

APPENDIX A

Subdivision Ordinance Spalding County, Georgia

4-26-94

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ARTICLE 1. GENERAL

Section 101: Short Title. This document is entitled *The Subdivision Ordinance of Spalding County, Georgia*. It may also be known by and cited by the short title of *Spalding County Subdivision Ordinance*.

Section 102: Authority. The power of a local government to enact an ordinance such as this, which is intended to protect the public health, safety, and welfare, is provided by the 1983 *Constitution of the State of Georgia*, Article 9, Section 2, Paragraph 4.

Section 103: Jurisdiction. This Ordinance applies to all land within unincorporated Spalding County, Georgia.

Section 104: Purposes. The Subdivision Ordinance of Spalding County, Georgia seeks to encourage the development of desirable land use patterns within Spalding County in accordance with the Spalding County Comprehensive Plan. The promotion of sound land use patterns is intended to reduce or eliminate the occurrence of certain conditions which can threaten the general health, safety, and welfare of the residents of Spalding County. This Ordinance should serve the following purposes:

- A. Encourage the development of economically sound and stable communities.
- B. Assure the provisions of required streets, utilities, facilities, and services to new land development.
- C. Assure the adequate protection of safe and convenient traffic access and circulations--both vehicular and pedestrian--in new land development.
- D. Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
- E. Assure in general the wise development of new areas in harmony with the Spalding County Comprehensive Plan.
- F. Assure consideration of any environmental impact (past, present and future) as a result of new land development.
- G. Assure site environmental inspection, clean-up and certification.

Section 105: Content. This Ordinance provides for the following:

- A. Defines certain terms used in this Ordinance.
- B. Establishes minimum standards for lots, streets, and other facilities associated with land development.
- C. Provides procedures for the administration and amendment of this Ordinance.
- D. Provides penalties for violation of this Ordinance.
- E. Repeals conflicting ordinances.

F. Assures appropriate environmental impact inspections and review.

ARTICLE 2. DEFINITION OF TERMS.

Section 201: Interpretation of Certain Common Terms. When used in this Ordinance, the following words and phrases have the meaning as defined in this article. Terms not defined here have the same meaning as is found in most dictionaries, where consistent with the context. The terms *must*, *will*, and *shall* are mandatory in nature, indicating that an action has to be done. The term *may* is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future. The word *developer* includes a *firm*, *corporation*, *co-partnership*, *association*, *institution*, or *person*. The word *lot* includes the words *plot* and *parcel*. The word *building* includes the word *structure*. The words *used* or *occupied* as applied to any land or building include the words *intended*, *arranged*, or *designed, to be used* or *occupied*.

Section 202: General Definitions.

- A. **Administrative Officer:** The person, officer, or official and his authorized representative, whom the County Manager of Spalding County has designated as its agent for the administration of these regulations.
- B. **Block:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.
- C. **Board of Commissioners:** The Board of Commissioners of Spalding County.
- D. **Buffer:** That portion of a lot established for open space purposes and intended to separate properties with different and possibly incompatible types of use. A buffer shall not be occupied with structures and facilities except as permitted by this Ordinance. Where required by this Ordinance, a buffer must include the installation of a suitable visual screen in accordance with the provisions contained in Article 4 of the Spalding County Zoning Ordinance.
- E. **Building Line:** The line that represents the distance a building must be set back from the boundary line of a lot, measured at the foundation of the building.
- F. **Building Setback Line:** A line parallel to a specified minimum distance from the front, side, or rear property lines beyond which no foundation wall or part of the structure of any building projects with the exception of roof overhang, steps, and the subsurface projection of footings.
- G. **Center Line, Street:** That line surveyed and monumented by the governing authority as the center line of a street, or if such a center line has not been surveyed, it is the line running midway between the outside curbs or ditches of the street.
- H. **Comprehensive Plan:** Any part or element of the overall plan for development adopted by the Board of Commissioners as amended.
- I. **Construction Plan:** A plan, based on the approved preliminary plat, which shows all street design and profiles, topographic information, utility construction plans, sediment and erosion control plans, and other information which may be required by the Administrative Officer. It is submitted to the Administrative Officer and requires only his approval.
- J. **Crosswalk:** A right of way within a block dedicated to public use, intended primarily for

pedestrian use, and designed to provide access to adjacent roads and lots.

- K. **County:** Spalding County, Georgia.
- L. **Curb Cut:** The point at which vehicular access is provided to an adjoining street from a lot.
- M. **Design Standards:** The specifications to land owners or subdividers for the preparation of plats -- both preliminary and final -- indicating among other things the optimum, minimum, or maximum dimensions of such items as right-of-way, blocks, easements, and lots.
- N. **Easement:** The right or privilege of using another's property, for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, pedestrian ways, and other purposes.
- O. **Elevation, Front:** The view of a building or group of buildings as seen from directly in front of the structure.
- P. **Environmental Matters:** Those matters pertaining to possible soil and groundwater contamination, including storage tanks, chemical use, storage and disposition, hazardous waste and solid waste disposal, air quality, and surface water contamination.
- Q. **Final Plat:** A finished drawing or map of a subdivision, meeting all of the requirements of this Ordinance in the form required by this Ordinance, and showing completely and accurately all legal design and engineering information, and certified as required for recording.
- R. **Flood Boundary:** That area threatened by possible flood under normal to severe circumstance; determined as shown on the Flood Insurance Rate Map, published by the Federal Emergency Management Agency (FEMA), July 2, 1991.
- S. **Hearing:** An unadvertised but official session of the Spalding County Planning Commission or the Board of Commissioners held to afford a subdivider or his agent an opportunity to present information and confer on a subdivision plat with the Planning Commission or the Board of Commissioners.
- T. **Lot:** A parcel of land under single ownership occupied or capable of being occupied by one or more buildings and customarily incidental accessory buildings or uses, including such open spaces as are required by this Ordinance.
- U. **Lot, Corner:** A lot located at the intersection of two or more streets.
- V. **Lot, Double Frontage:** A lot, other than a corner lot, which has frontage on more than one street.
- W. **Lot of Record:** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Spalding County, Georgia; or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of the lot or parcel will be considered a lot of record.

- X. **Lot Remnant:** Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of the lot to adjoining lots.
- Y. **Lot Width:** The distance between side lot lines measured at the front building line. If a corner lot, the distance between lot lines measured along the front building line that parallels or more nearly parallels the rear lot line.
- Z. **Owner(s) of Record:** The owner(s) of property as specified on the deed of the lot of record.
- AA. **Parks and Playgrounds:** Public or community land, open spaces, or recreation areas represented on a subdivision plat as dedicated, reserved, or intended to be reserved, for recreational purposes.
- BB. **Pedestrian Way:** Crosswalk or other areas designed and marked specifically for pedestrian traffic.
- CC. **Percentage of Grade:** Measured down the street centerline, the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.
- DD. **Planned Development:** A coordinated large-scale or comprehensive group development designed and constructed according to a development plan which has been approved by the Board of Commissioners.
- EE. **Planning Commission:** The Spalding County Planning Commission.
- FF. **Pre-application Review:** An initial and informal stage of subdivision review at which the developer may make known preliminary plat proposals and the Planning Commission may respond and/or advise the developer concerning the application of the provisions of this Ordinance.
- GG. **Preliminary Plat:** A tentative drawing or map of a proposed subdivision meeting requirements of this Ordinance and showing the proposed layout in sufficient detail, although not completely computed, to indicate unquestionably its workability.
- HH. **Private Drive:** A non-public, privately owned accessway.
- II. **Private Street:** Any street which is not dedicated to Spalding County and is identified in Section 502, G., of this Ordinance.
- JJ. **Protective Covenants:** Contracts made between private parties, or conditions recorded with an approved plat and running with the title to the land, specifying the manner in which land may be used, developed, or improved with the intent of protecting and preserving the physical and economic integrity of a given area.
- KK. **Public Hearing:** An official session of the Planning Commission or the Board of Commissioners, advertised according to law and called for purposes specified in the public notice.
- LL. **Reserve Strip:** A strip or parcel of land along, around, or between properties for the purpose of restricting access.

MM. **Review Agency:** Any so designated agency other than the Planning Commission or the Board of Commissioners which may review appropriate parts of plat submissions by reason of technical capability, authority, or interest.

NN. **Right of Way:** A strip of land designed, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation and owned by a county or municipality.

OO. **Road:** A public or private right of way affording primary access by pedestrians and vehicles to and between properties and designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.

1. Freeways are grade-separated, high-capacity streets from which access to abutting property is prohibited, and which have interchanges at specific locations with major and minor right of way required for a proposed street and include all streets shown as freeways on the county thoroughfare plan.
2. Major and secondary arterials are those which are used primarily for fast or heavy traffic and may provide controlled access to abutting properties and include all streets shown as existing or proposed major or secondary arterials on the county thoroughfare plan.
3. Collector streets are those which carry traffic from local streets to the system of major and secondary arterials, and include all streets shown as existing or proposed collector streets on the county thoroughfare plan.
4. Minor streets are subdivision streets which are over one thousand (1000) feet in length, and/or provide frontage and access for more than twenty-four (24) lots. No minor street shall connect to another minor street.
5. Local streets are subdivision streets which are less than one thousand (1000) feet in length and provide access and frontage for fewer than twenty-four (24) lots.

PP. **Subdivider:** Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

QQ. **Subdivision:**

1. The division of a lot of record at the time of enactment of this Ordinance into five (5) or more lots, building sites, or other divisions for the purpose--whether immediate or future--of sale, legacy, or building development.
2. This definition does not include the following:
 - a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are at least equal to standards set forth in this ordinance.
 - b. The division of land among heirs by judicial decree.
 - c. The division of land into parcels of three (3) or more acres where no

new street is involved.

ARTICLE 3. FEES

Section 301. Major Subdivision.

The following fees shall be assessed for submission, review and approval of a subdivision of real property, as defined in Section 202(QQ): (#A-99-07, 09-07-99; #A-00-12, 07-17-00; #A-07-03, 05-07-07)

- A. Preliminary Plat Approval: Set by Board of Commissioners
- B. Review of Construction Plans: Set by Board of Commissioners
For subdivision consisting of:
 - 1. less than 10 acres
 - 2. 10 - 24.99 acres
 - 3. 25 - 49.99 acres
 - 4. 50 or more acres
- C. Final Plat Approval: Set by Board of Commissioners
- D. Final Plat Amendment: Set by Board of Commissioners
- E. Utility Installation: (#A-04-14, 08-02-04) Set by Board of Commissioners
- F. Resubmittal of Construction Plans Set by Board of Commissioners
(#A-08-21, 10-06-08)

Section 302. Minor Subdivision.

The following fees shall be assessed for submission, review and approval of a subdivision of real property, which is not included within Section 202(QQ): (#A-99-07, 09-07-99; #A-00-12, 07-17-00)

- A. Plat approval for real property consisting of:
 - 1. less than 10 acres \$ 200.00
 - 2. 10 or more acres \$ 300.00
- B. Review of Plat Amendment: \$ 100.00

ARTICLE 4. GENERAL PROCEDURES.

Section 401: Initial Information.

- A. Article 4 outlines the procedures to be followed in order to comply with the requirements of this Ordinance. The subdivider (See definition of "subdivider" in Article 2), who initially may not be familiar with this Ordinance, first visits the office of the Administrative Officer to get information concerning ordinances affecting his proposed development.
- B. The Administrative Officer will show the subdivider a copy of this Ordinance. The subdivider may either review the document in the office or he may purchase a copy for his own use.

Section 402: Compliance with Subdivision Ordinance Required.

- A. **Approval of Subdivision Plats:** Any "person" proposing to subdivide land within unincorporated Spalding County must submit to the County, plats of the proposed subdivision which conform to all regulations set forth in this Ordinance. Application for approval of the plats must be made to Spalding County under procedures contained in this Article.
- B. **Platting Authority:** The Board of Commissioners is the official platting authority of Spalding County. No subdivision plat may be recorded in the office of the Clerk of the Superior Court of Spalding County unless it has first been approved by the Board of Commissioners. The filing or recording of a subdivision plat without the approval of the Board of Commissioners as required by this Ordinance is a violation of this Ordinance and is punishable as provided by this Article.
- C. **Physical Development:** No "subdivider" or "person" may proceed with any construction work on a proposed subdivision before obtaining Preliminary Plat and Construction Plan Approval.
- D. **Use of Plat:** The transfer of, sale, agreement to sell, or negotiation to sell land by reference to, exhibition of, or other use of a subdivision plat that has not been given a Final Certificate of Approval by the Board of Commissioners and recorded in the office of the Clerk of the Superior Court of Spalding County is prohibited. The description by metes and bounds in the instrument of transfer or other documents does not exempt the transaction from this prohibition.
- E. **Opening and Improving Streets:** The Board of Commissioners may locate, construct, and accept a street if the proposed street is first submitted to the Planning Commission for its review and recommendations. Land designated, reserved, proposed, or dedicated as a street by a subdivider on a subdivision plat will be accepted, opened, or improved by Spalding County only if one (1) of the following conditions exists:
 - 1. The street corresponds in its location and lines with a public or private street shown on a Final Plat approved by the Board of Commissioners.
 - 2. The street corresponds in its location and lines with a public or private street shown on a Final Plat made and adopted by the Board of Commissioners.

3. The street has been accepted as, opened as, or otherwise received as the legal status of a public street prior to the adoption of this Ordinance.
 4. The Board of Commissioners accepts the street after soliciting review and recommendation on the proposed street by the Administrative Officer.
- F. **Erection of Building:** No building permit will be issued, no building may be erected, and no factory-manufactured building may be installed on any lot in any subdivision unless the street giving access to the lot has been approved in accordance with the provisions of this Ordinance.

Section 403: General Overview of Subdivision Plat Review and Approval Procedures.

- A. **Introduction:** The procedure for the formal review and approval of a subdivision plat consists of one (1) recommended stage and four (4) required stages. These are as follows:
1. Preliminary Plat Stage.
 2. Construction Plan Stage.
 3. Final Plat Stage.
 4. Recording and Dedication Stage.
- B. **Preliminary Plat Stage:** The subdivider must submit to the Planning Commission for approval a Preliminary Plat of the proposed subdivision prepared in accordance with the provisions of this Ordinance. If the proposed subdivision abuts a state highway, a certificate of approval by the Georgia Department of Transportation must accompany the Preliminary Plat submission. The subdivider must also furnish copies of such a Preliminary Plat to all utility companies serving the area. Approval of the Planning Commission will be indicated on the face of the Preliminary Plat.
- C. **Construction Plan Stage:** Prior to making any street improvements or installing any utilities or other improvements, the subdivider must submit to the Administrative Officer construction plans of the proposed subdivision prepared in accordance with the provisions of this Ordinance. The design presented in the construction plans must be in conformance with the general design information presented in the Preliminary Plat that was approved by the Planning Commission. The construction plans must show all street design profiles, topographic information, utility construction plans, sediment and erosion control plans, and other information as may be requested by the Administrative Officer. The Construction Plan Stage requires the review and approval of only the Administrative Officer.
- D. **Final Plat Stage:** After completion of the physical development, or arrangements for physical development acceptable with the provisions of this Ordinance, of all or part of the area shown on the Preliminary Plat as approved by the Planning Commission, and before selling any lots, a Final Plat together with the required certificates must be submitted to the Board of Commissioners for approval. The subdivider must also furnish copies of the approved Final Plat to all utility companies serving the area.
- E. **Recording and Dedication:** After the Final Plat is approved by the Board of Commissioners, the Final Plat and appropriate documents become the instrument to be recorded in the office of the Clerk of the Superior Court of Spalding County, Georgia.

