

AN ORDINANCE REGULATING THE  
SUBDIVISION OF LAND  
IN THE  
CITY OF WINTERVILLE, GEORGIA

*Prepared by the  
Northeast Georgia Regional Commission*

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# Article I. GENERAL PROVISIONS

An ordinance regulating the subdivision of land in the City of Winterville, Georgia requiring and regulating the preparations and presentation of preliminary and final plats for such purpose; establishing minimum subdivision design standards; requiring minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedure to be followed by the Mayor and Council in applying these rules, regulations, and standards; and prescribing penalties for the violation of its provisions.

## 1.1 Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of The City of Winterville, Georgia (hereinafter "these regulations").

## 1.2 Policy

1. It is declared to be the policy of the City of Winterville to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of The City of Winterville pursuant to the comprehensive plan of the city for the orderly, planned, ecologically sound, efficient, and economical development of the city.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, soil erosion, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Map, and the capital budget and program of the city, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, and Thoroughfares Map.
4. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulations(s) identified in Section 1.3.

## 1.3 Purposes

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the city.
2. To guide the future growth and development of the city in accordance with the Comprehensive Plan.
3. To provide for adequate light, tree canopy cover, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, and to protect environmentally critical areas and areas premature for urban development.

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

#### **1.4 Authority**

These regulations are adopted in accordance with, and under the power of, the 1983 Constitution of the State of Georgia (Article XI, Section II, Paragraphs I and IV). The Mayor and Council designate the Chair of the Planning and Zoning Commission, in consultation with the Planning and Zoning Commission, the authority to review, approve, conditionally approve, or disapprove applications for the minor subdivision of land. The Mayor and Council further designate the Planning and Zoning Commission:

1. the authority to review and recommend to the Mayor and Council approval, conditional approval, or disapproval of applications for the major subdivision of land, including preliminary and final plats; and,
2. The authority to review and approve an extension of time limit for submission of final plat.

The Planning and Zoning Commission and/or the Mayor and Council may request consulting services, as necessary, to assist in the review of applications for minor and major subdivision.

The Mayor and Council shall have the sole authority to approve, conditionally approve, or disapprove applications for the major subdivision of land and grant variances from these regulations pursuant to the provision of Section 1.12.

*General Provisions*

## **1.5 Jurisdiction**

1. These regulations apply to all subdivision of land, as “subdivision” is defined in Section 2.2, located within the corporate limits of The City of Winterville.
2. No land may be subdivided through the use of any legal description other than with reference to a plat approved in accordance with these regulations.
3. No building permit or certificate of occupancy shall be issued for any building on any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision regulations, and no land disturbing activity or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

## **1.6 Enactment**

All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations. However, these regulations will not apply if:

1. preliminary plat approval was obtained prior to the effective date of these regulations; and
2. the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the city; unless
3. The Planning and Zoning Commission determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

## **1.7 Interpretation, Conflict, and Severability**

1. **Interpretation.** In their interpretation and applications, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
  - a. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
  - b. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations

shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the Planning and Zoning Commission in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

2. **Severability.** If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Mayor and Council hereby declares that it would have enacted the remainder to these regulations even without any such part, provision, or application which is judged to be invalid.

### **1.8 Saving Provision**

These regulations shall not be construed as:

1. abating any action now pending under, or by virtue of, prior existing subdivision regulations;
2. discontinuing, abating, modifying, or altering any penalty accruing or about to accrue;
3. affecting the liability of any person, firm, or corporation;
4. waiving any right of the city under any section or provision existing at the time of adoption of these regulations; or
5. Vacating or annulling any rights obtained by any persons, firm, or corporation by lawful action of the city except as expressly provided for in these regulations.

### **1.9 Reservations and Repeals**

Upon the adoption of these regulations according to law, the Subdivision Regulations of The City of Winterville adopted December 10, 1974 and as amended, are hereby repealed.

### **1.10 Amendments**

For the purpose of protecting the public health, safety, and general welfare, these regulations may be amended from time to time. Any proposed amendment must first be submitted to the Planning and Zoning Commission for review and recommendation to the Mayor and Council. The Planning and Zoning Commission shall hold a public hearing on the proposed amendment at its next regularly scheduled meeting following the date of submission of the request provided that public notice of the hearing is given at least fifteen (15) days prior to the public hearing in the legal organ of the city.

