Features and Assets. In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.
- §6-11-10.2 Access and Minimum Lot Frontage. Each lot shall have access to a public street and a minimum of 100 feet of lot frontage at the building line and the building line shall be no more than 100 feet from the right of way; provided, however, that the City may permit one or more lots to be accessed by private streets, as more fully specified in Section 6-11-18 of this Ordinance; provided further, that in the case of a lot accessed by a circular cul-de-sac, the minimum lot frontage may be reduced to 30 feet measured along the arc.
- §6-11-10.3 Adequate Buildable Area Required. Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body. (See Figure 6-11-10.3.1).

Figure 6-11-10.3.1
Adequate Building Area



- §6-11-10.4 Lot Remnants Not Permitted. All remnants of lots below any required minimum lot size that may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. A lot remnant may be permitted for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific nonbuilding use.
- §6-11-10.5 Service Areas. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended.
- §6-11-10.6 Lot Area. The minimum lot area shall not be less than that established by the land use intensity district in which the subdivision is located, if applicable.
- §6-11-10.7 Lot Width. No portion of a lot shall be narrower than 60 feet, with the exception of cul-de-sac lots, nor shall any lot have a lot width less than that established by the land use intensity district in which the subdivision is located, if applicable.
- §6-11-10.8 Lot Depth. Lots shall have a depth of not less than 100 feet.
- §6-11-10.9 Flag lots. No lot shall be approved which constitutes a flag lot except with special approval from the Planning and Zoning Commission due to extreme topographic circumstances.
- §6-11-10.10 Side Lot Lines. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- §6-11-10.11 Corner Lots. Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.
- §6-11-10.12 Double Frontage Lots. Double frontage or “through” lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

§6-11-11 EASEMENTS

Where a watercourse, drainage way, channel, or stream traverses a subdivision, there shall be provided a stormwater or drainage easement of adequate width. Easements shall be provided for all drainage facilities as approved by the City Engineer. Where easements are needed for utility locations, the subdivider shall provide them to the appropriate utility provider. Where easements are needed for public water and/or sanitary sewer lines, they shall be provided as determined appropriate by the City Engineer. All easements required pursuant to this section shall be shown on the preliminary plat, if required, and final plat.

§6-11-12 SURVEY MONUMENTS FOR ALL LOTS REQUIRED

For all subdivisions, a Georgia registered land surveyor shall install permanent survey monuments at all property corners and land lot lines, prior to final plat approval. Lot corners shall be marked with metal rods not less than 1/2" in diameter and 18" in length and driven so as to be stabilized in the ground. Permanent survey monuments shall also be installed in accordance with the most recent

§6-11-13 PRELIMINARY PLAT

- §6-11-13.1 Purpose. The purpose of this section is to ensure compliance with the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of a tentative map of all subdivisions for review and recommendations by the Planning and Zoning Commission and approval by the Mayor and City Council.
- §6-11-13.2 When Required. All subdivisions shall require the submission of a preliminary plat to the Director for review and recommendations to the Mayor and City Council by the Planning and Zoning Commission. Prior to the issuance of any permit for land disturbance, or the installation of any improvements, the Planning and Zoning Commission must review and make recommendations to the Mayor and City Council on the preliminary plat. Final approval or denial of the preliminary plat will be by the Mayor and City Council.
- §6-11-13.3 Preliminary Plat Application and Specifications. Preliminary plat applications shall be made in accordance with requirements shown in Table 6-11-15.1.1, and preliminary plats shall meet the minimum plat specifications shown in Table 6-11-15.2.2.
- §6-11-13.4 Procedures. Upon receipt of a completed preliminary plat application, the Director shall schedule the application for the next public meeting before the Planning and Zoning Commission and forward all pertinent materials in the application to the Planning and Zoning Commission for review. An application for preliminary plat review and recommendation to the Mayor and City Council must be submitted at least 21 days before the regular meeting date of the Planning and Zoning Commission to be considered on that agenda. The Planning and Zoning Commission shall have 45 days from the date the public meeting is held to recommend approval, conditionally approval, or denial of the preliminary plat application. If no action is taken by Planning and Zoning Commission within the 45 day time provided, said plans will be forwarded to the Mayor and City Council. The basis of the Planning and Zoning Commission's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Ordinance, and all other Ordinances that relate to the proposed development.
- §6-11-13.5 Disposition. Approval of a preliminary plat and accompanying construction plans shall be valid for a period of two years. Preliminary plat approval shall expire and be null and void after a period of two years unless the Planning and Zoning Commission approves an extension of time. A request for an extension of time shall be granted if a substantially complete final plat has been submitted for approval, or if the developer has made substantial expenditures of money in reliance of the approved preliminary plat. An extension of time will be for a period of no longer than six months, and additional extensions shall not issue unless the developer has made substantial progress during the preceding extension period and either a substantially complete final plat has been submitted for approval or the developer has made substantial expenditures of money in reliance of the preceding grant of extension.

§6-11-13.6 Amendments to Approved Preliminary Plats. All amendments to preliminary plats require Planning and Zoning Commission review and recommendation. The Planning and Zoning Commission shall recommend approval, conditionally approval, or denial of the proposed amendment to a preliminary plat. Procedures for considering an amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval. Final approval, conditional approval or denial of a preliminary plat amendment will be by the Mayor and City Council.

§6-11-13.7 Appeal. An adversely affected party may appeal the Mayor and City Council's decision in regards to approve or deny a preliminary plat or amendment thereto, or to approve or deny an extension of time, to the Superior Court of Bartow County, Georgia by writ of certiorari, pursuant to the relevant provisions of the Georgia Code.

§6-11-13.8 Approval Certificate. Upon approval of the preliminary plat, a certificate, stamped directly on the preliminary plat, shall state:

"Preliminary Approval: _____
Chairman, White Planning and Zoning Commission (Date)

Mayor (Date)

This preliminary approval does not constitute approval of a final plat. This Certification of Preliminary Approval shall expire and be null and void on _____."

§6-11-14 CONSTRUCTION PLANS

§6-11-14.1 Application. The subdivider or land developer must submit construction plans in conjunction with the preliminary plat for approval. In cases where a preliminary plat is not required by this article, the subdivider or land developer may apply for approval of construction plans; provided, however, the applicant for construction plan approval should hold a pre-application conference with the Director to ensure that plans meet the intent and specific provisions of this Ordinance and other applicable regulations of the City. Construction plans must be approved by the Planning and Zoning Commission and the Mayor and City Council. Applications for construction plan approval shall be made in accordance with requirements shown in Table 6-11-15.1.1 and Table 6-11-15.2.1.

§6-11-14.2 Decision Criteria. The only basis upon which the Planning and Zoning Commission and the Mayor and City Council may deny a construction plan is the failure of the application to meet the requirements of this Ordinance or any other applicable local regulations.