After recording, the appropriate deeds and documents must be presented to the appropriate local government agency for dedication and acceptance.

- F. **Exception for Minor Subdivisions:** Subdivisions which do not involve the platting, construction, or opening of new streets, sewers, or water facilities, or subdivisions which do not involve improvement to existing streets are defined as minor subdivisions. They are subject only to the requirements of the Final Plat Stage and the Recording and Dedication Stage. Subdivisions so defined will be accepted by the Spalding County Board of Commissioners in the form of a Final Plat, and the Final Plat must comply in all respects to the requirements of this Ordinance. (#A-08-13, 07-07-08)

Section 404: Submission and Approval of Preliminary Plat.

- A. **Preliminary Plat Submission:** At least thirty (30) days before the regularly scheduled monthly meeting of the Planning Commission at which the subdivider desires Planning Commission action, the subdivider must submit the following:
1. A letter requesting review and approval of a Preliminary Plat and giving the name and address of a person to whom the notice of hearing and action on the Preliminary Plat is to be sent.
 2. Twelve (12) copies of the Preliminary Plat and supporting data. At this time, the Planning Commission may direct the subdivider to furnish additional copies to the review agencies having appropriate technical expertise or proper authority for review and comment.
 3. If the subdivision is *not* to be served by public water and sewage systems, a certificate from the Spalding County Health Department approving the proposed water supply and sewage disposal systems.
 4. If the proposed subdivision abuts a state highway, a certificate of approval of the proposed subdivision by the Georgia Department of Transportation.
- B. **Official Date of Submission:** The official date of submission of the Preliminary Plat will be the date of the next regularly scheduled monthly meeting of the Planning Commission.
- C. **Preliminary Plat Review:** The Planning Commission will review the Preliminary Plat for conformance to this Ordinance and other relevant regulations and will consider the comments or suggestions of the appropriate review agencies requested to review the Preliminary Plat. The Planning Commission will indicate on the Preliminary Plat, or by a written memorandum attached to the Preliminary Plat any comments or suggested changes that are necessary to meet the intent of this Ordinance or to serve the best interests of Spalding County.
- D. **Action of the Planning Commission:** No more than forty-five (45) days after the official date of submission of the Preliminary Plat, the Planning Commission will either approve the plat, conditionally approve the plat (noting the conditions of approval on the plat), or *not* approve the plat. Action may be taken on the entire Preliminary Plat or any portion of it.
- E. **Failure of Planning Commission to Act:** If the Planning Commission fails to act within forty-five (45) days of the official date of submission of the Preliminary Plat, the Preliminary Plat will be automatically approved by the Planning Commission.

- F. **Approval of Preliminary Plat:** Approval of a Preliminary Plat is only tentative, pending submission of the Final Plat, and is effective and binding upon the Planning Commission for a period of no more than two (2) years. After two (2) years, only the work on the subdivision that has been completed in conformance with the Preliminary Plat may be approved by the Planning Commission. Before the two (2) year period expires, the subdivider may submit to the Planning Commission a request in writing for an extension of time. If the Planning Commission grants such an extension, work on the remainder of the subdivision may continue within the limits of the extension.

Section 405: Specifications for Preliminary Plat. The Preliminary Plat must meet the minimum standards of design set forth in this Ordinance and must include the following:

- A. Proposed name of subdivision and name of former subdivision, if any or all of the proposed subdivision has been previously subdivided.
- B. Name and address of person in charge of plat preparation.
- C. Date of plat preparation with space for revision dates.
- D. Graphic scale shall be not less than one (1) inch equals 100 feet.
- E. North point, identified as magnetic, true, or grid north.
- F. Area of proposed subdivision in acres.
- G. Appropriate legend of symbols used on plat.
- H. Vicinity map locating the subdivision in relation to the immediately surrounding area.
- I. Zoning district classification(s) of land to be subdivided and adjoining properties.
- J. Government jurisdictional boundaries and land lot lines, if applicable.
- K. The subdivider shall submit a Preliminary Plat of his entire tract, even though his present plans may call for the actual development of only a small portion of the property. Any unit divisions or phasings of unit divisions intended in the preparation of the Final Plat must be represented on the Preliminary Plat.
- L. Resubdivision: In the case of resubdivision, a copy of the existing plat with the proposed resubdivision superimposed on must be provided.
- M. Elevations: All elevations must refer to Mean Sea Level Datum.
- N. Sheet Size must be no larger than forty-two (42) inches long and thirty (30) inches wide. A margin two (2) inches wide must be on the left side for binding purposes, and margins of one-half (1/2) inch must be on the other three sides. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.
- O. Location and dimensions of all property boundary lines of the subdivision.
- P. Plot or site plans may be required for certain lots. Field run topographic surveys may be required for particular lots having site specific drainage problems. All commercial site

plans must be based on a field run topographic survey with a maximum contour interval of two (2) feet.

- Q. All proposed lot lines, block and lot identification, and building setback lines.
- R. Location of natural features--including streams and water courses with direction of flow and acreage of the drainage area affecting the proposed subdivision, water bodies, swamps, tree line of wooded areas, and orchards and other agricultural groves.
- S. Right of way, pavement widths, and names of existing and platted streets on or adjacent to the proposed subdivision.
- T. Railroads and railroad rights of way on or adjacent to the proposed subdivision.
- U. Bridges, buildings, and other structures on or adjacent to the proposed subdivision.
- V. All surface utility lines within easements or rights of way on or adjoining the tract (showing the location of towers or poles) on or adjacent to the proposed subdivision.
- W. Existing sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights of way on or adjoining the tract (grades and invert elevation of sewer must also be shown).
- X. All other easements and rights of way on or adjacent to the proposed subdivision.
- Y. Location of nearest existing water main adjacent to the proposed development and locations of all proposed water mains and fire hydrants within the proposed development.
- Z. Location of the one-hundred year flood plain adjacent to and within the proposed development.
- AA. Soil classifications in the proposed development.
- BB. Layout of all streets and other accessways with right-of-way and pavement widths, as well as proposed street names within the proposed subdivision.
- CC. Layout of all lots, including building setback lines; scaled dimensions on lots; utility easements with width and use; block number; and lot numbers within the proposed subdivision.
- DD. Provisions for sewage disposal systems (individual or public), with approval by the Spalding County Health Department shown by type of system proposed. (#A-03-30, 12-15-03)
- EE. Provisions for water supply systems (individual, community, or public), with approval by the Spalding County Health Department shown by type of system proposed.
- FF. Location(s) or previous location(s) of any underground storage tank(s), hazardous material(s) and waste disposal area(s).
- GG. Designation of lands to be reserved or dedicated for public use.
- HH. All land uses, including areas to be occupied by uses other than single-family dwellings,

including the following:

1. Multi-family residential.
2. Commercial.
3. Industrial.
4. Recreation, open space, and areas for other such uses.

II. A note that states: "Preliminary Plat: Not To Be Recorded."

JJ. Certificates: The following certificates shall be inscribed on the Preliminary Plat:

1. I hereby certify that this Preliminary Plat is a true representation of the results of an actual survey by me, or under my supervision, conforming to the normal standards of care of professional surveyors practicing in the state of Georgia and that all monuments shown hereon actually exist or are marked "future" and that the surveying requirements for Preliminary Plats of the Subdivision Ordinance of Spalding County have been fulfilled.

Registered Land Surveyor No. _____

Date: _____

2. I hereby certify that the engineering requirements for this Preliminary plat as prescribed by the Subdivision Ordinance of Spalding County have been fulfilled.

Registered Professional Engineer No. _____

Date: _____

3. I hereby certify that this subdivision plat was approved by the Spalding County Planning Commission on _____.

Chairman
Spalding County Planning Commission

Section 406: Submission and Approval of Construction Plans.

- A. **Construction Plan Submission:** After the Preliminary Plat of the proposed subdivision has been given approval by the Planning Commission, the subdivider may, within two (2) years of that approval, submit construction plans to the Administrative Officer.
- B. **Format:** Twelve (12) copies of the Construction Plans must be submitted to the Administrative Officer. The scale on the Construction Plans shall not be less than one

hundred (100) feet to the inch.

- C. **Review of Construction Plans:** It is recommended that the subdivider contact all agencies represented on the Subdivision Review Committee. The Subdivision Review Committee is as follows:

1. Planning Department
2. Public Works Department
3. Health Department
4. Soil Conservation Service
5. Water and Sewerage Facilities Authority
6. Fire Department
7. Utility (Electricity, Gas, Telephone, and Cable TV) Departments, Authorities, Cooperatives, or Franchises.

All agencies must approve or disapprove the construction plans within twenty-one (21) working days of the receipt of plans. If the plans are disapproved, the subdivider shall be notified in writing of the reasons for disapproval. Upon receipt of the revised plans, all agencies shall approve or disapprove the revised construction plans within twenty-one (21) working days from receipt of the revisions. When the plans are approved, the Building Official is then authorized to issue a land-disturbance permit and a grading permit so that the subdivider may begin construction.

- D. **Compliance with Nationwide Permit Regulations for Wetlands:** The subdivider shall submit documentation to show that the proposed construction complies with the terms and conditions of Nationwide Permit Regulations as promulgated by Part 330, Appendix (c)(13)(d) of Regulations for Wetlands published in the Federal Register, Volume 56, No. 226, November 22, 1991.
- E. **Approval of Construction Plans:** Approval of Construction Plans constitutes authorization to proceed with the installation of any required improvements, subject to the approval of agencies having the proper authority over such individual improvements, and the preparation of the Final Plat, or unit division or phase of unit division.

Section 407: Specifications for Construction Plans. The Construction Plan must meet the minimum standards of design set forth in this Ordinance and must include the following:

- A. A letter requesting review and approval of the construction plans, giving the name, address and telephone number of the subdivider submitting the plan.
- B. Twelve (12) copies of the approved preliminary plat.
- C. Plans and profiles of streets.
- D. Typical road sections.
- E. Field run or aerial topographic map referenced to a datum of mean sea level with contour

intervals not to exceed two (2) feet.

F. Storm Drainage:

1. Locations, calculations (pipe size, velocity, grade, drainage area, quantity of runoff) and profiles for all drainage structures.
2. Sizing of storm drainage piping shall be based on a one hundred (100) year frequency storm.
3. In cases where the developer chooses not to develop the land through which the drain runs, then the trench may be left open; however, in any case, an easement of twenty (20) feet shall be shown on the plat and no building or driveway shall be built over or within forty (40) feet of the open drainage easement. No building permit will be approved unless the installation meets the requirements of the County.
4. When the developer chooses to leave the drain open and the drain is crossed by a driveway, size of the pipe shall be determined by the engineer designing the subdivision, and no building permit will be approved unless the installation meets the requirements of the County.
5. Storm drainage shall extend at least thirty (30) feet beyond the minimum required front yard setback.

G. Water and sanitary sewer plans (if applicable) which comply with all county development standards.

H. A specification chart on the plans with all pipe gauges and other pertinent specifications.

I. Site grading plan with soil erosion and sedimentation control plan in accordance with the Towaliga Soil and Water Conservation District Office Standards.

J. The one-hundred (100) year flood plain must be depicted accurately and bear the certification of a registered professional engineer or professional surveyor and the sources of all data shall be identified on the plan.

K. Hydrology Study

1. Hydrology study will be required on storm frequencies of 2, 5, 10, 25, 50 and 100 years.
2. Detention is required on storm frequencies of 2, 5, 10, 25, 50 and 100 years. No additional runoff will be allowed over the predeveloped rate. All detention facilities shall be fenced with a cyclone fence a minimum of six (6) feet in height. Potential access to detention facilities shall be provided by means of a fifteen (15) foot minimum width fence gate, latched and locked five (5) or more feet above grade, a fifteen (15) foot minimum width easement to a public right of way. (A-99-05, 05/04/99)
3. Pertinent hydrographs and detail of detention facilities (plan and profile views).
4. Detail of outlet structure and any other data necessary for hydrology.

5. Detention requirements for any development located adjacent to a watercourse with a drainage basin significantly larger than the area proposed for development may include a required "timing study analysis." If required, such study must comply with the guidelines set forth in the Georgia Stormwater Management Manual utilizing acceptable methods for determining flow path times and hydrographs. HEC-1 models must be utilized to produce hydrographs of the site and basin for use in determining peak flow rates at the study point determined to be the critical point of study. The "10% rule" outlined in the Georgia Stormwater Management Manual should be utilized in studying the downstream impact of development and reported in the study. A pre-design meeting will be required before plans or a study is developed and submitted for review. (#A-02-05, 09-03-02)

L. **Certifications:**

1. The following certificates shall be inscribed on the Construction Plans:
 - a. I hereby certify that the engineering requirements for this construction plan as prescribed by the Subdivision Ordinance of Spalding County have been fulfilled.

Registered Professional Engineer No. _____
Date: _____

- b. I hereby certify that this construction plan was approved by Spalding County on _____.

Administrative Officer

Section 408: Submission and Approval of Final Plat.

- A. **Final Plat Submission:** After the Preliminary Plat of the proposed subdivision has been given tentative approval by the Planning Commission, Construction Plans have been approved by the Administrative Officer, and required improvements have been completed (or arrangements therefor approved), the subdivider must, within two (2) years from the date of the Preliminary Plat approval, apply for Final Plat approval. The subdivider must submit to the Board of Commissioners at least fifteen (15) days prior to a regular monthly meeting of the Board at which the subdivider desires action of the Board of Commissioners, the following:
 1. A letter requesting review and approval of a Final Plat and giving the name and address of the person to be notified of the action on the Final Plat.
 2. Twelve (12) paper copies of the Final Plat and other documents as may be specified, and the original tracing or reproducible print of the original tracing drawn in permanent ink or equivalent on Mylar, which bears the certificates as required by this section. The scale of the plat must be not less than 100 feet to the inch.

3. Any and all appropriate documents (including but not limited to a deed of transfer) and plans as constructed and request that Spalding County or any other applicable authorities to accept dedicated streets, other public spaces and utilities. (#A-00-02, 03-06-00)
 4. One copy of the final plat in electronic CAD format (.dxf) registered in Georgia State Plane *West* NAD 1983 coordinates, submitted on a 3.5" floppy diskette or a CD-ROM. An additional charge of 20% of the final plat fee *or* \$10.00 per lot, whichever is greater, will be required if a copy of the final revision is not submitted in electronic format. This fee must be paid before the final plat can be approved. (#A-00-16, 08-07-00; #A-03-33, 01-05-04)
 5. In all subdivisions with common open space, submittal of the homeowner's association documents and covenants shall be submitted. Such documentation shall meet the following standards: (#A-08-16, 09-22-08)
 - a. A description of the organization of the proposed association, including its bylaws any and all documents governing ownership, any and all documents governing maintenance and use restrictions for greenspace and common facilities.
 - b. The proposed association shall be established by the owner or applicant and shall be operating (with sufficient financial subsidization by the owner of applicant, if necessary) before the sale of any dwelling units in the development.
 - c. Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title.
 - d. The association shall be responsible for maintenance and insurance of any and all common facilities and shall provide proof of insurance.
 - e. The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in payment of any required dues, fees or assessments. Such dues shall be paid with the accrued interest before the lien may be deemed satisfied.
 - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to Spalding County no less than thirty (30) days prior to such event.
- B. **Official Date of Submission:** The official date of submission of the Final Plat will be the date of the next regularly scheduled monthly meeting of the Board of Commissioners.
- C. **Final Plat Review:** The Board of Commissioners will review the Final Plat for conformance with the approved Preliminary Plat as well as with this Ordinance and other relevant regulations.
- D. **Action of the Board of Commissioners:** No more than forty-five (45) days after the official date of submission of the Final Plat, The Board of Commissioners will either issue a Certificate of Approval for Recording, conditionally approve the plat (noting the conditions of approval on the plat), or disapprove the plat. If the Final Plat is

conditionally approved, once the subdivider has complied with the conditions indicated, the Board of Commissioners will issue a Certificate of approval on the plat), or disapprove the plat. If the Final Plat is disapproved, the Board of Commissioners will notify the subdivider in writing, stating the reasons for the disapproval. One (1) copy and the original of the plat will be returned to the subdivider, and one (1) copy will be made part of the records of the Board of Commissioners. Action may be taken on the entire Final Plat or any portion of it.