§6-11-14.3 Certificate of Approval. All copies of the construction plans shall be noted by inscription on the plat noting such approval by the City.

"Construction Plan Approval: _____
Chairman, White Planning and Zoning Commission (Date)

Mayor (Date)

This Certification of Construction Plan Approval shall expire and be null and void on _____ . "

Construction plan approval shall expire and be null and void after a period of one year, unless activity toward improvements on the land has been initiated, or unless the Planning and Zoning Commission and the Mayor and City Council approves an extension of time. Construction plan approval shall expire and be null and void after a period of eighteen months, if improvements on the land have not been completed, or unless the Planning and Zoning Commission and the Mayor and City Council approves an extension of time.

§6-11-15 FINAL PLAT

§6-11-15.1 When Required. All subdivisions and dedications shall require final plat approval. Final plat approval is by the Planning and Zoning Commission and the Mayor and City Council. Applications shall be made in accordance with requirements shown in Table 6-11-15.1.1. The final plat must substantially conform to the preliminary plat, and any approved amendments. Applications must first be submitted to the Planning and Zoning Commission for preliminary approval. If approved by that Commission, the plat is forwarded to the Mayor and City Council for final approval. The final plat may only be recorded after final approval by the Mayor and City Council has been given. The final plat must contain all necessary signatures prior to consideration by the Mayor and Council for final approval, including surveyor, health department, and owner. See Sec. 6-11-15.4

(see following pages for tables of requirements)

Table 6-11-15.1.1

Application Requirements

	Preliminary Plat	Construction Plans	Final Plat
Pre-application review with staff	Recommended		
Application form completed	Required	Required	Required
Letter requesting approval with name, address, and phone of applicant	Required	Required	Required
Number of copies	5	5	5
Filing fee per Ordinance/ schedule	Required	Required	Required
Description of type of water supply and sewerage system and utilities to be provided	Required	Required	Required
Soil test for each lot proposed for on-site septic tank and drain field	Required	Required	Required
Data on existing conditions	Required		
Hydrological or other engineering study		Required	
Subdivision entrance monument and landscaping elevation/plan (prepared by landscape architect)		Required	
Warranty deed for the dedication of streets and other public places			Required
Written approval from electric utility company regarding installation of service points and street lights			Required
As-built drawings of public improvements			Required
Subdivision improvement guarantee			Required
Certificate of title			Required
Plat Certificates			Required

Table 6-11-15.2.1**Preliminary Plat, Construction Plans and Final Plat Requirements**

REQUIRED INFORMATION (Required to be on the plat or construction plans)	Preliminary Plat	Construction Plans	Final Plat
Scale (minimum)	1"=100 feet	1"=100 feet	1"=100 feet
Sheet size (maximum)	24" x 36"	24" x 36"	18" x 22"
North arrow and graphic engineering scale	Required	Required	Required
Reference to north point (magnetic, true north, or grid north)	Required	Required	Required
Proposed name of subdivision or project and phases, if any	Required	Required	Required
Vicinity map With North Arrow	Required	Required	Required
Total acreage of the property being subdivided	Required	Required	Required
Name, address, and telephone of owner of record	Required	Required	Required
Name, address and telephone of subdivider	Required	Required	Required
Name, address and telephone of preparer of plat	Required	Required	Required
Date of plat drawing and revision date(s), if any	Required	Required	Required
Exact boundaries of the tract to be subdivided by bearings and distances, tied to one or more benchmarks	Required	Required	Required
Names of owners of record of all abutting land		Required	Required
Municipal, County and land lot lines inside the property or within 500 feet.	Required	Required	Required
Existing buildings and structures on or encroaching on the tract to be subdivided	Required	Required	Not Shown
Existing streets, utilities and easements on and adjacent to the tract	Required	Required	Required
Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, etc.)	Required	Required	Required
Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition			Required
Dimensions and acreage of all lots	Approximate	Approximate	Exact
Locations of streets, alleys, lots, open spaces, and any public use reservations and/or common areas	Required	Required	Required
Right-of-way widths and pavement widths for existing and proposed streets		Required	Required
Locations, widths and purposes of easements		Required	Required
Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data		Required	Required
Acreage to be dedicated to the public	Approximate	Approximate	Exact
Street names	Recommended	Required	Required
Street mailing address for each lot			Required
Topography		Required	Not Shown
Minimum front building setback lines for all lots	Required	Required	Required
Location and description of all monuments			Required
Certificate of ownership and dedication			Required
Plat recording and signature block			Required
Signature block for Planning and Zoning Commission approval	Required	Required	Required
Signature block for Mayor	Required	Required	Required
Land surveyor's stamp, certificate, signature, including field survey and closure statement		Required	Required
Statement of and reference to private covenants		Recommended	Required
Schedule of construction for all proposed projects with particular attention to development planned for the first year	Required	Required	

§6-11-15.2 Criteria for Approval. Final plat approval may be granted if the following conditions, as applicable, are met. (See Table 6-11-15.2.1).

- (a) The Mayor and City Council has previously approved a preliminary plat of the proposed subdivision, if required.
- (b) Where new improvements are involved in the subdivision, construction plans have been approved by the Mayor and City Council, and all improvements have been installed and inspected by the City, and subdivision improvement guarantees as required by this Ordinance have been submitted.
- (c) The final plat meets all applicable requirements of this Ordinance.
- (d) A complete final plat application has been submitted, including all supporting materials required by this chapter for final plats.
- (e) The final plat substantially conforms to the preliminary plat, and any approved amendments.

Denial of a final plat shall be permitted only upon specific findings that one or more of the above-referenced conditions have not been met. (See Table 6-11-15.2.1).

§6-11-15.3 Approval Certificate. Upon approval of the final plat, a certificate, stamped directly on the plat, shall state:

"Pursuant to the Land Subdivision Regulations of the City of White, Georgia, and all requirements of approval having been fulfilled, this final plat was given conditional approval by the Planning and Zoning Commission on _____, 20____, and final approval Mayor and City Council on _____, 20____, and it is entitled to recordation in the Clerk's Office, Bartow County Superior Court."

Chairman, White Planning and Zoning Commission

Mayor

§6-11-15.4 Additional Plat Certificates. In addition to information required by Table 6-11-15.2.1 to be supplied on a final plat, each final plat shall contain the following certificates.

Surveyor's Certificate. A certificate by a surveyor directly on the final plat as follows:

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

By: _____
Registered Georgia Land Surveyor No.: _____"

Owner's Certificate. A certificate by the owner directly on the final plat, signed in an appropriate manner as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, and that all State, City and County taxes or other assessments now due on this land have been paid. Said owner donates and dedicates to the public for use forever the street right-of-way as shown on this plat.

Owner

Signed, sealed and delivered
in the presence of:

Witness

Notary Public"

Health Department Approval Certificate.