- F. **Failure of Board of Commissioners to Act:** If the Board of Commissioners fails to act within forty-five (45) days of the official date of submission of the Final Plat, the Final Plat will be automatically approved by the Board of Commissioners.
- G. **Approval of Final Plat:** Approval of the Final Plat authorizes the subdivider to proceed with the Recording and Dedication procedures.

Section 409: Specifications for Final Plat. The Final Plat must meet the minimum standards of design set forth in this ordinance and must include the following:

- A. **General:**
 - 1. **Title Block** including:
 - a. Name and address of owner(s) of record.
 - b. Proposed name of subdivision and name of former subdivision, if any or all of the proposed subdivision has been previously subdivided.
 - 2. **Plat Key** including:
 - a. Name and address of person in charge of plat preparation.
 - b. Date of plat preparation with space for revision dates.
 - c. Graphic scale shall be not less than one (1) inch equals one hundred (100) feet.
 - d. North point, identified as magnetic, true, or grid north.
 - e. Area of proposed subdivision in acres.
 - f. Appropriate legend of symbols used on plat.
 - 3. **Vicinity Map** locating the subdivision in relation to the immediately surrounding area and showing generally:
 - a. Well-known landmarks such as railroads, highways, bridges, creeks, etc.
 - b. Zoning district classification(s) of land to be subdivided and adjoining properties (where a zoning ordinance exists).
 - c. Government jurisdictional boundaries and land lot lines, if applicable.

4. Elevations: All elevations must refer to Mean Sea Level Datum.
5. Sheet Size must be no larger than eighteen (18) inches wide and twenty-three (23) inches long.

B. Features of Site to be Shown on Plat:

1. Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-tenth (0.1) foot and angles to the nearest minute, which must be balanced and closed with an error of closure not to exceed one to five thousand (1:5,000). The error of closure must be stated.
2. Location of natural features--including streams and water courses with direction of flow and acreage of the drainage area affecting the proposed subdivision, water bodies, swamps, flood plains, tree line of wooded areas, and orchards and other agricultural groves.
3. Location of adjoining property lines and names of owner(s) of record and/or the location of adjoining subdivision lines and names.
4. All existing buildings and structures to be maintained within the proposed subdivision.
5. Exact locations, widths, and names of all streets and public accessways within and immediately adjoining the platted property.
6. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
7. Lot lines with dimensions to the nearest one hundredth (0.01) foot area, necessary internal angles, arcs, chords, tangents, and radii or rounded corners.
8. Building setback lines (front, side and rear) with dimensions.
9. Lot width at the building line, for each specific lot of which the side lot lines are at angles other than ninety (90) degrees.
10. Lots or sites numbered in numerical order and blocks lettered alphabetically.
11. Location, dimensions, and purpose of all drainage structures and of any easement--including slope easements, if required--and public service utility right-of-way lines; any areas to be reserved, donated, or dedicated to public use; any sites for other than single-family residential use, with designations stating purpose or proposed use, area, any use limitations; any areas to be reserved by deed covenants for common use of all property owners.
12. Location(s) or previous location(s) of any underground storage tank(s), hazardous material(s), and waste disposal area(s).
13. Any private covenants to be recorded with the plat attached.
14. Courses and distance to the nearest existing street intersection from the entrance to the subdivision, benchmarks and permanent monuments.

15. An approved "as-built" drawing must show exact location of water lines, cut-off valves, and fire hydrants as approved by the Water Authority.

C. Certifications:

1. The following certificates shall be inscribed on the Final Plat:
- a. I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in the Office of the Clerk of Superior Court in Spalding County at Book _____, Page_____, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all alleys, walks, easements, parks or other open spaces to public or private use as noted.

Owner(s)
Date:_____

- b. I hereby certify that this Final Plat is a true representation of the results of an actual survey by me or under my supervision, conforming to the normal standards of care of professional surveyors practicing in the state of Georgia and all monuments shown hereon actually exist or are marked "future" and that surveying requirements for final plats of the Subdivision Ordinance of Spalding County have been fulfilled.

Registered Land Surveyor No._____
Date:_____

- c. I hereby certify that accepted engineering procedures and design methods were used to establish the layout of this development; that the streets, drainage structures and any other design features have been constructed as per the approved construction plan for this subdivision, or that satisfactory surety to guarantee compliance therewith has been filed with Spalding County in the form and amount as prescribed in its Subdivision Ordinance; and that all applicable engineering requirements as prescribed by the Subdivision Ordinance of Spalding County have been fulfilled.

Registered Professional Engineer No._____
Date:_____

- d. I hereby certify that this Final Plat was approved by the Spalding County Board of Commissioners on _____ and that the required improvements have been constructed and installed in accordance with the approved construction plan or that satisfactory surety has been filed in a form and amount as prescribed by this Ordinance.

Section 410: Recording and Dedication.

- A. **Recording of Final Plat:** Upon approval of a Final Plat, the subdivider must have the Final Plat recorded in the office of the Clerk of the Superior Court of Spalding County. The subdivider will be responsible for the payment of the recording fee at the time of recording of the Final Plat.
- B. **Dedication of Platted Streets, Other Public Spaces, and Utilities:** Final Plat approval by the Board of Commissioners does not constitute acceptance of any dedications to the public. After Final Plat approval by the Board of Commissioners, the subdivider must prepare appropriate documents and plans, as constructed, and request Spalding County and other appropriate authorities to accept dedicated streets, other public spaces and utilities.
- C. **Surety for Maintenance and Repair:** (#A-07-08, 07-16-07)
1. **Maintenance Period:** Upon the acceptance of the right-of-way deeds for streets, public spaces, and public utilities, the subdivider will perform any maintenance and/or repair work, due to substandard workmanship, needed to comply with the specifications and requirements of these regulations and the government authority for a period of thirty (30) months from the date of acceptance.
 2. **Requirements:** To assure the construction and installation of required improvements to be maintained to County standards, the subdivider must deliver to the appropriate government authority a certified check, letter of credit, cash escrow, or bond in the amount estimated by government authority to be fifty (50) percent of the total cost of the construction and installation of the required improvements which are the responsibility of the subdivider.
 3. **Conditions:** Bonds posted or other surety provided must run to the government authority having jurisdiction over the required improvements for which surety is made. The surety must provide that the subdivider, his heirs, successors, agents, and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, and with other laws, regulations, and requirements as specified by the appropriate government authority. If a bond is offered, it must be excuted by a surety and guaranty company qualified to transact business in the State of Georgia.
 4. **Duration and Release:** Bonds posted or other surety provided pursuant to these regulations must be released, returned, or otherwise disposed of by the holder forty-five (45) days after the expiration date of the bond. The County reserves the right to require that the bond expiration date exceed the maintenance period specified in paragraph 1 above.
 6. **Default:** The subdivider will be in default of his obligation to maintain the improvements of facilities if county required improvements and repairs are not made to County specifications and requirements within thirty (30) days after being notified by the county of said deficiencies. If the work is not completed

within the specified amount of time, the government authority may complete the work using the proceeds from the surety deposits to pay for the work. Such work may be done under contract or by the local government authority. Any portion of the surety deposit not used by the government authority will be returned to the person making the deposit.

7. **Save and Hold Harmless:** Subdivider will execute a release and hold harmless agreement, in a form as required by the Board of Commissioners, by which the subdivider agrees to save and hold the County harmless in the event of any future discovery of environment conditions that were in existence at the time of the adoption of this Ordinance and/or which existed at the time of the subdivision for which any legal action is instituted or for which any clean-up is ordered by an appropriate governmental agency. (#A-00-17, 09-11-00)

Section 411: Appealing an Action of the Administrative Officer or the Planning Commission.

- A. If the Administrative Officer or the Planning Commission executes an action which the developer or other aggrieved party believes to be *contrary to this Ordinance*, that action may be appealed. Such an appeal must be filed within thirty (30) days of the date on which the action by the Administrative Officer, Planning Commission, or Board of Commissioners was taken.
- B. The Board of Appeals has jurisdiction for hearing appeals concerning actions of the Administrative Officer related to this Ordinance, Applications for appeal may be obtained from and submitted to the Administrative Officer, who will transmit them to the Board of Appeals for its consideration.
- C. When an action of the Administrative Officer is appealed, all construction or other activity authorized by the appealed action must be stopped immediately. In certain cases, however, the Administrative Officer may feel that the stopping of such construction or other activity authorized by the appealed action will cause imminent peril to life or property. Then, the Administrative Officer may certify to the Board of Appeals that, by reason of facts stated in the certificate, the halting of construction or other activity authorized by the appealed action would in his opinion cause imminent peril to life or property. In such cases, the construction or other activity authorized by the appealed action is allowed to continue unless the construction is halted by the Board of Appeals or a restraining order is granted by a court of competent jurisdiction.
- D. When an application for appeal of an action of the Administrative Officer is received, the Board of Appeals will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a newspaper of general circulation in Spalding County at least fifteen (15) days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the Board of Appeals by certified mail with return receipt requested and postmarked at least fifteen (15) days before the hearing. Any person may appear at the hearing, or have a representative attend instead.
- E. The Board of Appeals will make a decision concerning the appeal and record the decision in the minutes for that meeting. Any person aggrieved by a decision by the Board of Appeals may petition the Spalding County Superior Court for a Writ of Certiorari.

Section 412: Variances.

- A. A Variance is a permit, issued by the Board of Appeals, which allows use of a parcel of land in a way that varies from requirements of this Ordinance. A Variance may be granted *only* in an individual case where a hardship would result if all of the requirements of this Ordinance were applied stringently to a particular piece of property. A hardship means that reasonable use of the land is not possible if all of the requirements of this Ordinance are to be met. The hardship cannot be self-created such as:
1. A lot purchased with knowledge of an existing restriction.
 2. A claim of hardship in terms of prospective sales.
 3. An expressed economic need requiring a Variance, when such a need can be met in other ways which would not require a Variance.
- B. Relief from the hardship--the Variance--must not cause substantial detriment to the public good or impair the purposes of this Ordinance.
- C. The developer or owner wishing to request a Variance must have at least fifty-one (51) percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The Planning Commission or Board of Commissioners may also propose a Variance. However, the power to approve a Variance rests with the Board of Appeals.
- D. Application for a Variance may be made with the Administrative Officer. The Administrative Officer will take the required information and transmit it to the Board of Appeals for its consideration. *No application is to be accepted from any person in violation of the Subdivision Ordinance.* If an applicant for a Variance or any other action by the Board of Appeals is, at the time of such application, determined by the Administrative Officer to be in violation of the Subdivision Ordinance, then the Administrative officer will be prohibited from accepting or processing any application from that applicant until the applicant voluntarily removes or changes the cause of the violation and ceases to be in violation. The applicant must notify the Administrative Officer that he has ceased the violation and obtain a release from the Administrative Officer as to the violation.
- E. When the applicant has ceased to be in violation of this Ordinance, the Administrative Officer will then accept the application for Variance.
- F. When an application for a Variance is received, the Board of Appeals will set a time and place for a public hearing on the Variance. Notice of the hearing must be published in a newspaper of general circulation in Spalding County at least fifteen (15) days before the hearing. Such notice will state the application number, owner's name, property location, its area, time, place and subject of the hearing. At least fifteen (15) days before the public hearing, notice of the time, place, and subject of the hearing will be sent to the appellant or petitioner in writing by U. S. Mail to his last known address. Copies of all such letters will be maintained in the applicant's file.
- G. The Board of Appeals will make a decision concerning the Variance and record the decision in the minutes for that meeting.
- H. The Board of Appeals may impose any other conditions which must be complied with by the applicant to compensate for the requirements varied from.

- I. The Board of Appeals may establish performance bonds to assure compliance with any requirements it has set for granting a Variance. Where a Variance is granted for a construction activity requiring a Building Permit, the Building Permit must be obtained and construction must begin within six (6) months of the issuance of the Variance. Otherwise, the Variance expires after six (6) months.
- J. Any person aggrieved by a decision of the Board of Appeals on an application for a variance may petition the Spalding County Superior Court for a Writ of Certiorari.

Section 413: Amendments.

- A. Amendments to this Ordinance may be proposed by the Planning Commission or the Board of Commissioners. However, the power to approve and enact an Amendment rests within the legislative discretion of the Board of Commissioners.
- B. All amendments must first be reviewed by the Planning Commission. The Planning Commission will review and study the proposed Amendment and make written recommendations to the Board of Commissioners.
- C. The Planning Commission may conduct an unofficial public hearing at its option, on any proposed Amendment; however, neither the amount of public participation nor expression of popular opposition to a proposal shall be a valid consideration in formulating a recommendation on the merits of the proposal.
- D. The Planning Commission will make a written record of its findings along with its recommendations on the proposed Amendment and forward a copy of its findings and recommendations to the Board of Commissioners. If the Board of Commissioners initiated the amendment and the Planning Commission fails to send its findings and recommendations to the Board of Commissioners within sixty (60) days of the date on which the amendment was proposed, it will mean that the Planning Commission approves the Amendment.
- E. The Board of Commissioners must then conduct a public hearing on the Amendment. Notice of the hearing must be published in a newspaper of general circulation in Spalding County at least fifteen (15) days but not more than forty-five (45) days before the hearing.
- F. The following policies and procedures will be observed in conducting the required public hearing:
 - 1. The hearing will be held in the Spalding County Courthouse Annex.
 - 2. Written comments on the subject of the hearing may be submitted by any citizen at any time prior to the adjournment of the hearing.
 - 3. Persons desiring to be heard orally may present their views at the hearing. The length of time of oral presentations permitted to each speaker will be determined by the Chairman of the Board of Commissioners and will depend upon the number of persons present and desiring to speak. Personal remarks will not be tolerated.
 - 4. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.

5. Cross-examination of persons making oral presentations will not be permitted.
 6. All questions will be addressed to the Chairman of the Board of Commissioners.
- G. After reviewing the record of the public hearing and considering recommendations from the Planning Commission, the Board of Commissioners may approve or deny the requested amendment. Any such conditions imposed by the Board of Commissioners shall be incorporated into this Subdivision Ordinance.
- H. If the Board of Commissioners denies a proposed Amendment, a minimum period of twelve (12) months must pass before the same Amendment proposal is again submitted for consideration.