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

Director, Bartow County Health Department"

§6-11-16 DEDICATIONS OF STREETS AND PUBLIC LANDS

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

§6-11-17 LETTER OF CREDIT REQUIRED

Prior to issuance of a Land Disturbance Permit the developer shall cause to be executed in favor of the City, an irrevocable letter of credit in an amount equal to \$3,000.00 per acre of the property to be disturbed, plus \$9 per linear foot of street to be paved. Said irrevocable letter of credit is for guaranty of soil erosion and sedimentation best management practices (BMPs) and roadway infrastructure improvements. Said letter of credit shall be issued by a company or financial institution authorized to do business in the state of Georgia, in a form acceptable to the City.

§6-11-17.1 Once erosion and sedimentation control BMPs are complete, and the site is stabilized, the City may, at the discretion of the City Engineer, authorize a reduction of the required letter of credit to \$9 per linear foot of paved street.

§6-11-17.2 The letter of credit shall remain in force for a period of one year following the acceptance of the roadways by the City, except for roadways with sanitary sewer, in which case the letter of credit shall remain in force for two years following acceptance of the roadways by the City.

§6-11-17.3 No Land Disturbance Permit shall be issued by the City to the developer until said irrevocable letter of credit has been furnished to the City, in a form acceptable to the City. If the developer does not comply with this Ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the irrevocable letter of credit or any part thereof to be forfeited and may use the proceeds to hire a contractor to complete roadway paving or to install soil erosion and sedimentation prevention measures.

§6-11-18 PRIVATE STREETS

§6-11-18.1 Private Streets Permitted. Private streets may, upon application, be permitted by the Mayor and City Council within major subdivisions, subject to the requirements of this section. Applications for approval of private streets shall be considered by the Mayor and City Council at the time of preliminary plat approval by the Planning and Zoning Commission. Following a recommendation by the Planning and Zoning Commission to authorize private streets in a major subdivision, the Mayor and City Council shall consider the application and may impose conditions on the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets. No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this section.

§6-11-18.2 Engineering Plans Required. It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining approval of engineering and construction plans from the Planning and Zoning Commission and Mayor and City Council in accordance with the requirements of this Ordinance.

§6-11-18.3 Standards. All private streets shall be constructed to all standards for public streets as required by Article II of this Ordinance, applicable construction specifications of the City Engineer, and as approved by the Planning and Zoning Commission and Mayor and City Council.

§6-11-18.4 Street Names And Signs. Private streets shall be named, subject to the approval of the Director. The subdivider of land involving a private street shall install street signs with content containing the street name and the designation "private," as approved by the Director. The sign signifying the private street may be required by the Director to be a different color than that of street signs provided for public streets, in order to distinguish maintenance responsibilities in the field.

§6-11-18.5 Easements. Easements for private streets shall be designated on final plats as general-purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street by the major thoroughfare plan and the City for the type of public street (local, collector, etc.) most closely resembling the proposed

private street. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by local land use regulations. In the cases of private streets, the general-purpose public access and utility easement for the private street shall either;

- (a) Be shown in a manner on the final plat such that each lot fronting the private street extends to the centerline of the private street. No lot shall be permitted to be divided by the general purpose public access and utility easement required and established for a private street; or
- (b) Shall be drawn as its own discrete parcel to be dedicated to a private homeowners association (i.e., not shown to be a part of any lot).

§6-11-18.6

Maintenance. The City shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the County Clerk of the Superior Court shall be required for any private street and other improvements within general-purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms.

- (a) The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision of seven or more lots fronting on a private street.
- (b) The Covenant shall include a periodic maintenance schedule.
- (c) The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- (d) The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (e) The Covenant shall run with the land.
- (f) The Mayor and City Council may, at its discretion, as a condition of approving private streets, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Mayor and City Council may require that the subdivider pay an amount of money as recommended by the City Engineer into an escrow account or other suitable account for the maintenance and repair of private streets and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise.

§6-11-18.7

Specifications For Final Plats Involving Private Streets. The Director shall not approve for recording any final plat involving a private street unless and until it shall contain the following on the face of the plat:

- (a) Deed book and page reference to the recorded covenant required by this section;
- (b) **“WARNING, City of White has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained**

within the general public purpose access and utility easement or easements for private streets shown on this plat.”;

- (c) **“Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City, and to public or private utility companies serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.**

Signature of Property Owner”; and,

- (d) The following certificate of dedication shall be required, unless the Mayor and City Council waives the dedication requirement.

“Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to City of White.

Signature of Property Owner.”

§6-11-18.8 Requirement for Purchaser’s Acknowledgement of Private Responsibilities. Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in the city, the subdivider or seller of said lot shall execute a notarized purchaser’s acknowledgement of private street construction and drainage maintenance responsibilities as set forth below. A copy of the purchaser’s acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

“Purchaser’s Acknowledgement of Private Street and Drainage Maintenance Responsibility

(I) / (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) / (We) understand that the Declaration of Covenant applies to the lot that (I am) / (we are) purchasing and requires (me) / (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) / (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) / (us) to pay, plus their damages resulting from (my) / (our) refusal to contribute, plus reasonable attorneys fees. (I) / (We) further understand that the City has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public

access and utility easement for the private road serving the lot in question. (I) / (We) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) / (we are) purchasing.

Purchaser

Purchaser.”

§6-11 ARTICLE II: IMPROVEMENTS REQUIRED FOR SUBDIVISIONS AND LAND DEVELOPMENT

§6-11-19 PURPOSE

The purpose of this Article is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments.

§6-11-20 DEFINITIONS

Definitions pertaining to this Article shall be as provided in Section 6-11-3 of this Ordinance.

§6-11-21 APPLICABILITY AND EXEMPTION

The improvement requirements specified in Article II shall apply to all subdivisions, and all land developments (including, but not limited to) single family subdivision development, multi-family developments, office developments, commercial developments and industrial developments), other than development of an individual single-family residence by the owner of the property. The improvement requirements specified in Article II shall not apply to an individual lot proposed for development as a detached, single-family dwelling or manufactured home, unless such lot is a part of a subdivision, in which case the subdivision development must meet the requirements of Article II. All improvements required to be constructed as part of a subdivision shall be constructed and improved, in accordance with the standards and specifications for construction as required by this section and as specified by the City.

No person to which this section applies shall commence construction of any improvements on any land, prior to the approval of construction plans and engineering plans for said improvements, as required by Article II of this Ordinance, according to the improvement standards specified in this section and as adopted by the City. No building permit shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land that does not meet the improvement requirements specified in this section and as adopted by the City pursuant to this section.

§6-11-22 ENGINEERED DRAWINGS

Engineering drawings for public streets, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia, or if authorized under state law, a registered land surveyor, or professional landscape architect, shall be required to be submitted for review and approval, and such plans must meet the requirements of Article I of this Ordinance and the specifications of the City. Prior to approval and recording of a final plat a registered engineer for the subdivider/developer shall submit one copy of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this section and certifying that the plans accurately reflect actual construction and installation. The City shall maintain all as-built street and utility plans for future use by the City.

§6-11-23 PERMITS FOR CONSTRUCTION IN PUBLIC RIGHT-OF-WAY

Permits from the City Clerk shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the City. Permit fees shall be approved by Resolution of the Mayor and City Council.

§6-11-24 IMPROVEMENTS TO ABUTTING LAND

§6-11-24.1 Abutting Land Improvements. For subdivisions and land developments that abut and access an abutting public street, the subdivider or land developer shall install curb and gutter, sidewalk, other road improvements, and, if required, a deceleration lane, according to standards and specifications of the City, along all abutting public streets. When a subdivision or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with City road design standards. Said improvements shall be from the subdivision or land development entrance to the paved public road which the Code Enforcement Officer determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

§6-11-24.2 Temporary Construction Exit. A temporary construction exit must be installed and maintained while construction and/or grading equipment will be leaving a construction site to a public right-of-way, street, or parking area until construction is completed.

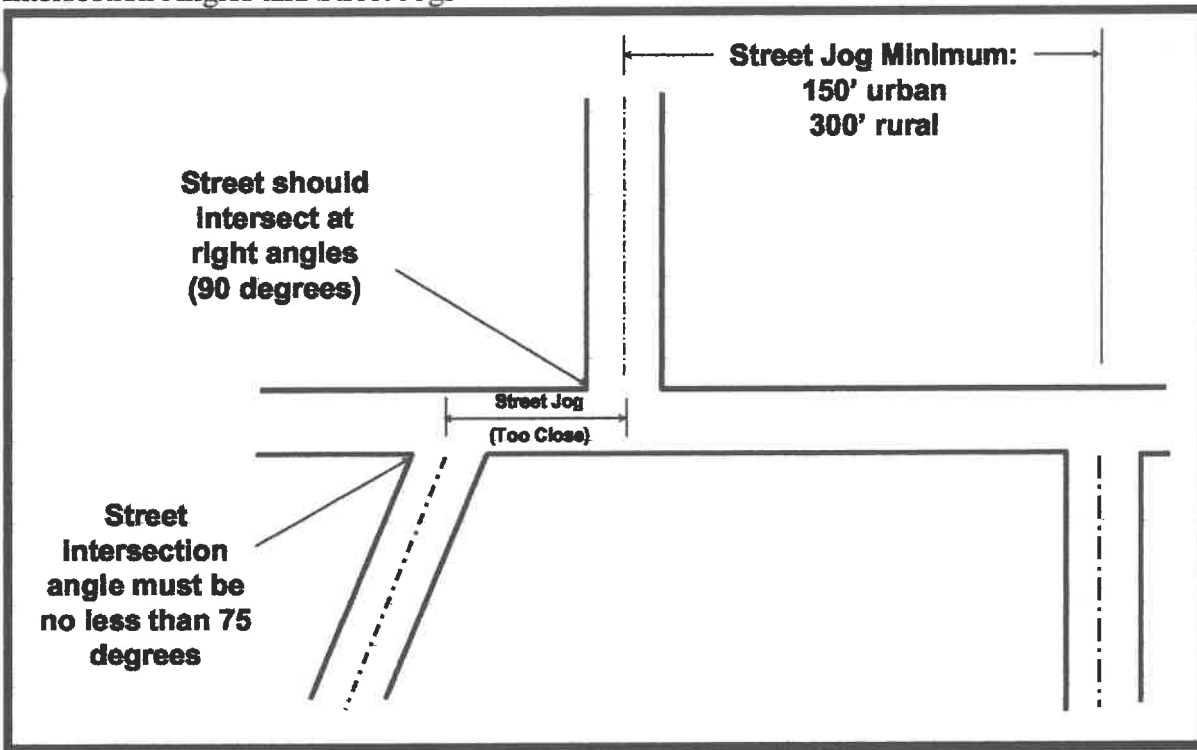
- (a) The pad shall be adequate to substantially eliminate the transport of mud from the construction site by either motor vehicles and equipment or from water run-off.
- (b) Any materials or mud spilled, dropped, washed, or tracked from vehicles or from the site onto roadways or into storm drains must be removed immediately.
- (c) The exit must at least be 12 feet in width by 20 feet in length with a depth of 4 inches

§6-11-25 STANDARDS FOR CONFIGURING NEW STREETS

§6-11-25.1 Street Alignment, Intersections and Jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 150 feet in urban areas and 300 feet in rural areas. (See Figure 6-11-25.1.1).

(see figure next page)

Figure 6-11-25.1.1
Intersection Angles and Street Jogs



§6-11-25.2 Continuation of Existing Streets and Connections. Existing streets, and their rights-of-way, shall be continued at the same or greater width, but in no case less than the required width. The Planning and Zoning Commission may require that a subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.

§6-11-25.3 Street Plans for Future Developments Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Code Enforcement Officer and if required shall be prepared and submitted by the subdivider or land developer.

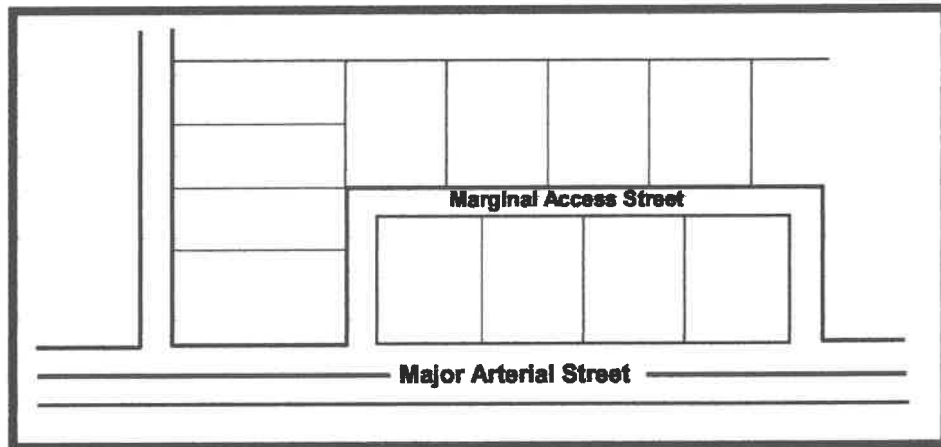
Where the City Engineer determines that the subdivided tract is situated so that future access to surrounding undeveloped tracts will be necessary or preferable through the subdivided tract, the City Engineer may require access spurs, easements of a shape and size sufficient to allow for future road construction, between the streets of the subdivided tract and the boundary of the adjacent undeveloped tract.

§6-11-25.4 Dead-End Streets and Cul-De-Sacs. Streets that dead-end shall terminate in a cul-de-sac. The maximum length of such streets shall be 600 feet in urban areas and 1,200 feet in rural areas. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the City.