Section 414: Appealing an Action of the Board of Commissioners. If the Board of Commissioners takes an action which is believed to be *contrary to law*, that action may be appealed to the Spalding County Superior Court. Such an appeal must be filed within thirty (30) days of the date on which the action of the Board of Commissioners was taken.

Section 415: Penalties. Any person who violates any provision of this Ordinance or any Amendment to this Ordinance, or who fails to perform any act required hereunder or commits any prohibited act shall be guilty of a misdemeanor and punishable by a fine of not more than \$1,000.00 for each offense. Each and every day for which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 416: Remedies. If any building or land is used or maintained in violation of this Ordinance, anyone, including the County, who would be harmed by such a violation may initiate legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute such a violation. Other legal remedies are also available as provided by Georgia law.

ARTICLE 5. REQUIRED DEVELOPMENT STANDARDS.

Section 501: Development Standards in General. (Whole section amended #A-00-21, 11-06-00)

- A. **Suitability of land:** Land on which there is a danger to health, safety, or property must not be platted for residential use or other use that will continue or increase such danger, unless such hazards can be and are corrected. Examples of such conditions are as follows:
1. Land subject to flooding, improper drainage, or erosion.
 2. Land with excessive slope or other physical constraints, which make it unsuitable for development.
- B. **Name of Subdivision:** The name of the subdivision must have the approval of the Planning Commission. The name must not duplicate or closely approximate the name of an existing subdivision.
- C. **Access:** Access to every subdivision must be provided over a public street, and every lot within a subdivision must be served by a publicly dedicated street or a private street meeting the standards of a public street and approved by the Planning Commission.
- D. **Conformance with Adopted Comprehensive Plan:** Proposed subdivisions must conform with the adopted Spalding County Comprehensive Plan and development policies in effect at the time of submission to the Planning Commission. When features of the Spalding County Comprehensive Plan such as sites for schools, public buildings, parks, major streets, or other public uses are located in whole or in part in a proposed subdivision, such features must be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
- E. **Conformance with Details for the Construction Standard on Public Rights of Way and Easements:** Proposed subdivisions must conform with specifications for construction as outlined in this Article and as illustrated in Appendix A: Standard Details for Construction in Public Rights of Way and Easements.
- F. **Green Space:**
1. **Minimum Requirement:** Each residential development shall set aside and develop 10% of the total acreage of the development for recreation, common areas, and green space.
 2. **Unsuitable Reservations:** Whenever the Planning Commission finds that a proposed reservation or dedication of land for public use is not suitable for such public use, it may require the rearrangement of lots to provide suitable land for public use.
- G. **Planned Developments:** Planned developments are allowed as per Article 17 of the Spalding County UDO.
- H. **Community Assets:** In all subdivisions, due regard must be shown for all natural features such as large trees, water courses, historical sites, and similar community assets which will add attractiveness and value to the property if preserved.

- I. **Architectural Criteria for Single Family Dwellings located within a Subdivision:** Single Family dwellings constructed within a subdivision located within AR-1 (Agricultural and Residential), AR-2 (Rural Reserve), R-1 (Single-Family Residential Low Density), R-1A (Single Family Residential), R-2 (Single Family Residential), R-4 (Single Family), and R-5 (Single Family) zoning districts shall comply with the following architectural criteria: (#A-03-02, 03/17/03; #A-06-06, 06-05-06; #A-06-10, 09-11-06)
1. The pitch of the roof of each residential dwelling shall have a minimum vertical rise of six (6) feet for each twelve (12) feet of horizontal run, provided this requirement shall not apply to roof structures covering porches, gables, bay windows, dormer windows, and garages. (#A-06-10, 09-11-06)
 2. Each residential dwelling shall be constructed with a garage with minimum dimensions of twenty (20) feet width by twenty (20) feet length.
 3. The façade of each residential dwelling shall include accents of brick, stone, cemplank shakes, or wood shakes which cover at least 25% of the surface area thereof. (#A-06-06, 06-05-06)
 4. Alternatively, on houses with a crawlspace of built-up slab of at least 18 inches, the façade may be full faced stucco or cemplank siding; however, all other exterior walls shall be required to be faced with cemplank siding as well. (#A-06-06, 06-05-06)
 5. The provision of this Ordinance shall apply to any subdivision platted on or after 03/17/03. (#A-06-06, 06-05-06)

Section 502: Development Standards for Streets. All streets established in the County after the effective date of this Ordinance must comply with the following development standards:

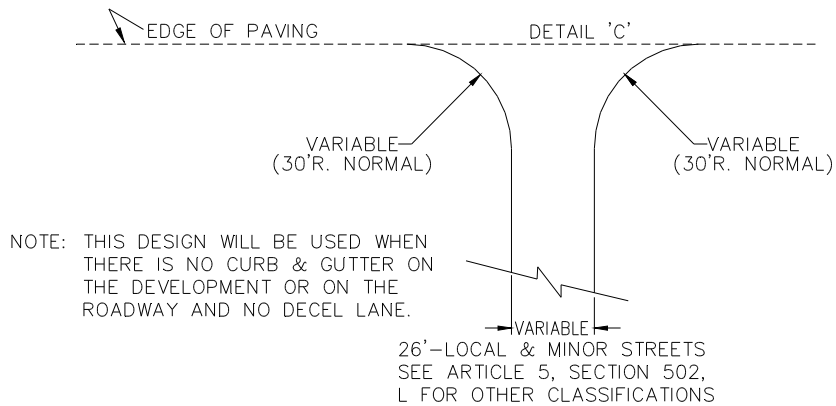
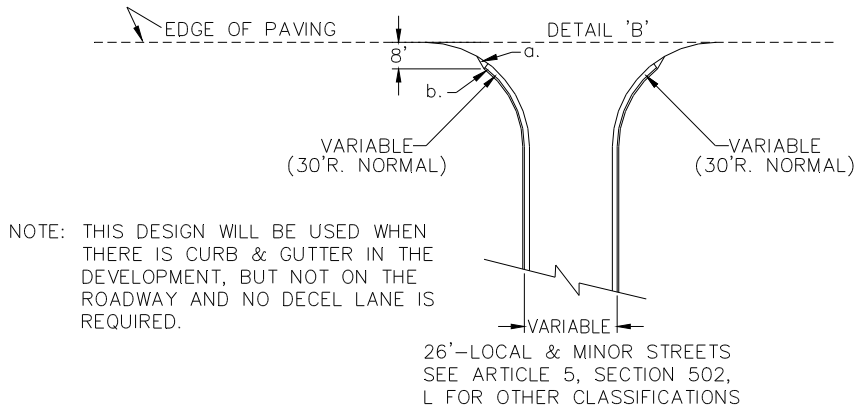
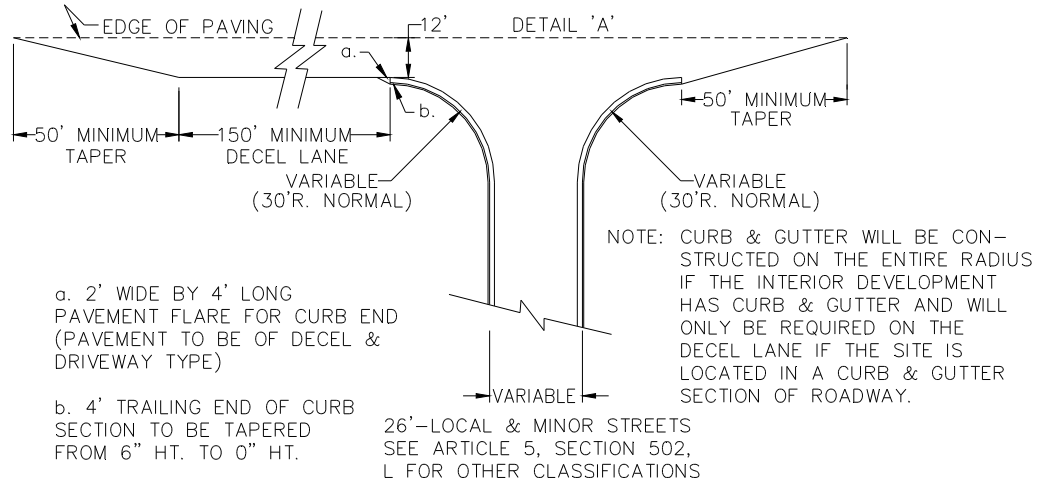
- A. **Continuation of Existing Streets:** Wherever slope will permit, the arrangement of streets in a subdivision must provide for the alignment and continuation or projection of existing streets into adjoining areas. Existing streets must be continued at the same or greater width, but in no case less than the required width.
- B. **Street Names:** Streets or roads that are extensions of or obviously in alignment with existing streets should have the same name as the existing street. The names of new streets and roads are subject to the approval of the Planning Commission and must not duplicate or be similar in sound to existing names--even if the suffix, *street*, *avenue*, *drive*, etc. is different.
- C. **Development Along Arterial Streets:** Where a subdivision abuts or contains an arterial street (see Spalding County Comprehensive Plan for street classification plan), the Planning Commission may require a street approximately parallel to and on either side of the right of way of the arterial street to provide access to lots along the arterial street while avoiding direct driveway curb cuts on the arterial street. Such a street may either abut the arterial street or railroad right-of-way or be located a suitable distance away to allow an appropriate use of the intervening land with a non-access reservation along the arterial street and a buffer. In such cases, lots must have access only from the access street.
- D. **Intersections:** The centerlines of no more than two (2) streets may intersect at any one point. Streets must be laid out so as to intersect as nearly as possible at right angles. No

street may intersect at any other street at an angle of less than eighty (80) degrees. The angle of intersection is to be measured at the intersection of the street centerlines.

- E. **Offset Intersections (Street Jogs):** Offset intersections with centerline offsets of less than 125 feet are not permitted.

- E'. **Acceleration/Deceleration Lane Requirements:** Where any new, proposed street(s) will intersect an existing street or road, acceleration and deceleration lanes will be required where new construction will intersect an existing street or road with the criteria of the following safety issues being reviewed by the Zoning Administrator or designee: speed, sight distance or traffic volume. If the new street will intersect a road in the State Highway System, a permit or letter of approval from DOT will be required before the approval of the preliminary plat. Examples are shown in Attachment A. Paving Standards for acceleration and deceleration lanes are set in Section 503:Q(1) of this Ordinance. (#A-04-09, 06-07-04; #A-07-04, 06-04-07)

ATTACHMENT 'A'



F. **Dead-End Streets (Cul-de-Sacs):** Local streets designed to have one end permanently

closed must be provided with a turnaround at the closed end having a right of way of at least 120 feet in diameter. The paved area of the turnaround shall be an uninterrupted area of pavement at least eighty (80) feet in diameter.

- G. **Private Roads:** No new private roads shall be permitted on and after the effective date of this Ordinance. No building permits for any construction shall be issued along such new private roads after the effective date of this article. No private roads in existence on the effective date of this article shall be extended except in compliance with the provisions of this Ordinance. Private roads in existence at the time of adoption of this article, and which are referred to in this article, are shown on a map, which by reference is incorporated herein; and such private roads are, as follows:

1. Syes Lake Road
2. Jones Drive.
3. Brookbridge Airport Road
4. Huff Daland
5. Woolman Lane
6. Ellis Court
7. Paino Road
8. Cabin Creek Circle
9. *Reserved*
10. Turner Road (#A-00-15, 07-17-00)
11. Ann Street Extension (#A-00-15, 07-17-00)
12. Sockwell Road (#A-00-15, 07-17-00)
13. *Reserved*
14. King's Ridge Road
15. Steele Circle
16. Steele Lane
17. Pipe Line Road
18. Smoak Court
19. Enyo Road f/k/a Gainer Trail
20. Ira Drive
21. Alicia Drive
22. Sunset Strip (#A-00-15, 07-17-00)
23. Why Road
24. Cemetery Road
25. Musgrove Extension
26. Pate Road
27. In and Out of the County Road a/k/a Troup Nine Road (#A-00-15, 07-17-00)
28. Gary Bates Road
29. Back Acres Road
30. Warren Road

For acceptance into the county road system, the above-named roads shall be constructed to county specifications and conveyed to the county. (#A-00-15, 07-17-00)

- H. **Half Streets:** Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right of way must be platted within the proposed subdivision.
- I. **Split-Level Streets:** Streets which are constructed so as to have two traffic ways--each at a different level within the same right of way--must provide any additional right of way required by this Ordinance when cut and fill techniques have been used in the

construction of the street.

J. **Alleys:** Alleys or service drives may be required at the rear of all lots used for one or two family residential, multi-family, commercial, or industrial developments.

K. **Cul-de-sac:** Development on cul-de-sac streets is discouraged. Streets should interconnect within a modified grid system. No cul-de-sac may exceed 300 linear feet.

L. **Minimum Required Street Right-of-Way Width:** The right of way is the perpendicular distance across a street from property line to property line. Minimum required street right of way is as follows:

1. Major Arterials:

In low density area 100 feet

In other areas 120 feet

2. Secondary Arterials:

In low density areas 80 feet

In other areas 100 feet

3. Collector Streets

a. Industrial, Commercial and Multi-Family Subdivisions:

i. 70 feet

ii. 60 feet with 15 feet utility easement on each side, if curb and gutter are not required pursuant to Section 502(P)(2).

b. Single-Family Residential Subdivisions:

i. 60 feet

ii. 60 feet with 15 feet utility easement on each side, if curb and gutter are not required pursuant to Section 502(P)(2).

4. Minor Streets:

a. 50 feet

b. 60 feet with 15 foot utility easement on each side, if curb and gutter are not required pursuant Section 502(P)(2)

5. Local Streets:

a. 50 feet

b. 60 feet with 15 foot utility easement on each side, if curb and gutter are not required pursuant Section 502(P)(2)

6.	<u>Cul-de-Sac Turnarounds (diameter):</u>	
	Residential	120 feet
	Commercial and industrial	150 feet

M. **Minimum Required Street Pavement Width with Curb and Gutter:** Pavement width with curb and gutter is measured from back of curb to back of curb. Minimum required street pavement width with curb and gutter is as follows:

1.	<u>Major Arterials:</u> (divided road)	52 feet
2.	<u>Secondary Arterials:</u>	40 feet
3.	<u>Collector Streets:</u>	
	Four lane and turning lane	64 feet
	Two lane and turning lane	40 feet
4.	<u>Minor Streets:</u>	26 feet
5.	<u>Local Streets:</u>	26 feet
6.	<u>Cul-de-Sac Turnarounds (diameter):</u>	
	Residential	80 feet
	Commercial and Industrial	110 feet

N. **Additional Right of Way for Cut and Fill:** Where cut-and-fill techniques are to be used in the construction of a street, the right-of-way width must be increased above the required minimum three (3) feet for each one (1) foot of material removed for the cut or added for the fill. This additional right of way must be added to the side or sides where the cut or fill takes place. The maximum allowable degree of slope on a back slope is 2 to 1 (2:1), and on a fill slope the maximum allowable degree of slope is 3 to 1 (3:1).

O. **Additional Right of Way on Existing Streets:** In subdivisions that adjoin existing streets, the subdivider must dedicate additional right of way to meet stated minimum right-of-way requirements as follows:

1. Where any part of the subdivision is on both sides of the street, the entire right of way must be provided.
2. When the subdivision is located on one side of an existing street, one-half (1/2) of the required right of way measured from the centerline of the existing roadway must be provided.