§6-11-25.5 Marginal Access Streets. Whenever a subdivision is proposed abutting the right-of-way of a major arterial roadway, a marginal access street approximately parallel and

adjacent to such right-of-way may be required by the Planning and Zoning Commission at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Planning and Zoning Commission may also require a 20-foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said street do not have access thereto. (See Figure 6-11-25.5.1).

Figure 6-11-25.5.1
Marginal Access Street



§6-11-25.6 Alleys and Service Access. Alleys may be provided. If they are provided, they must be paved. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

§6-11-26 REQUIREMENTS FOR STREETS

§6-11-26.1 Bridges. Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards, as determined by the City Engineer.

§6-11-26.2 Grading and Stabilization of Street Rights-Of-Ways. When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Code Enforcement Officer in a manner acceptable to the City. All streets shall be graded to lines, grades and cross sections approved on plans. All unsurfaced disturbed portions of street rights-of-way shall be stabilized by seeding, fertilizing, and mulching or by another equally effective method.

§6-11-26.3 Radius at Street Intersections. The right-of-way radius at street intersections shall be a minimum of 15 feet, with larger radii for streets serving nonresidential development, as approved by the City. The minimum pavement (curb) radius at street intersections shall be 25 feet with streets having an angle of intersection of 90 degrees. Where the angle of street intersection is less than 90 degrees, a longer radius may be required by the City.

§6-11-26.4 Street Grades. No street grade shall be less than one and one-half (1½) percent. No street grade for an arterial or collector street shall exceed eight percent. No other local street grade shall exceed 12 percent, unless the City finds that due to topographic conditions, a steeper grade is necessary, in which case the street grade shall not exceed 15 percent. Grades between 12 percent and 15 percent shall not exceed a length of 150 feet.

§6-11-26.5 Minimum Street Right-Of-Way and Pavement Widths. Street right-of-way and pavement widths shall at minimum meet the following:

STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM PAVEMENT WIDTH (FEET)
Major Arterial Street	100	24 (edge of pavement to edge of pavement)
Minor Arterial Street	80	24 (edge of pavement to edge of pavement)
Collector Street	60	24 (edge of pavement to edge of pavement)
Local street with curb and gutter	60	26 (back of curb to back of curb)
Local street without curb and gutter	60	24
Cul-de-sac turn around radius (non-commercial and non-industrial)	50	35 (back of curb)
Cul-de-sac turn around radius (commercial and industrial)	90	75 (back of curb)
Alley	25	18

Figure 6-11-26.5.1

Residential Street with Curb and Gutter
(Cross Section Detail)

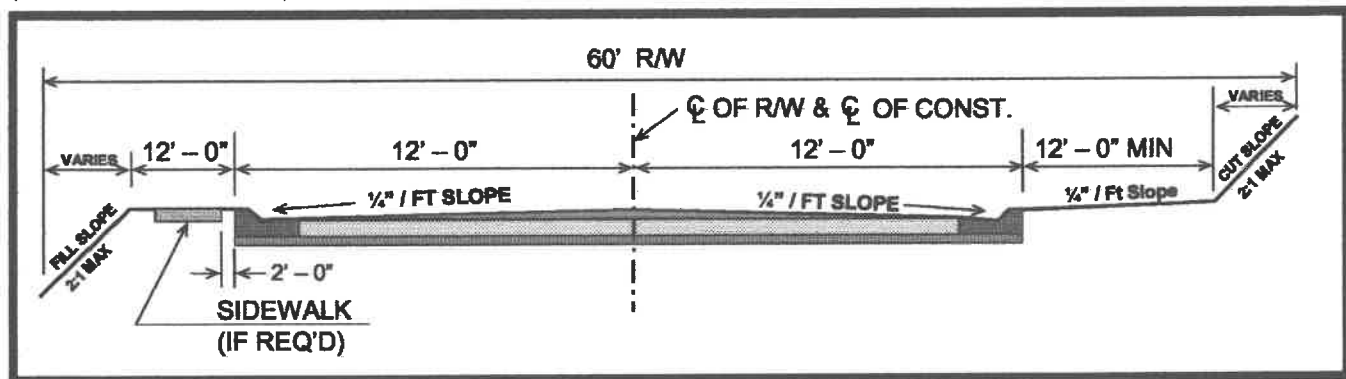
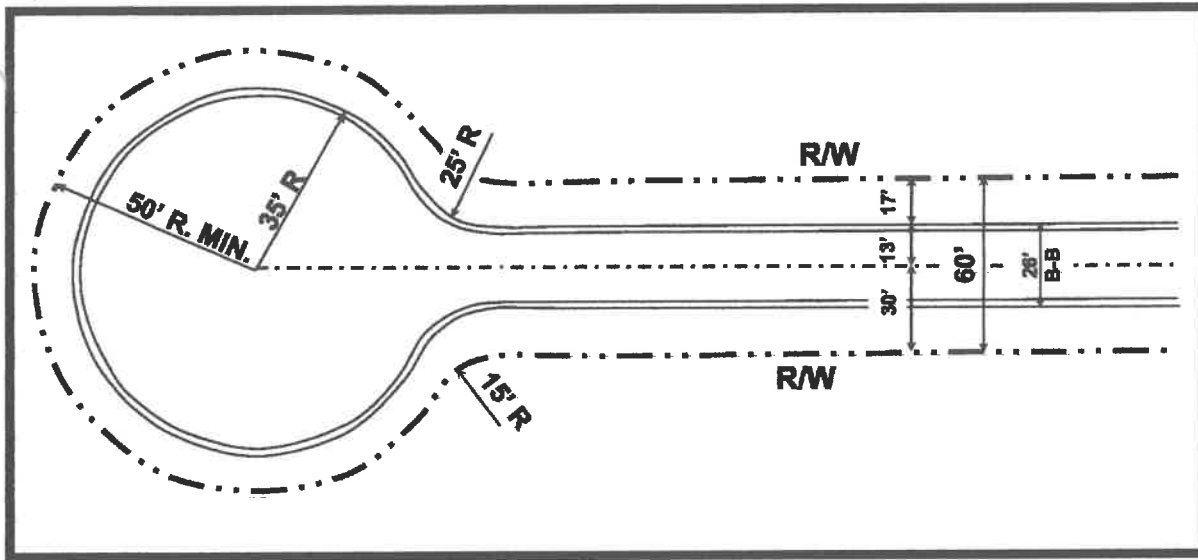


Figure 6-11-26.5.2
Residential Cul-de Sac Detail



§6-11-26.6 Street Horizontal Alignment and Reverse Curves. Street horizontal alignments and reverse curves shall at minimum meet the following:

STREET TYPE	MINIMUM HORIZONTAL RADI OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major Arterial Street	1,250	250
Minor Arterial Street	1,000	200
Collector Street	500	100
Local Street with curb and gutter	100	100
Local Street without curb and gutter	100	100
Dead-end Street	100	100

§6-11-26.7 Base and Paving Non-Commercial or Non-Industrial. Base and paving in all non-commercial or non-industrial developments and manufactured housing parks shall at least meet the following minimum specifications:

- (a) The road or street must be graded and must achieve a minimum ninety-five (95) percent modified compaction using a "sheep foot roller" or the equivalent. The City must inspect the graded road bed before base material may be applied.
- (b) Following inspection of the road bed, a minimum of six (6) inches of approved aggregate base must be applied. Base material and installation must be inspected by the City prior to the application of any hard surface (paving). The paving contractor is required to have an inspection sticker issued by the Georgia Department of Transportation (GDOT) on the asphalt spreader and chip spreader.

- (c) The City reserves the right to require core testing to assure compliance.
- (d) Subject to provisions of §6-11-13.5 the developer shall have 180 days from approval, as provided in sub-section (b), for paving to be completed. Roads or streets shall be paved using asphaltic concrete (plant mix). Specifications for plant mix asphalt shall be as follows: 1) any plant mix asphalt must comply with GDOT guidelines for the appropriate road or street; 2) plant mix asphalt shall, under all circumstances, have a minimum thickness of two (2) inches.
- (e) The developer shall furnish and maintain all necessary barricades and warning signs in the right-of-way while roadway frontage improvements are being made.

§6-11-26.8 Base and Paving Commercial or Industrial. Base and paving in all non-commercial or non-industrial developments and manufactured housing parks shall at least meet the following minimum specifications:

- (a) The road or street must be graded and must achieve a minimum ninety-five (95) percent modified compaction using, a "sheep foot roller" or the equivalent. The City must inspect the graded road bed before base material may be applied.
- (b) Following inspection of the road bed, a minimum of eight (8) inches of approved aggregate base must be applied. Base material and installation must be inspected by the City prior to the application of any hard surface (paving). The paving contractor is required to have an inspection sticker issued by the Georgia Department of Transportation (GDOT) on the asphalt spreader and chip spreader.
- (c) The City reserves the right to require core testing to assure compliance.
- (d) Subject to provisions of §6-11-13.5 the developer shall have 180 days from approval, as provided in sub-section (b), for paving to be completed. Roads or streets shall be paved using asphaltic concrete (plant mix). Specifications for plant mix asphalt shall be as follows: 1) any plant mix asphalt must comply with GDOT guidelines for the appropriate road or street; 2) all streets shall have a minimum thickness of two (2) inches of "B" mix and one and one half (1/2) inches of "E" mix.
- (e) The developer shall furnish and maintain all necessary barricades and warning signs in the right-of-way while roadway frontage improvements are being made.

§6-11-27 CURB CUTS AND ACCESS SPECIFICATIONS

§6-11-27.1 Entrance Improvement Specifications. Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the City, in accordance with State or City specifications. All entrances or exits of any street or driveway, public or private, from

or to any state highway shall be approved by the State Department of Transportation and the City prior to the construction of such entrances or exits and prior to the issuance of any building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any City street shall be approved by the City prior to the construction of such entrances or exits and prior to the issuance of any building permit for any improvement to be served by such entrances or exits.

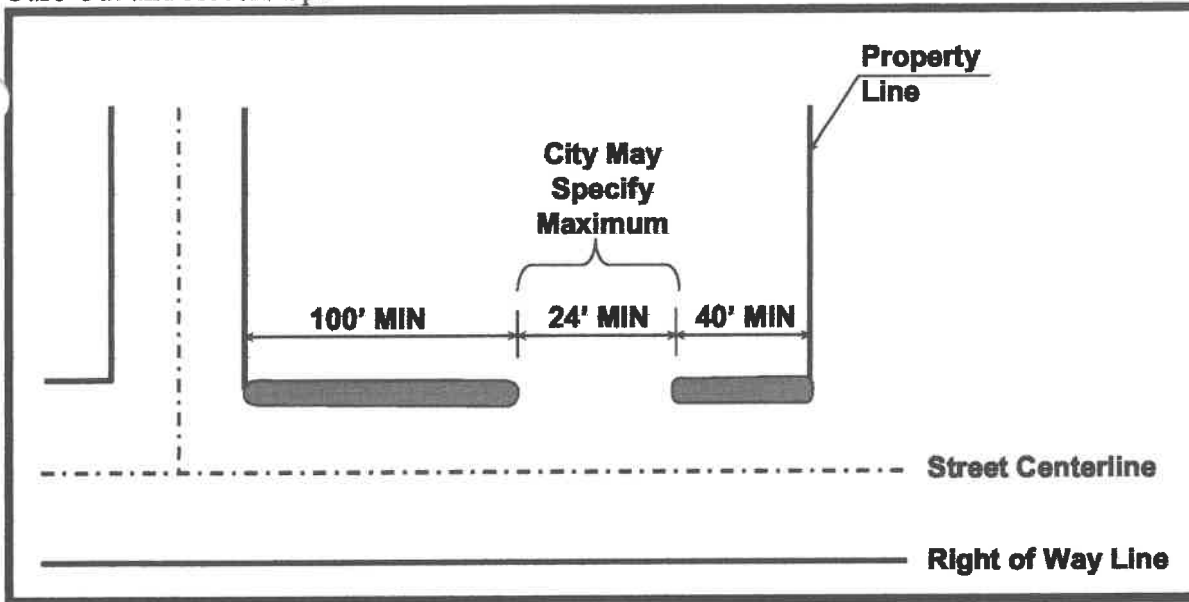
§6-11-27.2 Curb Cut Specifications. No curb cut or access driveway shall be permitted to be located closer than 100 feet to the nearest existing or proposed right-of-way of an intersecting roadway or closer than 40 feet to a side property line unless the adjacent property owner is in agreement with the encroachment of the driveway and approval is obtained from the City. Curb cuts or access driveways shall be no narrower than 24 feet from back of curb to back of curb. Strict adherence to these requirements may not be practical in all instances as determined by the City. The City may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

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

§6-11-27.3 Access Along and Near Divided Highways. Where a divided highway exists or is planned, the following access standards shall be met (see Figure 6-11-27.3.1):

Minimum Access Separation Requirements	Distance (Feet)
Curb cut of driveway from street intersection with divided highway	600
Parallel frontage road from right-of-way of divided highway	450
Curb cut or driveway on a local road from right-of-way of divided highway	300
Curb cut or driveway on a local road from state highway	200
Curb cut or driveway on parallel frontage road from local road	150