P. **Construction Standards for Streets:** All streets, alleys, and service drives must be prepared and paved according to the following methods or by equivalent methods that are acceptable to the Board of Commissioners:

1. Subbase: The subbase course shall consist of placing subbase material in layers

of maximum thickness of eight (8) inches of compacted material over subgrade surface to support a pavement base course. Specific standards for the subbase are as follows:

- a. Satisfactory soil materials shall be those complying with ASTM D2487 soil classification groups GW, GP, GM, SM, SW and SP.
 - b. All subbase materials shall be compacted to a minimum 98% maximum density standard proctor (ASTM D698).
 - c. Where subbase material must be moisture conditioned before compaction, uniformly apply water to surface of subbase layer. Apply water in minimum quantity as necessary to prevent free water from appearing on surface. Remove and replace or scarify and air dry soil material that is too wet to permit compaction to specified density.
 - d. Provide quality control testing in accordance with ASTM D1556 (soil care method) or ASTM D2167 (rubber balloon method). Field density tests shall be performed at a rate of one test per 2000 square feet of paved area at varying depths as directed by the County Engineer. If, in the opinion of the County Engineer, based on testing service reports and inspection, subgrade or fills that have been placed are below specified density, contractor shall perform additional compaction and testing until specified density is achieved.
2. Base: The base must consist of graded aggregate base having a minimum thickness after being thoroughly compacted as stipulated in the Roadway Classification Standards identified as Subsection P of this Section. The base must be constructed on a prepared subbase in accordance with these specifications and in conformity with the lines, grades, and typical cross section as shown in the approved construction plans. Specific standards for the base are as follows:
- a. All materials must be of an approved type.
 - b. As soon as the base material has been spread and mixed, the base must be brought to the approximate line, grade, and cross section, and then rolled with a sheepfoot roller until the roller *walks out*. Then the base material must be rolled with a pneumatic tire or general purpose roller until full thickness of the base course has been compacted thoroughly. Defects must be remedied as soon as they are discovered. A representative of Spalding County shall measure for proper thickness, line, grade and cross-section prior to placement of any prime coat application.
 - c. Base course shall be compacted to 100 percent maximum dry density.
 - d. The base course must be maintained under traffic and kept free from ruts, ridges, and dustings. It must be kept true to the approved cross section until it is primed.
 - e. Base material must *not* be deposited or shaped when subgrade conditions are freezing, thawing, or otherwise unfavorable for stability.

3. Pavement: Wearing surface must conform to mixes found suitable by the Georgia Department of Transportation. Wearing surface must be applied after a prime coat. Unless otherwise approved by the Administrative Officer, pavement must be constructed as follows:
 - a. The prime coat must be cut-back asphalt or cut-back asphalt emulsion applied on a clean, slightly damp surface in an amount of from 0.15 to 0.30 gallons per square yard, depending upon the nature and condition of the surface.
 - b. The tack coat must be cut-back asphalt or cut-back asphalt emulsion applied on a clean surface in an amount of from 0.15 to 0.30 gallons per square yard, depending upon the nature and condition of the surface.
 - c. The wearing surface must consist of an approved plant mix Type "E" prepared in a central plant and composed of aggregate and bituminous materials having an in-place minimum compacted thickness as described in Roadway Classification Standards identified in Subsection P of this Section.
 - d. The binder surface must consist of an approved plant mix, Type "B" modified, prepared in a central plant and composed of aggregate and bituminous materials having an in-place minimum compacted thickness as described in Roadway Classification Standards identified in Subsection P of this Section.
4. Seals: Care and caution must be taken that all points between such structures as manholes and curbs, and the surface mixture are well sealed.
5. Curb and Gutter: New subdivisions streets in Spalding County shall be constructed with curb and gutter on both sides of the street. Base construction for Curb and Gutter shall meet requirements in paragraph P1 of this section. (#A-07-04, 06-04-07)

Q. Roadway Classification Standards (All specifications to Georgia Department of Transportation unless otherwise indicated):

1.

	Arterial	Collector	Minor	Local	Cul-de-Sac
Surface Tapping	1 ½"Type"E"	1 ½ Type"E"	2"Type"E"	2"Type"E"	2"Type"E"
Tack Coat	0.20 Gal/S.Y.	0.20 Gal/S.Y.	N/A	N/A	N/A
Binder	3" Type "B" Mod.	2" Type "B" Mod.	N/A	N/A	N/A

Prime Coat	0.25 Gal/S.Y.	0.25 Gal/S.Y.	0.25 Gal/S.Y.	0.25 Gal/S.Y.	0.25 Gal/S.Y.
Curb & Gutter	L-Back	L-Back	Rolled-Back	Rolled-Back	Rolled-Back
Base Course	8" GAB	8" GAB	6" GAB	6" GAB	6" GAB
Max. Street Grade	5%	8%	10%	12%	12%
Max. Speed Design	55	45	35	25	25
Min. Street Grade	1-1/2%	1-1/2%	1-1/2%	1-1/2%	1-1/2%
Min. Horizontal Degree of Curvature	1260	675	350	200	100
Tangents Between Horizontal Curves	Per Ga. DOT specifications	100	50	50	50
Visibility Requirements (Measured 3-1/2" above pavement level)	Per Ga. DOT specifications	300	200	200	200
Min. Horizontal Midblock Visibility (Measured on Centerline)	Per Ga. DOT specifications	300	200	200	200

2. Additional Pavement Requirements: (#A-07-04, 06-04-07)

- a. Acceleration/Deceleration lanes: Acceleration and deceleration lanes shall be constructed to comply with the same paving standards as the street or road they abut.
- b. Heavy wear surfaces: Cul-de-sacs, curve radii and entrance streets to multi-phased subdivisions shall be required to be constructed to the following standards:
 - a. Base Course: 8 inches
 - b. Prime Coat: .25 Gal/S.Y.
 - c. Binder: 2 inches
 - d. Tack Coat: .20 Gal/S.Y.
 - e. Surface Top: 1.5 inches.

R. **Reserve Strips:** Reserve strips designed as non-access reservations to control access to streets or other areas must be at least five (5) feet wide and must be dedicated to Spalding County.

S. **Buffers:** Buffers designed to separate incompatible land uses, in accordance with the provisions of the Spalding County Zoning Ordinance.

T. **Grades:** All street grades must conform to the Roadway Classification Standards identified in Subsection P of this Section.

- U. **Horizontal Curvature:** The minimum radii or centerline curvature must conform to the Roadway Classification Standards identified in Subsection P of this Section.
- V. **Tangents:** All tangents between reverse curves must conform to the Roadway Classification Standards identified in Subsection P of this Section.
- W. **Vertical Alignment:** Vertical curve lengths must be at least ten (10) times the algebraic difference in grades, with the grades expressed in feet per hundred. No vertical curve shall be less than fifty (50) feet. All roads shall have a crown of one-fourth (1/4) inch per foot except where super-elevation prevails.
 - 1. In approaches to intersections, there shall be a suitable leveling of the street at a grade not exceeding two (2) percent for a distance of not less than fifty (50) feet, exclusive of any portion of a vertical curve, for local and minor streets, and one hundred (100) feet, exclusive of any portion of a vertical curve, for collector streets, from the nearest line of the intersecting street and as directed for arterial streets by standards set forth by the Georgia Department of Transportation.
- X. **Curb-line Radii:** At street intersections, property lines must be rounded with a curb radius of twenty-five (25) feet. However, in situations where the angle of intersection of two streets is less than 90 degrees, the planning commission may permit comparable cut-offs in chords in place of rounded corners.
- Y. **Right-of-way Radius:** The right-of-way radius at street intersections must parallel the curb line radius.
- Z. **Steep Slope Development:** Street design and construction in areas of steep slopes are subject to variance from the development standards contained in this Ordinance if deemed by the Planning Commission to be necessary to carry out the intent and purpose of this Ordinance and if so ordered by the Planning Commission. If such a variance is ordered, the Administrative Officer will establish appropriate design and construction standards on an individual basis.
- AA. **Grading:** All streets, roads, and alleys must be graded by the developer in such a manner that pavements and other improvements (sidewalks and curb and gutter, if provided or required) can be constructed to the required cross section. The minimum width of grading must be the pavement width as specified in this Ordinance plus six (6) feet on each side measured from the back of curb or pavement edge. Deviation from the above will be allowed only when due to special topographical (slope) conditions.
 - 1. Preparation: Before grading is started, the entire right-of-way area must be first cleared of all stumps, roots, brush, other objectionable materials, and trees not intended for preservation.
 - 2. Cuts: All tree stumps, boulders, and other obstructions must be removed below the subgrade. Rock, when encountered, must be scarified (broken up and loosened) to a depth of twelve (12) inches below the subgrade.
 - 3. Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clay, etc., must be removed from the roadway. The fill must be spread in layers no more than eight (8) inches thick and compacted. The filling of utility trenches and other places not accessible to the roller must be me-

hanically tamped and compaction requirements met for subgrade materials.

4. **Subgrade:** The subgrade must be properly shaped, rolled, and uniformly compacted to conform with the lines, grades, and typical cross sections as shown on required drawings and approved by the Administrative Officer. Unsuitable material must be excavated and replaced with acceptable compacted material.

BB. **Sidewalks:** In residential developments in which the majority of lots do not exceed twenty thousand (20,000) square feet in size, sidewalks shall be required along both sides of all interior streets within the development. In residential developments in which the majority of lots are between twenty thousand (20,000) square feet and one (1) acre in size, sidewalks shall be required on at least one side of all interior streets within the development. Sidewalks may be required by the Board of Commissioners where it is determined that safe and convenient pedestrian movement are essential. Common examples of such situations are school sites, commercial areas, places of public assembly, or across unusually long blocks. Required sidewalks or those installed at the option of the subdivider must meet the following development standards:

1. They must be at least three (3) feet wide.
2. They must not be placed immediately adjacent to street curbs.
3. They must otherwise be installed according to required construction plans as approved by the Administrative Officer.

CC. **Street Name Signs:** Street name signs must be installed at intersections within a subdivision. The location and design of such signs must be approved by the Administrative Officer.

DD. **Street Trees:** The planting of street trees is not required. However, the subdivider is encouraged to plant trees along the street to enhance the appearance of the subdivision. Such trees, if planted on a street right-of-way, must be planted in a manner to insure that there will be no conflict with utility lines either above or below the ground surface.

EE. **Sight Distance:** Within 30 feet of the pavement edge, plants cannot be of a type which will exceed a height of 30 inches at maturity and/or a trunk diameter of 4 inches. There may be some flexibility in regard to the maximum trunk diameter when protected by a guardrail or some other suitable type barrier beyond 30 feet from pavement edge. Almost any type of planted vegetation is permissible.

FF. **Streets, Gated:** Gated streets may be developed within a “Planned Residential Development” and a “Planned Neighborhood Development,” as defined in the Zoning Ordinance of Spalding County, Article 17. Planned Development District (PDD). A gated streets shall be developed in compliance with the standards set forth in this section. Gated streets may be developed only with the approval of the Board of Commissioners.
(#A-05-11, 08-15-05)

Section 503: Development Standards for Lots. All lots established in Spalding County after the effective date of this Ordinance must comply with the development standards contained in this section. However, where provisions of the Spalding County Zoning Ordinance apply and are more restrictive, those provisions take precedence. Development standards for lots are as follows:

A. **Lot Lines:** As far as practical, side lot lines must be perpendicular or radial to street

lines.

- B. **Jurisdictional Limits and Lot Lines:** Lots must not be divided by city or county boundary lines.
- C. **Lot Frontage Arrangements:** Lots must be subdivided in a manner that provides that each lot shall abut an existing public street or an approved street contained within the proposed subdivision with minimum frontage width as required by the development standards for the zoning district in which the subdivision is located.
- D. **Adequate Building Sites:** Each lot must contain an adequate building site not subject to flooding and outside the limits of existing easements or building setback lines required by this Ordinance or any existing ordinance as is appropriate.
- E. **Panhandle or Flag Lots:** Any lot for which the frontage width is less than the minimum required in the applicable zoning district. Flag or panhandle lots are prohibited.
- F. **Double or Reverse Frontage Lots:** Double and reverse frontage, unless required by the Planning Commission, are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of slope, orientation, or property size. A *reserve strip* planted with a vegetative screen across which there is no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.
- G. **Commercial and Industrial Lots:** Size, shape, and arrangement of commercial and industrial lots, where platted and classified as a subdivision, are subject to the approval of the Planning Commission. Where public water and/or sewage are not available, minimum lot size and minimum coverage will be based on lot area needed for proper sewage disposal and/or water supply. However, the building setback must be at least fifteen (15) feet from the front property line of the lot, regardless of the classification of the street. Within this setback, no permanent surface structures or facilities are allowed to be constructed.
- H. **Lot Remnants:** Lot remnants are prohibited. Such remnant areas must be added to adjacent lots, rather than remain as unusable parcels.
- I. **Monuments:** Solid steel rods at least one-half (1/2) inch in diameter or square and two (2) feet long, must be set at all street corners, at all points where street lines intersect the exterior boundaries of the subdivision, at angle points in streets, at points of curve in streets, and at points of change of direction in the exterior boundaries of the subdivision. The top of the monument must have an indented cross to identify the finished grade. All other lot corners must be marked with solid steel rods no less than 1/2 inch in diameter, and at least two (2) feet long, driven so as to be flush with the finished grade.
- J. **Driveway Requirements:** Every lot shall be served by a driveway which meets the following criteria: (#A-00-14, 07-17-00)

For lots with structures located less than 100 feet from the right-of-way of the street from which lot access is obtained, the driveway shall be paved and shall include a paved turn around area.

For lots with structures located more than 100 feet from the right-of-way of the street from which lot access is obtained, the driveway shall be improved and shall include a

designated turn around area.

- K. **Screening.** Single-family and Two-Family residential lots abutting in the rear, which do not have natural screening in place along the rear property line, shall plant trees/vegetation or install an opaque fence in order to provide an adequate visual screen. Should the layout of the terrain be such that enforcement of this requirement would not provide adequate screening, an administrative variance from this requirement may be granted by the Administrative Officer. Approval of the variance may be granted subject to a written request.
- L. **Sodded Front Yards:** All development within a subdivision in which the front setback has been reduced to fifty (50) feet, will require sodded front yards. Side yards on double frontage lots must be sodded a minimum distance of ten (10) feet from the curb. When this option has been chosen, each lot within the subdivision, irrespective of the setback, must be sodded.
- M. **Driveways:** No driveways shall be permitted along existing road frontage, unless the lot is otherwise cut-off from the rest of the development by way of topography or other georographic feature that makes internal access to the lot impractical as deteremined by the Zoning Administrator. Unless otherwise provided herein, all driveways must be paved. (#A-05-27, 02-06-06)

Section 504: Development Standards for Utility Installations.