Figure 6-11-27.3.1
Curb Cut and Access Specifications

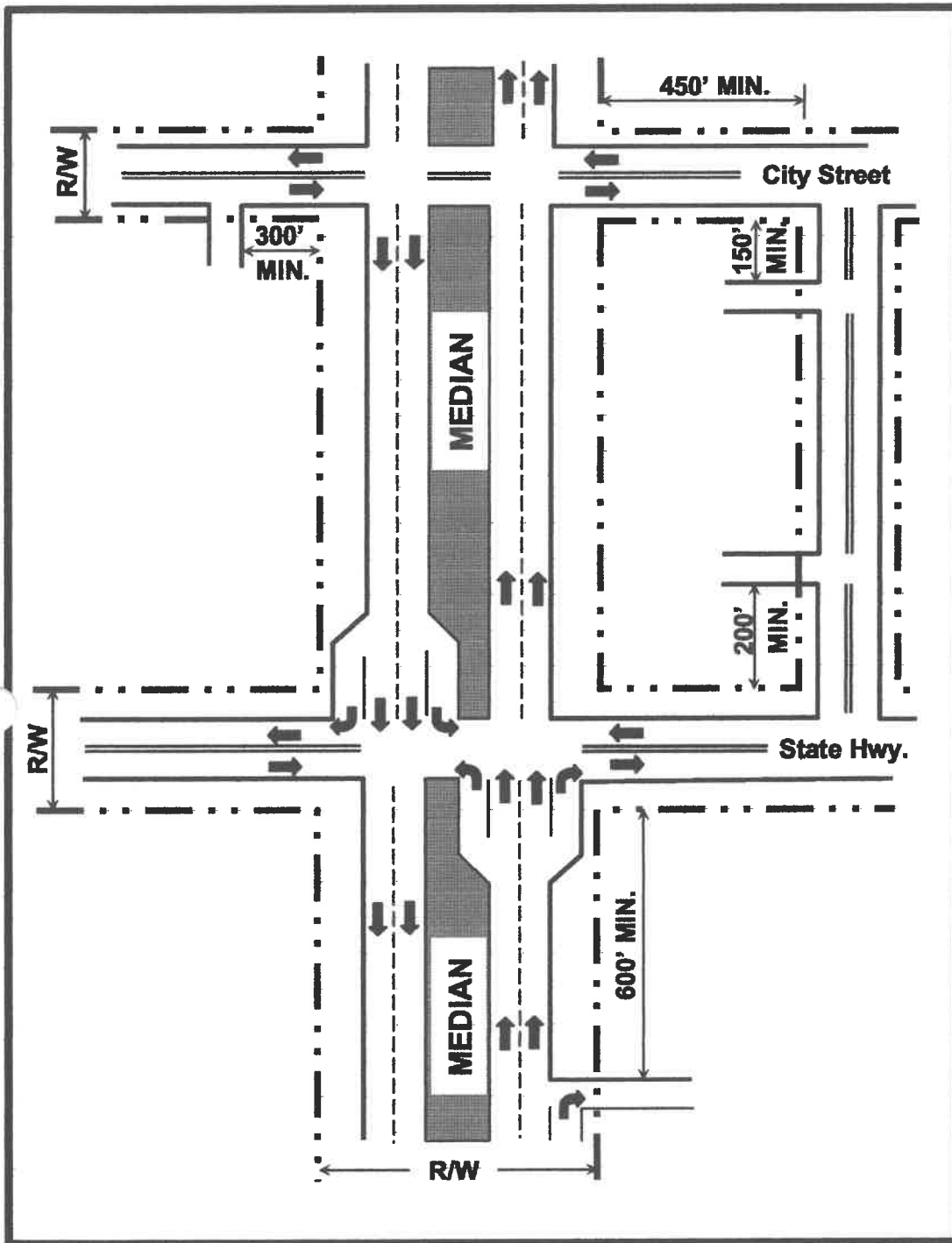


§6-11-27.4 Interparcel Connections. New development that contains or is intended to contain more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip. (See Figure 6-11-27.4.1).

(see figure next page)

Figure 6-11-27.4.1

Minimum Access Spacing Along and Near Divided Highway



§6-11-27.5 Access to Abutting Public Roads. There shall be one entrance providing direct access from a subdivision to existing abutting collector streets for every 200 residential dwelling units within the subdivision. Where subdivisions consist of multiple phases, the number of residential lots in all of the phases together shall be used to determine the appropriate number of entrances. Individual lots of a subdivision may not directly access existing state, county, or city streets or roadways. If there are more than 200 residences and a second access to an existing collector road is not available or, in the opinion of the city engineer, could induce non-residential traffic through the development, a single entrance may be allowed. However, such single entrance must be designed with the necessary traffic control and/or sufficient right-of-way and improvements including protected left-turn lanes to provide for the safe and efficient operation of the intersection, subject to the approval of the City.

§6-11-28 STREET LIGHTING

The City may require that subdivisions and land developments in urban and suburban areas provide street lighting along all public streets and along existing streets abutting the subdivision or land development. Such street lighting if required shall meet specifications of the City.

§6-11-29 STREET SIGNS

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the City. Street signs on exterior/boundary streets shall be installed by the City with the developer paying a proportionate share determined by the City. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer, subject to the approval of the City.

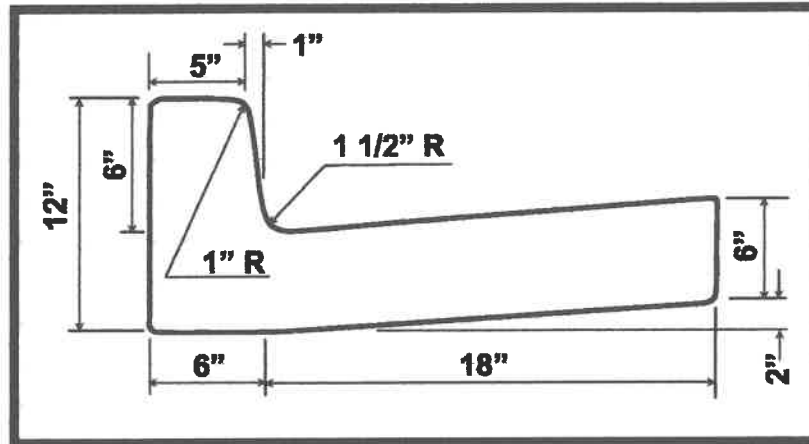
Unless otherwise provided in standards and specifications adopted by the City, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall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

§6-11-30 CURBS AND GUTTERS

Curbs and gutters shall be installed if required by the City in accordance with standards and specifications of the City. Subdivisions consisting totally of lots intended for single-family residential use containing a minimum of two acres shall not require curbs and gutters, provided, however, that curbs are required for all roads when sidewalks are required by these regulations. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of the lots. When property fronting on an existing City street is subdivided or developed, and the subdivision or land development uses said existing street for access, then curb and gutter shall be required along said street along the entire property frontage of said street.

Curbs shall be concrete which shall be class A 3000 psi strength at 28 days. The typical curb minimum section shall be six inches by 24 inches by 12 inches (Figure 6-11-30.1).

Figure 6-11-30.1
Vertical Curb Detail



All streets and roads not required to include curbs and gutters shall be graded, paved, and drained to meet all construction and drainage standards for ditches, slopes, and grassing according to specifications established by the City Engineer.

§6-11-31 SIDEWALKS

§6-11-31.1 When Required. Sidewalks shall be provided on all major arterial, minor arterial, collector streets and local streets, unless the City determines that no public need exists for sidewalks in a certain location. Sidewalks shall be required when land developments and subdivisions are located within one-mile of a public school. Sidewalks are required to be installed along one side of the street internal to a subdivision, except in cases where the average lot size of the subdivision is two acres or more.

§6-11-31.2 Location. Sidewalks shall be included within the dedicated nonpavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the City may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

§6-11-31.3 Specifications. Sidewalks shall be a minimum of four feet wide. A median strip of grassed or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs in residential areas.

§6-11-32 DRAINAGE AND STORMWATER MANAGEMENT

§6-11-32.1 General Requirements. An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor. The City may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Planning

and Zoning Commission shall not approve any preliminary plat of subdivision that does not make adequate provision for storm and flood water runoff channels or basins as determined by the City Engineer. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of drainage and stormwater management.

- §6-11-32.2 Method of Design and Capacity. Storm sewers, where required, shall be designed by the CSC Method, and a copy of design computations shall be submitted along with required plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a 10-year storm or rain shall be provided for all street drainage structures such as catch basin, inlets cross drains, etc. Capacity for a 100-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.
- §6-11-32.3 Location. Drainage facilities shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City. Catch basins shall be located at low points of streets. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.
- §6-11-32.4 Discharge. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Stormwater shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.
- §6-11-32.5 Grading and Site Drainage. Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.
- §6-11-32.6 Cross Drainpipes. 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, the design of which shall be approved by the City Engineer. Cross-drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drainpipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All storm drainpipes shall be minimum 18 inches in diameter. Storm sewer slopes shall be equal to or greater than one percent.

- §6-11-32.7 Drop Inlets. Drop inlets shall be generally three-foot by three-foot boxes with two-foot by three-foot grates unless otherwise specified by the City Engineer.
- §6-11-32.8 Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

§6-11-33 WATER

- §6-11-33.1 Generally. All habitable buildings and buildable lots shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply.
- §6-11-33.2 Water Main Requirements. When a public water main is accessible, the developer shall install adequate water facilities, including fire hydrants, according to specifications of the City. All water mains shall normally be at least six inches in diameter except that pipe of lesser size may be used if properly looped and adequate water pressure is maintained in accordance with standards established by the Southeastern Fire Underwriters Association. Pipe of less than four inches shall not be used except in unusual cases. Water lines shall be installed at least 30 inches below grade. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided.
- §6-11-33.3 Wells. If a county and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the City, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the Bartow County Health Department for its approval, and individual wells shall be approved by the Bartow County Health Department. Approvals shall be submitted to the Code Enforcement Officer prior to final subdivision plat approval.
- §6-11-33.4 Community Water System. If a county and/or municipal water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each lot platted, whether or not each lot is to be immediately developed;

shall be sanitary; and shall have a minimum pressure of 30 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the Bartow County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

§6-11-33.5 Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the Bartow County Fire Department. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any principal dwelling. Hydrants, fittings, valves and fire department connections shall be approved by the Fire Department. Fire department connections shall be not less than 18 inches or more than 36 inches above the level of the adjoining ground or paving. The thread of such connections shall be uniform with that used by the Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

§6-11-34 SEWER

§6-11-34.1 Generally. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

§6-11-34.2 Connection to Public Sewerage System. When a public sanitary sewerage system is reasonably accessible, as determined by the City, the subdivider or land developer shall connect with same and provide sewers accessible to each lot in the subdivision or to each land development. "Reasonably accessible" shall mean a connection available on a public right of way within 300 feet of the subject development. If a public sanitary sewer is reasonably accessible, it shall be unlawful to maintain upon any such property an individual sewage disposal system. When a public sanitary sewerage system is not immediately accessible but is anticipated by the City to be available within a period of three years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision or land development boundary so that a future connection with the public sewer main can be made. The City may condition the approval of a subdivision or land development on the agreement to connect to the public sewerage system upon its availability. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. No public sewer shall be less than eight inches in

diameter. Manholes shall be installed in sanitary sewers with a maximum distance between two manholes of 400 feet, unless otherwise specified by standards of the City. Sanitary sewer slopes shall be equal to or greater than 0.7 percent for eight inch lines. All sewer lines shall be designed with slopes to obtain a minimum velocity of two feet per second. Minimum 20-foot wide easements shall be provided for all sanitary sewer lines.

§6-11-34.3 Alternative Provision. If sanitary sewer is not available at the time of the development of the subdivision or land development, and if sanitary sewer is not anticipated to be available within a period of three years to serve the subdivision or land development in question, then on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the Bartow County Health Department and according to specifications adopted by the City. Low pressure sewer systems (systems with grinders or pumps at each individual household) are not permitted.

§6-11-34.4 Septic Tanks. Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Bartow County Health Department. Minimum lot size shall be as required by the Health Department.

§6-11-35 UTILITIES

§6-11-35.1 Placement of Utilities. All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least 10 feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a subdivision, lot, or land development site, perpetual unobstructed easements at least 10 feet in width shall be provided along side lot lines with satisfactory access.

§6-11-35.2 Utilities in Streets. All utilities to be installed in the streets shall be placed and compacted prior to paving.

§6-11-36 OVERSIZING OF IMPROVEMENTS AND UTILITIES

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

developments in the vicinity.

§6-11-37 PROCEDURE FOR ADMINISTRATIVE INSPECTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

Upon completion of public improvement construction, the subdivider or land developer shall notify the Code Enforcement Officer and request an inspection. The City Engineer shall inspect all public improvements and shall notify the subdivider or land developer by mail of non-acceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the City Engineer. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Article II of this Ordinance to be approved by the City shall be forwarded to the Mayor and City Council by the Code Enforcement Officer following receipt of written approval of the City Engineer.

§6-11 ARTICLE III: LEGAL STATUS PROVISIONS

§6-11-38 SEVERABILITY

It is intended the provisions of these regulations be severable and should any portions be held invalid, such invalidity shall not affect any other portions of these regulations.

§6-11-39 VIOLATIONS AND PENALTIES

Any violation of any provisions of the subdivision regulations shall constitute a misdemeanor. In case of multiple violations, each violation shall be considered separately, and each day of violation shall constitute a separate offense, and shall be punished as provided by law.

§6-11-40 CONFLICTING ORDINANCES

Whenever the provisions of these regulations and those of some other statute, ordinance or resolution apply to the same subject matter, the statute, ordinance or resolution requiring the highest, or more strict, standard shall apply.

§6-11-41 EFFECTIVE DATE

These regulations shall take as of the date of adoption, and be in force from and after its adoption by White, Georgia, the public welfare demanding.

Attest:

City of White, Georgia

Clerk

Mayor