- A. **Utility Easements:** When it is found to be necessary and desirable to locate public utility lines in other than street right of ways, easements must be shown on the plat for such purposes. Such easements must not be less than twenty (20) feet wide and, where possible, must be centered on rear or side lot lines. All utility easements shall comply with the minimum standards as specified by the utility provider.
- B. **Installation of Utilities:** No overhead utilities shall be permitted, except on a temporary basis as may be required for construction. Any such line must be immediately removed upon completion of construction. After grading is completed and approved and before any base is applied, all of the underground work within the street right-of-way--water mains, gas mains, etc.--must be installed completely and approved throughout the length of the road and across the flat section. At the same time, all service connections must be stubbed out to each lot.
- C. **Street Lighting:** Street lighting will be installed and maintained as required in Part IV, Chapter 6, entitled "Street Light Districts" of the Code of Spalding County, Georgia.
- D. **Water Supply Systems:** (#A-05-28, 02/06/06)
 - 1. **Public Water System:** If a public water supply is available to a proposed subdivision and connection to it is permitted, water mains, fire hydrants, and stub connections to each lot within the subdivision must be provided by the developer during construction of the Subdivision. Fire hydrant spacing shall meet minimum Life Safety Code requirements in effect at the time of platting. If no new streets are proposed within the subdivision, all hydrants must be installed at the developers expense and functional prior to approval of the final plat by the County. (#A-08-05, 05-05-08)
 - 2. **Community Water Supply System:** If a public water supply is not available, the

subdivider may install a community water system developed according to plans and specifications shown on the approved construction plans and approved by the Environmental Protection Division of the Georgia Department of Natural Resources.

3. **Individual Water Supply:** When a public water supply is not available and a community water system is not proposed by the subdivider, the subdivider must carefully consider the capability and suitability of the general area of the subdivision to support individual water supplies. Such proposed water supplies must be approved by the Spalding County Health Department. The County must consider the recommendation of the Spalding County Health Department regarding any proposed private water supplies in considering approval of a plat.

E. **Sanitary Sewer Disposal Systems:** (#A-03-30, 12-15-03)

1. **Public Sewage System:** If a public sewage system is available to a proposed subdivision and connection to it is permitted, sewage mains, and stub connections to each lot within the subdivision must be provided as shown on approved construction plans.
2. **Individual Sewage System:** When a public sewage system is not available, the subdivider must carefully consider the capability and suitability of the general area of the subdivision to support individual sewage systems (septic tanks). Such proposed sewage system must be approved by the Spalding County Health Department. The County must consider the recommendation of the Spalding County Health Department regarding any proposed private sewage systems in considering approval of a plat.

Section 505: Development Standards for Drainage Facilities.

- A. **Watercourse and Drainage Easements:** Where a proposed subdivision is traversed by a watercourse, drainageway, or stream, appropriate provisions must be made to accommodate stormwater and drainage through and from the proposed subdivision. Such an easement must conform substantially with the lines of the watercourse and be wide enough and of adequate construction to be satisfactory for the purpose.
- B. **Compliance with the Spalding County Stormwater Manual:** All subdivision development must comply with the Spalding County Stormwater Manual as amended from time to time. (#A-06-16, 01-08-07)
- C. **Detention Facility Maintenance:**
 1. The stormwater detention storage capacity or function of any detention basin, pond or other impoundment, whether natural or manmade, shall not be removed or diminished without the express approval of the County.
 2. It shall be the responsibility of the property owner to maintain the operational characteristics of any stormwater detention facility constructed on their property pursuant to the requirements of this Ordinance and/or any other regulation enacted by Spalding County for such purpose, and to maintain the detention facility free of obstruction, silt or debris.
 3. A certified record survey of each detention facility shall be prepared by a Land Surveyor currently registered in the State of Georgia. A certified record drawing

of the facility shall be prepared based upon the survey. Based on the actual parameters established on the record drawing, an addendum to the Stormwater Management Report shall be prepared which demonstrates that the facility, as constructed, complies with the requirements of this Ordinance and/or any other regulation enacted by Spalding County for such purpose. The amended Stormwater Management Report shall be certified by a Professional Engineer currently registered in the State of Georgia, in accordance with the provisions of Georgia law. Such certification shall substantially comply with the following form:

Detention Pond Certification Form

Date: _____

To: SPALDING COUNTY BUILDING INSPECTION DEPARTMENT

Project Name: _____

Designed Storage Volume: _____

As Built Storage Volume: _____

(Provide 8 1/2 x 11 drawing of designed outlet structure and as built outlet structure.)

By placing my professional stamp and signature hereon, I certify that this detention pond is constructed according to the approved design on file with Spalding County and on record at the Spalding County Building Inspection Department. I further certify that all the drainage area designed to drain to this pond in fact does drain to said pond and the outflow from the pond is equal to or less than the maximum allowable outflow for the 10 and 100 year storm events. Calculations to determine the as-built storage volume shall be maintained by me and provided to Spalding County in the event they are needed by Spalding County to verify this volume capacity.

Signature
Seal

Section 506: Surety for Completion of Improvements. (#A-07-08, 07-16-07)

- A. **When Allowed:** Before seeking approval of the Final Plat and upon a finding by the Administrative Officer that the improvements within a subdivision are substantially completed, the subdividor may provide surety for completion of minor repairs to curb and gutters, landscaping, and erosion control. All such items must be completed to the satisfaction of the governing authority within the period of performance specified by the government authority or forfeit the surety. (#A-03-25, 09-15-03)
- B. **Requirements:** To assure the construction and installation of required improvements, the subdividor must deliver to the appropriate government authority a certified check, letter of credit, cash escrow, bond, or other acceptable surety--whichever is specified by Spalding County--in the amount estimated by government authority to be one hundred and twenty percent (120%) of the total cost of the construction and installation of the required improvements which are the responsibility of the subdividor.
- C. **Conditions:** Bonds posted or other surety provided must run to the government authority having jurisdiction over the required improvements for which surety is made. The surety must provide that the subdividor, his heirs, successors, agents, and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, and with other laws, regulations, and requirements as specified by the appropriate government authority. If bond is offered, it must be executed by a surety and guaranty company qualified to transact business in the State of Georgia.
- D. **Duration and Release:** Bonds posted or other surety provided pursuant to these regulations must be released, returned, or otherwise disposed of by the holder at the time facilities guaranteed have been installed and approved. Approval will be in writing and accurately describe the improvements covered. Facilities will not be accepted or approved unless they conform to the specifications and requirements of these regulations and the government authority. The duration of the bond's effective date shall not be less than thirty (30) days after the required completion date for improvements covered by the Bond.
- E. **Default:** The subdividor will be in default of the surety if the construction or installation of any improvements or facilities by the subdividor, for which the bond is posted or other surety is provided, is not completed within the period of performance specified by the public authority at the time the surety is provided or is not completed in accordance with applicable specifications and requirements of the appropriate authority. In such situations, the government authority may complete the construction or installation using the proceeds from the surety deposits to pay for the work. Such work may be done under contract or by the local government authority. It will be completed within six (6) months after the date that the offending construction or installation was determined to be in violation of this Ordinance. Any portion of the surety deposit not used by the government authority will be turned to the person making the deposit.

- F. **Save and Hold Harmless:** Subdivider will execute a release and hold harmless agreement, in a form as required by the Board of Commissioners, by which the subdivider agrees to save and hold the County harmless in the event of any future discovery of environmental conditions that were in existence at the time of the adoption of this Ordinance and/or which existed at the time of the subdivision for which any legal action is instituted or for which any clean-up is ordered by an appropriate governmental agency.

- G. **Certification of Receipt for Surety for Required Improvements:** A certificate or statement of receipt of surety by the government authority having jurisdiction will be inscribed on or attached to the Final Plat and executed by the appropriate government authority for the required improvement(s) for which separate surety is provided.

**ARTICLE 6. POWERS AND DUTIES OF VARIOUS OFFICIALS
CONCERNING THIS ORDINANCE.**

Section 601: Purpose. This Article formalizes the powers and duties of the Administrative Officer, the Planning Commission, the Board of Appeals, and the Board of Commissioners where this Ordinance is concerned. It should also provide a convenient list of services provided by each official to aid in complying with the requirements of this Ordinance.

Section 602: Powers and Duties of the Administrative Officer. The Administrative Officer has the power and duty to provide the following services related to this Ordinance:

- A. Provide initial information about this Ordinance upon request.
- B. Advise how to contact members of the Planning Commission, the Board of Appeals, and the Board of Commissioners for services provided by those bodies.
- C. Offer practical suggestions on how to comply with the requirements of this Ordinance.
- D. Maintain complete records concerning this Ordinance and related matters, and make such records available to the public upon request.
- E. Propose amendments to this Ordinance.
- F. Approve Construction Plans as specified in Section 406.

Section 603: (Reserved)

Section 604: Powers and Duties of the Planning Commission. The Planning Commission has the power and duty to provide the following services related to this Ordinance:

- A. Advise the Board of Commissioners on applications for amendment to this Ordinance by examining amendment applications and providing written recommendations with reasons for the recommendations to the Board of Commissioners as specified in Section 413.
- B. Dispense general information about this Ordinance to the public upon request.
- C. Propose amendments to this Ordinance.
- D. Maintain and update the Spalding County Comprehensive Plan so that it may provide a current data base with which decisions on proposed amendments to this Ordinance may be made that utilize sound planning principles.
- E. Carry out an ongoing comprehensive planning program which, like the Land Use Plan (where one exists), will provide current data on which decisions regarding this Ordinance may be based that utilize sound planning principles.
- F. Approve preliminary plats as specified in Section 404.

Section 605: Powers and Duties of the Board of Appeals. The Board of Appeals has the power and duty to provide the following services:

- A. Accept applications for appeal of an action of the Administrative Officer or the Planning

Commission and render official decisions on them according to procedures specified in Section 411.

- B. Authorize variances according to procedures specified in Section 412.

Section 606: Powers and Duties of the Board of Commissioners. The Board of Commissioners has the power and duty to provide the following services related to this Ordinance:

- A. Approve final plats as specified in Section 408.
- B. Accept applications for amendment of this Ordinance and render official decisions on them after referring them to the Planning Commission for review and recommendations as specified in Section 413.
- C. Propose amendments to this Ordinance.

ARTICLE 7. CONSERVATION SUBDIVISIONS

(#A-04-12, 06-07-04)

Section 701. Purposes.

- A. The purpose of this Article is to encourage development principles and strategies which conserve open land in Spalding County, including those areas with unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands by setting them aside from future development. To accomplish this purpose, this Article encourages development and design standards separate and distinct from traditional subdivision development with the following additional goals:
1. To provide greater design flexibility and efficiency in siting services and infrastructure, including the opportunity to reduce the length of roads, utility easement runs and the amount of paving required for residential development;
 2. To reduce soil erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
 3. To provide for a diversity of lot sizes and residential density;
 4. To protect areas of Spalding County with productive agricultural soil for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operation;
 5. To create neighborhoods with direct visual access to open land, with amenities of neighborhood open space and with a strong neighborhood identity;
 6. To provide for the conservation and maintenance of open land within Spalding County for active or passive recreational use by residents;
 7. To provide for multiple options for development to minimize impacts on environmental resources and sensitive lands such as wetlands, floodplains and steep slopes;
 8. To prevent disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, wildlife habitats and historic buildings or structures; and
 9. To conserve scenic views and elements of Spalding County's natural character and to minimize perceived density by minimizing views of new development from existing streets and roads.
- B. In order to achieve the purposes of this Article, flexibility is allowed for the design of residential subdivisions by allowing a conservation form of subdivision, as follows:

Neutral Density and Basic Conservation: This form of subdivision development is allowed in the following zoning districts: AR-1, AR-2, R-1, R-2, R-4 and R-5. Residential uses are allowed at the following maximum densities for based on the result of the yield plan design:

AR-1: 1 unit/2 acres

AR-2:	1 unit/5 acres
R-1, R-2, R-4 and R-5:	1 unit/2 acres (where property is not served by public water or sewer); 1 unit/1 acres (where property is served by public water but not sewer); and 1 unit/1 acre (where property is served by both public water and sewer) greenspace and undeveloped land must make up at least 40% of the entire tract and shall not be included in any part of a subdivision lot.

Section 702. General Regulations.

The design of all Conservation Subdivisions shall be governed by the following minimum standards:

1. **Ownership:** The tract of land may be held in single or multiple ownership. However, a tract held in multiple ownership shall be planned as a single development.
2. **Site Suitability:** The tract shall be suitable for supporting development based on its size, configuration and environmental conditions. Tracts deemed unsuitable for promoting the purposes of this ordinance shall not be considered for development under the regulations of this Article.

Site unsuitable for conservation subdivision development shall include, but are not limited to:

- a. Tracts where 20% or more of the timber has been clear cut within 5 years prior to development approval.
- b. Tracts on which more than 50% of the soil has been disturbed by way of grading, root racking or surface mining within 5 years prior to development approval.
- c. Sites on which no natural or historic resources that further the intent of this ordinance can be identified.
- d. Lots or tracts from which road frontage has been stripped to create road frontage lots. This requirement shall not be applicable to road frontage lots which are lots of record.

The Spalding County Board of Commissioners shall make final determination as to whether or not a site is suitable for development of a Conservation Subdivision. (#A-06-09, 02-05-07)

3. **Intersections and Access:** Driveways serving residences located within a conservation subdivision must provide access by intersections with roads developed within the subdivision. With the exception of greenspace or conservation lots, no lots may be accessed directly from existing public roads. New intersections between existing roads and roads within the conservation subdivision shall be minimized. Additional intersections may be required based upon the location and condition of existing roads, the size of the proposed development, the size of the tract, traffic flow, and management and public safety. Interconnectivity of roads is desired. (#A-06-09, 02-05-07)

4. **Sensitive Area Disturbance:** The subdivision design shall strictly minimize disturbance of environmentally and culturally sensitive areas, including but not limited to areas located within the 100-year floodplain, having a slope exceeding 25%. Wetlands and/or historic areas. As a prerequisite of approval of any development, the Applicant must first identify the location of these features and then demonstrate that these features will be protected.
5. **Greenspace:** That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views and other unique features. Greenspace may be accessible for the residents of the development and/or to Spalding County, or it may contain areas of conservancy lots that are not accessible to the public.
6. **Conservancy Lot:** A large, privately owned lot constituting part of an area of greenspace. The purpose for the conservancy lot is to provide surrounding residents with visual access to greenspace land while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standard for greenspace. Public access to public conservation lots is not required. For the purposes of this ordinance, the conservation lot shall be covered under the homeowner's association documents; however, given the nature of some of the allowed uses it may be exempt from the some of the subdivision covenants as long as harmonious coexistence of residential and agricultural can be maintained .

Section 703. Dimensional Standards and Density Determinations.

A. Dimensional Standards for Neutral Density and Basic Conservation:

1. Density Factor: Maximum density as allowed under the particular zoning district in which the conservation subdivision is located. Density shall be calculated on the basis of Yield Plan.
2. Minimum Required Lot Area:
 - a. For areas served by public sewer: 15,000 square feet on average. Up to 20% of the lots within the subdivision may be reduced to a minimum of 12,000 square feet.
 - b. For areas not served by public sewer: Minimum lot size as may be established by the Spalding County Health Department.
3. Minimum Lot Width at Building Line: 80 feet
4. Minimum Street Frontage: 30 feet
5. Yard Regulations: Variations in principal building positions and orientation are encouraged, but shall meet the following minimum standards:
 - a. Front: 20 feet
 - b. Rear: 40 feet
 - c. Side: 30 feet separation for principal buildings with no side yard less than five (5) feet

6. Maximum Impervious Coverage: 50% limit on each lot.
7. Maximum Height Regulations: 45 feet, provided that the following emergency vehicle access standards are maintained to the property:
 - a. All weather road access that must be paved if more than one lot is accessed.
 - b. Have a minimum width of twenty (20) feet if more than one lot is accessed.
 - c. Maintain a clear area of at least 12 feet in width and 12.5 feet in height.
 - d. May not exceed 750 feet in length.
8. Minimum Tract Size Required for Development of Conservation Subdivisions: 25 acres. For Conservation Subdivisions with an equestrian component, the minimum required tract size is 50 acres. (#A-06-09, 02-05-07)
9. Minimum aggregate green space total: 40% of the total acreage of the tract provided the following additional criteria is met:
 - a. Designated wetlands may be included in the green space in the amount not more than 10% of the total acreage of the tract .
 - b. Detention facilities may be included in the green space.
 - c. Retention ponds lakes and watercourses may be included within the green space to the extent of not more than 10% of the total acreage of the tract.
 - d. Floodplain may be included in the green space in the amount of not more than 10% of the total acreage of the tract. (#A-06-09, 02-05-07)

B. Lot Yield Determination for Conservation Subdivisions:

The method for determining the maximum permitted number of lots for Conservation Subdivisions.

Yield Plan: Determination of the maximum number of permitted residential dwelling units shall be obtained by a Yield Plan, which meets the following requirements:

- a. A Yield Plan will be prepared as a conceptual layout plan showing proposed lots, streets, rights-of-way and other pertinent development features based upon the standard lot size and dimension requirements for the applicable zoning district. Though a scale drawing is not required, the conceptual layout plan must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for septic tanks.
- b. A Yield Plan must also incorporate the site's naturally occurring resources and characteristics, and the plan must demonstrate that the site's naturally occurring

resources and characteristics may be successfully absorbed in the development process without disturbance by allocating a particular area of the tract to proposed single-family dwelling lots that conform to the density factor. For the purpose of calculation the yield, no more than of residential lot shown on the proposed yield plan shall include floodplain, steep slopes or wetlands. Water courses and lakes shall be not be included on any proposed residential lot.

- c. On unsewered tracts, density shall be further determined by evaluating the number of residential dwellings that could be supported by individual septic systems on conventional lots. Based thereon, the Zoning Administrator shall select a 10% sample of the lots considered to be marginal for on-lot sewage disposal. The Applicant is required to provide evidence that these lots meet the standards for individual septic systems, at which time the Applicant shall be granted the full density determined by the Yield Plan. Should any of the sample lots fail to meet the standard for individual septic systems, those lots shall be deducted from the Yield Plan and a second 10% sample shall be selected and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual septic system.

Section 704. Greenspace Land Use and Design Standards.

Protected greenspace within all conservation subdivisions shall meet the following standards:

- A. Permitted Uses: (#A-06-09, 02-05-07)
 1. Conservation of open land in its natural state, such as woodland, fallow field, or managed meadow.
 2. Agricultural activities, excluding commercial livestock operations involving feed lots or dairy/milking operations, swine, poultry and/or any other animals likely to produce offensive odors.
 3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 25% of the required greenspace and all state requirements related to the keeping of such livestock shall be met.
 4. Neighborhood open space uses such as village greens, common, picnic areas, community gardens, trails and similar low-impact recreational uses, but specifically excluding use of motorized off-road vehicles, rifle ranges or related shooting recreational activities.
 5. Active non-commercial recreation areas, such as playing fields, playgrounds, courts and bikeways, provided such areas consume less than 1/2 of the greenspace or five acres, whichever is less. Playing fields shall not be located within 100 feet of abutting properties. Parking facilities for the same shall be permitted, provided they are gravel surfaces, unlighted and properly drained containing no more than ten (10) spaces.
 6. Golf courses, excluding driving ranges and miniature golf, may constitute up to 1/2 of the greenspace. Parking and access ways to serve the golf course may be paved and lighted.
 7. Easements for drainage, access, sewer or water lines or other public purposes.

8. Above ground utility rights of way and street rights of way may traverse conservation areas but shall not count toward the minimum required greenspace.

B. Greenspace Design Standards:

1. Greenspace shall be laid out in a manner to ensure that an interconnected network of open space with adjoining properties will be provided.
2. Greenspace shall be owned and maintained by a homeowner association, land trust, or a conservation organization recognized by Spalding County.
3. Up to 5% of the total greenspace may be subject to Spalding County's public land dedication requirement.
4. No portion of any building lot may be used for meeting the minimum greenspace requirement. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenspace requirement.
5. Pedestrian and maintenance access shall be provided to greenspace in accordance with the following requirements:
 - a. Each neighborhood shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width;
 - b. Access to greenspace used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural activities.
6. All greenspace that is not wooded, farmed or managed as meadows shall be landscaped.
7. At the discretion of the Spalding County Board of Commissioners, Spalding County shall be given an easement in and to all greenspace within each conservation subdivision.
8. At least 10% of the total amount of greenspace shall be located at or near each subdivision entrance. All remaining greenspace shall be designed to best preserve any and all natural features of the tract and/or allow reasonable access to greenspace from each lot within the subdivision. Examples of the manner in which greenspace may be designed within the subdivision are found in Section 715.

C. Architectural Design Criteria: (#A-05-21, 09-19-05)

Architectural design for homes, clubhouses and similarly used structures in the Conservation Subdivision, the developer shall choose one of the following design theme options:

1. Traditional Architectural Design

Traditional vernacular architectural design is required under this option. Each house within the subdivision must be built with at least two (2) of the following:

- a. authentic exterior siding, i.e. wood or wood appearing or Period themed vinyl siding with a minimum thickness of .44 mil.;
- b. minimum ten (10) feet ceilings on ground floor (with the exception of power rooms, restrooms, utility rooms, pantries and closets);
- c. minimum eight (8) feet depth front porches extending at least 60% of the width of the façade of the house;
- d. foundations or slab above grade (to make the appearance of a crawlspace) or crawlspace;
- e. Victoroian gingerbread detailing;
- f. widow walks;
- g. bay windows or turrets;
- h. decorative gable vents and gables;
- i. entrance porticos;
- j. Greek revival columns;
- k. decorative window pediments.

2. Country Club Design

The Architecture Design must include at least two (2) of the following:

- a. minimum three side brick, stone, stucco or hardy plank façade;
- b. porticos;
- c. transom windows;
- d. detailed balusters and pediments;
- e. masonry chimneys; or
- f. quoins.
- g. 4-side brick, stone or stucco.

3. Estate Life Design

Architectural Design Criteria:

- a. An English or American or Continental European large, country estate home dominated by the use of brick or stone is required, with outbuildings generally designed to look like farm buildings.

- b. Exterior materials restricted to wood, stone, brick or cem-plank siding.
- c. Slab on grade construction is not allowed.

Section 705. Permanent Greenspace Protection Through Conservation Easements

Greenspace that is developed and preserved in conservation subdivisions pursuant to the provisions of this Article shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities thereon. Such easements shall provide that the clearing of woodland areas shall be generally prohibited, except as necessary to create trails and active recreation activities or to install subsurface septic sewage disposal systems or spray irrigation facilities.

Section 706. Discretionary Density Bonuses (#A-05-21, 09-19-05; #A-06-09, 02-05-07)

Additional density shall may be allowed at the discretion of the Board of Commissioners when one or more of the following public benefits are proposed:

- A. **Public Usage of Greenspace.** To encourage the dedication of conservation land for public use (including active or passive recreation areas, spray irrigation areas and other public facilities), a density bonus shall be computed on the basis of a maximum of one dwelling unit per five acres of greenspace or per 2,500 feet of trail that becomes publicly accessible. The decision to accept the dedication of greenspace to public usage within a conservation subdivision shall be at the discretion of the Board of Commissioners.
- B. **Endowment for Greenspace Maintenance.** If the greenspace is to be donated to a land trust or to Spalding County, a 10% density bonus may be allowed to generate additional income for the purpose of endowing a permanent fund to offset continuing costs of maintaining the greenspace (including such activities as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, including costs associated with active or passive recreation facilities). Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. The amount required for contribution to the endowment shall be at least twenty (20) times the annual estimated maintenance costs. The applicant shall present an estimate prepared by an agency, firm or organization acceptable to Spalding County and with experience in managing conservation land and recreational facilities.
- C. **Increasing the Minimum Heated Floor Area.** A 10% density bonus may be allowed if the minimum heated floor area for each home is raised a minimum of 250 square feet above the minimum heated floor area required by the zoning of that tract. For tracts that contain multiple zoning districts, minimum floor area is determined by largest district on that tract.
- D. **Implementation.** The density bonus that may be allowed pursuant to this section shall reduce the amount of required greenspace by up to 10%, reducing the minimum lot area requirements by up to 10% or by a combination thereof (at the discretion of Spalding County). The reductions may be cumulative, if Spalding County is satisfied that the public purpose of preserving greenspace and conservation lands within Spalding County is best being served.

Section 707. Ownership and Maintenance of Greenspace and Common Facilities.

- A. All greenspace shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the greenspace, except for those uses set forth in Section 704(A) of this Article.

- B. The following methods may be used, either individually or in combination to own common facilities in the conservation subdivision; however, greenspace land shall be initially offered for dedication to Spalding County. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted by this Section, and then only when there is no change in the common facilities or in the greenspace percentage of the overall development. Ownership methods shall conform to the following:
1. Fee Simple Dedication to Spalding County: Spalding County may, but shall not be required to accept any portion of the greenspace or common facilities, provided that:
 - a. There is no cost of acquisition to Spalding County; and
 - b. Spalding County agrees to and has access to maintain such facilities.
 2. Homeowners Association: Greenspace and common facilities within a conservation subdivision may be held in common ownership by a homeowner association, subject to all of the provisions for the creation, operation and governance thereof under laws of the State of Georgia. In addition, the following regulation shall apply:
 - a. The Applicant shall provide Spalding County with a description of the organization of the proposed association, including its bylaws any and all documents governing ownership, any and all documents governing maintenance and use restrictions for greenspace and common facilities.
 - b. The proposed association shall be established by the owner or applicant and shall be operating (with sufficient financial subsidization by the owner of applicant, if necessary) before the sale of any dwelling units in the development.
 - c. Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title.
 - d. The association shall be responsible for maintenance and insurance of any and all common facilities.
 - e. The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in payment of any required dues, fees or assessments. Such dues shall be paid with the accrued interest before the lien may be deemed satisfied.
 - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to Spalding County no less than thirty (30) days prior to such event.
 3. Private Conservation Organization or Spalding County. With permission of Spalding County, an owner may transfer either fee simple title to the greenspace or easements on the greenspace to a private nonprofit conservation organization or to Spalding County, provided that:

- a. The conservation organization is acceptable to Spalding County and is a bona fide conservation organization intended to exist indefinitely;
 - b. The conveyances contain appropriate provisions for proper reversion or retransfer in the event that either the conservation organization or Spalding County becomes unwilling or unable to continue carrying out its functions.
 - c. The greenspace land is permanently restricted from further development through a conservation easement and Spalding County is given the ability to enforce such restriction; and
 - d. A maintenance agreement acceptable to Spalding County is established between the owner, the conservation organization and Spalding County.
4. Declaration of Easements to Spalding County. Spalding County may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the homeowner association or private conservation organization while the easements are held by Spalding County. In addition, the following regulations shall apply:
- a. There shall be no cost of acquisition to Spalding County.
 - b. Any such easements for public use shall be accessible to the residents of Spalding County.
 - c. A satisfactory maintenance agreement shall be reached between the owner and Spalding County.
5. Noncommon Private Ownership. Up to 50% of the greenspace may be included within one or more large conservancy lots of at least ten acres, provided the greenspace is permanently restricted from future development through a conservation easement and Spalding County is given the ability to enforce the restrictions.
- C. Maintenance.
- 1. Unless otherwise agreed to by Spalding County, the cost and responsibility of maintaining greenspace and common facilities shall be borne by the property owner, homeowners association or conservation organization.
 - 2. The applicant shall, at time of submission of the preliminary plan, provide a "Plan for Maintenance of Greenspace and Operation for Common Facilities" in accordance with the following requirements:
 - a. The plan shall define ownership;
 - b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadows, pastures, croplands, woodlands, etc.);
 - c. The plan shall estimate staffing needs, insurance requirements, and associated costs and define the means for funding the maintenance of the greenspace and operation of any common facilities on an ongoing

basis. Such funding plan shall include the means for funding long-term capitol improvements as well as regularly yearly operating and maintenance costs;

- d. At the discretion of Spalding County, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year;
 - e. Any changes to the maintenance plan shall be approved by Spalding County.
3. In the event that the organization plan established to maintain the greenspace and common facilities or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, Spalding County may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
 4. Spalding County may enter the premises and take corrective action, including extended maintenance. The cost of such corrective action may be charged to the property owner, homeowner association, conservation organization or individual property owners who make up the homeowners association, and may include any administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by Spalding County.

Section 708. Plan Standards

Spalding County will provide a Conservation Subdivision Plan Requirements Checklist that identifies all the documents required to be submitted for approval of a conservation subdivision at each step of the review process. The checklist facilitates review by Staff, as each application is reviewed for completeness and conformance with relevant ordinance provisions.

A. Resource and Site Analysis Plan

An Existing Resources and Site Analysis Plan shall be prepared and submitted to provide the developer and the County with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

The Community Development Department Staff shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36"). The following information shall be included in this Plan:

1. A vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
2. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall

be coordinated with official U.S.G.S. benchmarks.

3. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
4. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of forty-five (45) inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for Spalding County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
6. Ridge lines and watershed boundaries shall be identified.
7. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
8. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
9. Man-made features, which are deemed by the County to be significant design elements, including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
10. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
12. All easements and other encumbrances of property, which are or have been filed of Clerk of Court of County shall be shown on the plan.
13. Total acreage of the tract, and the constrained land area with detailed supporting calculations. (NOTE: The elements of this section are still under discussion by the Committee)

B. Yield Plan

A Yield Plan conforming to section 704 B. of this Article shall be prepared and submitted to determine the allowable lot yield of the Subdivision.

The Administrative Officer or his designee shall review the Plan to assess its accuracy unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single

standard size sheet (24" x 36").

C. Sketch Plan Overlay Sheet

A Sketch Plan shall be submitted by the applicant as a diagrammatic basis for preliminary discussion with the Staff regarding the design and layout of a proposed conservation subdivision. The purpose of the sketch plan is to help Spalding County and the applicant understand the property and the proposed development and to help establish an overall design approach that respects the special features of the property while providing for the density allowed in this Ordinance.

The Sketch Plan shall include the following information:

1. Name and address of the owner of legal title to the property;
2. Name and address of the applicant;
3. Name and address of the professional engineer, surveyor, planner, architect, landscape architect or site designer responsible for preparing the plan;
4. Graphic scale (not greater than 1 inch = 200 feet), however, dimensions on the plan need not be exact on the sketch plan, and it should be scaled to overlay the Resource and Site Analysis Plan;
5. Tract boundaries or plat of the tract;
6. Location map;
7. Zoning district;
8. Streets on or adjacent to the tract (both existing and proposed);
9. 100 year flood plain limits;
10. Approximate location of wetlands, if any;
11. Topographic, physical and cultural features including fields, pastures, meadows, wooded areas, trees (with diameters of (45?) inches or greater), hedgerows or other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, existing rights-of-way or easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
12. Schematic layout indicating a general concept for land conservation and development;
13. Proposed general street and lot layout;
14. General description of proposed method of water supply, sewage disposal and stormwater management.

Section 709. Plan Design and Approval Process

Conservation Subdivision design is a preliminary process leading up to the submittal of a Preliminary Plat for review and approval by the Spalding County Planning Commission. The subdivision

approval process as required elsewhere in this Ordinance shall govern the approval of the preliminary and ultimately final plat for Conservation Subdivisions.

A. Submittal of the Resource and Site Analysis Plan and Yield Plan

A Resource and Site Analysis and Yield Plan as described in Sections 708.A. shall be submitted at least 14 days prior to the begin of the design process. Staff shall review the plan and schedule a mandatory on-site meeting with the developer for the purpose of identifying conservation features on the ground and gain an understanding of the basic design parameters of the site.

B. Four-Step Design Process for Subdivisions in the Conservation Design Overlay District.

All Conceptual Preliminary Plans in the Conservation Design Overlay District shall include documentation of a four-step design process in determining the layout of proposed greenway lands, house sites, streets and lot lines, as described below.

1. Step 1: Delineation of Greenway Lands

- a. The minimum percentage and acreage of required greenway lands shall be calculated by the applicant and submitted as part of the Sketch Plan or Conceptual Preliminary Plan in accordance with the provisions of this ordinance and of the zoning ordinance. Greenway lands shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in Section 708.
- b. Proposed greenway lands shall be designated using the Existing Resources and Site Analysis Plan as a base map and complying with Section 708.A. herein, dealing with Resource Conservation and Greenway Delineation Standards. The County's Map of Potential Conservation Lands in the Comprehensive Plan shall also be referenced and considered. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and slopes over 25 percent. (The definition of Primary Conservation Areas is independent of the "density factors" applied to various categories of constrained lands to calculate density)
- c. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed Greenway, in consultation with the Planning Staff and in accordance with Section 709.A. herein.
- d. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for greenway lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

2. Step 2: Location of House Sites

Potential house sites shall be tentatively located, using the proposed greenway lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

3. Step 3: Alignment of Streets and Trails

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards in Article 7 herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the municipality and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).

4. Step 4: Drawing in the Lot Lines

Applicants shall be prepared to submit four separate sketch maps indicating the findings of each step of the design process.

County Staff shall review the Sketch Plan in accordance with the criteria contained in this Ordinance and with other application ordinances of Spalding County. The Staff shall advise the applicant of the extent to which the proposed conservation subdivision conforms to the relevant standards of this Ordinance. The Staff may require plan modifications that would increase the degree of conformance of the conservation subdivision.

C. After review by the Planning Commission, the sketch plan shall be placed on the next available Board of Commissioners' agenda for review and approval.

D. Preliminary Plat Submittal

Upon approval of the sketch plan by the Board of Commissioners, the Preliminary Plat for the subdivision may be submitted for review and approval by the Spalding County Planning Commission as required in Appendix A, Section 404 of this Ordinance. All requirements for preliminary plat information and approval process shall be met.

E. Construction Plan

A Construction Plan meeting the requirements of Appendix A, Section 406 of this ordinance shall be submitted and approved by the county prior to permitting for land disturbance activity. A detailed plan for the development of any improvements to the green spaces shall be submitted with the Construction Plan. Such detailed plan shall include, but is not limited to the following items:

1. Design of playground facilities, clubhouses, pools and other amenities to be located in the greenspace areas.

2. Proposed Landscape Planting within greenspace areas.
3. Location of fences, walls and other barriers within the greenspace areas.

F. Final Plat

A Final Plat meeting the requirements of Appendix A, Section 408 and 410 of this ordinance shall be submitted prior to the dedication of streets and sale of lots within the subdivision. With the submittal of the final plat, the applicant shall also submit the homeowners association documentation required herein.

Section 710. Design Guidelines for Streets in Conservation Subdivisions.

- A. Minimum Pavement Width: 20 feet, subject to approval by the County Engineer.
- B. Location and Alignment: Streets should not cross wetlands. Existing farm roads, if any, should be incorporated into conservation subdivision designs. Roads should follow existing contours with a minimum of cut and fills for construction, minimizing land disturbance. In conservation subdivisions where agricultural protection or meadow preservation is a primary objective, roads should be placed along the edge of a field, rather than through the middle, so as to be less intrusive on the open space character of the tract.
- C. Lengths and Curves: The length of roads should be minimized to reduce costs and aesthetic impacts. Long, straight road segments should be avoided. Curvilinear designs are preferred for rural conservation subdivisions. Streets should be curved and aligned to produce vistas of open space elements, where possible.
- D. Separate Travel Lanes: Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane should be fourteen (14) feet in paved width and shall require roll-type curbing. (#A-06-09, 02-05-07)
- E. Right-of-Way and Clearance: Rights-of-way shall be a minimum of 50 feet and wide enough to accommodate the required street width improvement, adequate shoulder bases for utilities, bikeways and/or walkways, and open storm drainage ditches at appropriate bank slope. Drainage easements may be provided in lieu of expanding the right-of-way for drainage ditches if approved by the County Engineer. The entire right-of-way may not necessarily have to be cleared if it can be shown to the satisfaction of the County Engineer that remaining trees or other features do not pose a traffic safety hazard or impede access by emergency vehicles.
- F. Connections: Streets should be connected with one another where possible, preferably in three-way intersections, so that the numbers of dead ends are minimized. Wherever possible, streets should be designed to connect with adjoining properties.
- G. Cul-de-Sacs: Cul-de-sacs are discouraged. Where cul-de-sacs are unavoidable, such as for topographic reasons, they should be accompanied with pedestrian and/or bike linkages to other nearby streets and/or trail systems. Cul-de-sac streets should serve no more than twenty dwellings, with a length not exceeding 1,000 feet. Cul-de-sac radii should not exceed forty (40) feet.
- H. Reverse Curves: Reverse curves (consecutive left and right curves without a straight segment separating them) are considered appropriate and may be encouraged, subject to

the approval of the County Engineer.

- I. Single-Loading Streets: Single-loading streets (i.e., having only on one side) are considered appropriate and encouraged, particularly around village greens, neighborhood commons, or open areas.
- J. Curbs and Drainage: For development of streets within conservation subdivisions curb and gutter shall be required.
- K. Street Trees: Street tree plantings are encouraged, provided that they are located so as not to present a traffic safety hazard, as determined by the County Engineer and as shown on the standard street cross-sections adopted by the County.
- L. Signs: For signs identifying street entrances to conservation subdivisions, signage shall be limited to one monument sign per entrance to the off-site road.
- M. Private Driveways: Private driveways may be used to access up to five (5) lots, provided the requirements for maintenance thereof are set forth in the Preliminary Plat, the Detailed Final Plan and any Homeowner Association documents or restrictive covenants and provided the same are approved by the County Engineer. Private driveways must meet the following minimum standards:
 - a. All weather access that must be paved if they access more than one lot.
 - b. Have a minimum width of twenty (20) feet if more than one lot is served.
 - c. Maintain a clear area of at least 12 feet in width and 12.5 feet in height.
 - d. May not exceed 750 feet in length.

Section 711. Homeowner Association Documents

A Homeowners' Association document shall be required for all conservation subdivisions that propose lands and/or facilities to be used or owned in common by all the residents of the subdivision and which are not deeded to Spalding County or an approved land conservation trust. The required homeowners' association document shall include, but shall not necessarily be limited to the following:

- A. A description of all lands and facilities to be commonly owned, including a plat showing the precise location of such common land and/or facilities;
- B. A statement of the powers, duties and responsibilities of the homeowners association, and the services to be provided thereby;
- C. A Declaration of Restrictive Covenants, giving perpetual easement of the lands and facilities owned by the homeowners association, which shall provide automatic membership for all owners of real property within the conservation subdivision and which shall describe the mechanism and means by which such owners shall participate in the association, including voting, elections and meetings. The Declaration shall give power to the Association to own and maintain the common property and to make and enforce rules;
- D. Statements prescribing the method and process by which the decisions of the homeowners' association shall be reached, setting forth the requirement for the legal authority of the homeowners' association to act;

- E. Statements requiring each owner of real property within the conservation subdivision to become a member of the homeowners' association;
- F. Statements creating cross-covenants between each owner to all other owners for the mutual benefit and enforcement of the homeowners' association;
- G. Requirements that each owner of real property within the conservation subdivision provide and pay a pro rata share of the costs of the operation of the homeowners' association;
- H. A process of collection and enforcement to obtain funds from owners who fail to comply;
- I. A process for transition and control of the homeowners' association from the developer or applicant to the owners of real property within the conservation subdivision;
- J. Statements describing how the lands and/or facilities of the homeowners' association shall be insured, both as to liability and property damage;
- K. Provisions for the dissolution of the homeowners' association in the event it should become unviable.

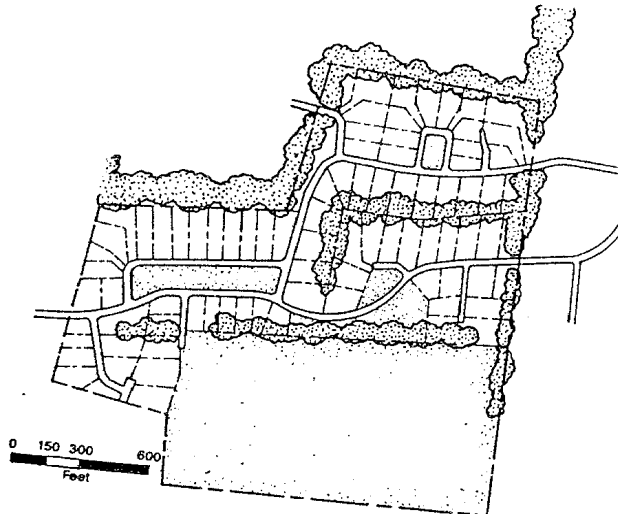
Section 712. Variances

Any person seeking a variance of any provision of this Article shall file an application for a variance pursuant to the procedures set forth in Section 411 of the Zoning Ordinance of Spalding County.

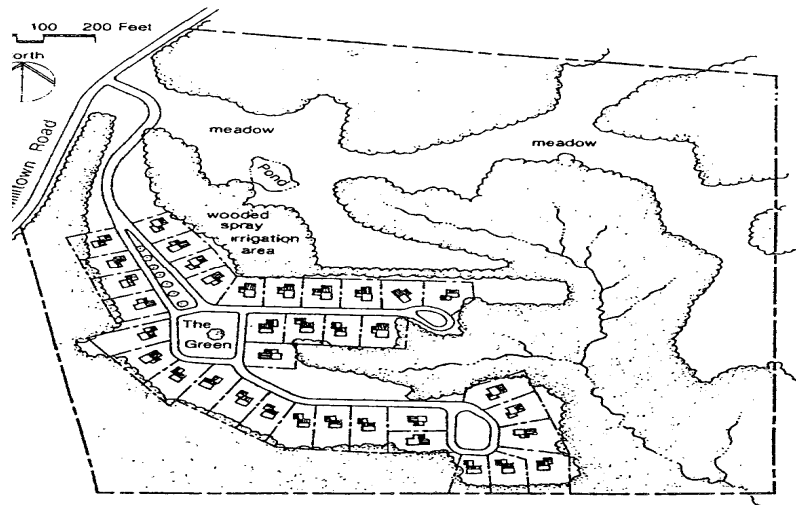
Section 713. Greenspace Layout and Design

The following are examples of acceptable layout and design for conservation subdivisions within Spalding County. The examples shown within this section are not exhaustive. However, the design and layout of conservation subdivisions following these examples are deemed by Spalding County to be consistent with the design goals and objectives for conservation subdivisions.

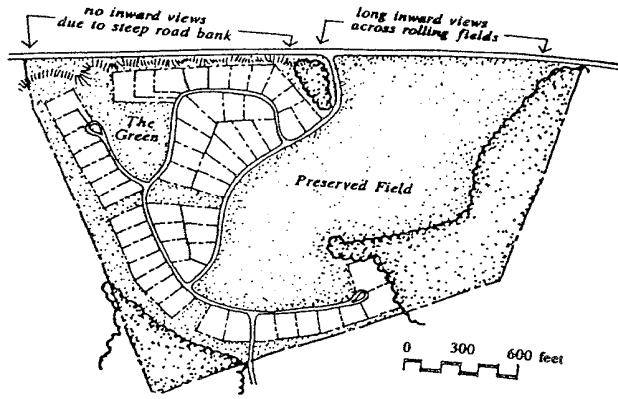
Design I



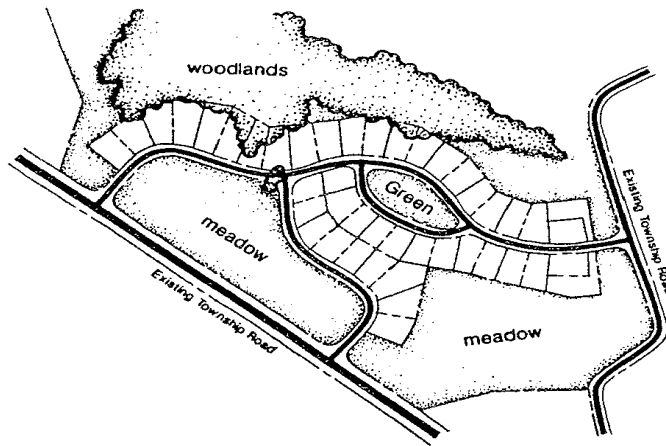
Design II



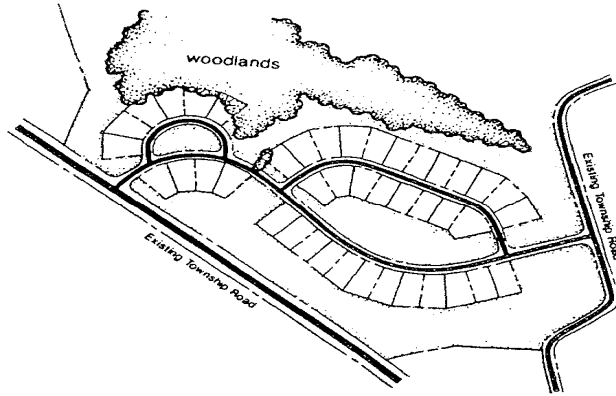
Design III



Design IV



Design V



ARTICLE 8. LEGAL STATUS PROVISIONS.

(#A-01-19, 12-17-01)

Section 701: Adoption of This Ordinance. The adoption of this Ordinance shall operate as a repeal of Sections 4-1027 and 4-1029 of Division II, Part IV, Chapter I of the Code of Spalding County, Georgia. The adoption of this Ordinance shall also operate to repeal any ordinances in conflict with this Ordinance.

Section 702: Effect of Repeal. The repeal provided for in the preceding section of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date.

Section 703: Severability of Provisions. It is hereby declared to be the intention of the County that the sections, paragraphs, sentences, clauses and phrases of this Ordinance hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, this unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance hereby adopted.

Section 704: Effect of Catchlines. The catchlines of the several sections of this Ordinance printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of the sections nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or re-enacted.

Section 705: Effective Date. This Ordinance shall be effective April 26, 1994, the date of its adoption.

Adopted at First Reading on April 5, 1994.

Adopted at Second Reading on April 26, 1994.

Chairman
Spalding County Board of Commissioners
Spalding County, Georgia

Approved As To Legal Sufficiency:

County Attorney
Spalding County, Georgia

County Clerk
Spalding County, Georgia