Within forty-five (45) days following its public hearing, the Planning and Zoning Commission shall forward its recommendation to the Mayor and Council. Any recommendation not forwarded within forty-five (45) days shall be deemed to be recommended.

The Mayor and Council shall then hold a public hearing on the proposed amendment at its next regularly scheduled meeting following receipt of the Planning and Zoning Commission's recommendation provided that public notice of the hearing is given at least fifteen (15) days prior to the public hearing in the legal organ of the city. Following its public hearing, the Mayor and Council shall approve, approve with changes, disapprove, table the proposed amendment, or send the amendment back to the Planning and Zoning Commission for further

consideration.

### 1.11 Public Purpose

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

### 1.12 Variance, Exceptions, and Waiver of Conditions

1. **General.** Variances, exceptions, and waiver of conditions to these subdivision regulations may be approved so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the variance, exception, and waiver of conditions shall not be recommended for approval or approved unless findings are made by the reviewing body based upon the evidence presented to it in each specific case that:
  - a. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
  - b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
  - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
  - d. The relief sought will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Thoroughfares Map, except that those documents may be amended in the manner prescribed by law; and
  - e. Reduction of anticipated profit is not to be considered a hardship.
2. **Conditions.** In approving variances, exceptions, or waivers of conditions, the Mayor and Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.3.
3. **Procedures.** A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The Planning and Zoning Commission shall have forty-five (45) days from the Official Submission Date to recommend approval, approval with conditions, disapproval, or table said petition. The Planning and Zoning Commission shall forward its recommendation to the Mayor and Council. The Mayor and Council shall have sixty (60) days following receipt of the recommendations from the Planning and Zoning Commission to review the recommendations of the Planning and Zoning Commission and shall approve, approve with conditions, disapprove, or table said petition. If the petition is denied, the City Clerk shall notify the application in writing, citing the reasons for disapproval. If the Mayor and Council does not take action on the petition within sixty (60) days of the receipt of the recommendation from the Planning and Zoning Commission, the petition shall be considered approved.

### 1.13 Enforcement, Violations, and Penalties

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

- a. It shall be the duty of the Building Inspector to enforce these requirements and to bring to the attention of the Mayor and Council any violations thereof.
- b. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved and filed with the Clerk of the Superior Court of Clarke County.
- c. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
- d. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

2. **Violations and Penalties.** Any person who violates any of these regulations shall be subject to a fine of not more than \$1,000.00, or imprisonment for a term not exceeding one (1) year, or both. Each day a violation continues is a separate offense.

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

### 1.14 Appeals

Appeals from decisions rendered by the Building Inspector shall be filed in writing with the Planning and Zoning Commission within five (5) days of the date of the Building Inspector's decision or the right to appeal is lost.

Appeals from decisions rendered by the Planning and Zoning Commission shall be filed in writing with the Mayor and Council within five (5) days of the date of the Planning and Zoning Commission's decision or the right to appeal is lost.

Appeal from decisions rendered by the Mayor and Council shall be filed in writing with the Clarke County Superior Court within five (5) days of the date of the Mayor and Council's decision or the right to appeal is lost.

## Article II. DEFINITIONS

### 2.1 Generally

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

### 2.2 Words and Terms Defined

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

1. **Alley.** A platted service way providing a secondary means of access to abutting properties.
2. **Applicant.** The owner of land proposed to be subdivided or his/her representative who shall have express written authority to act on behalf of the owner.
3. **Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.
4. **Bond.** Any form of a surety bond in an amount and form satisfactory to the Mayor and Council. All bonds shall be approved by the Mayor and Council whenever a bond is required by these regulations.
5. **Building.** Any structure, either permanent or temporary, or above or below ground, and designed, built or used as a shelter or enclosure for persons, animals, or property of any kind.
6. **Building Envelope:** The area formed by the front, side, and rear building setback lines of a lot within which the principal building must be located.
7. **Building Inspector.** The authorized Building Inspector for The City of Winterville, Georgia.
8. **Building Permit.** A written permit issued by the Building Inspector.
9. **Certify.** Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the city by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.
10. **City Attorney.** The attorney so designated by the Mayor and Council.
11. **City Engineer.** The engineer so designated by the Mayor and Council.
12. **City.** The City of Winterville, Georgia.
13. **City Clerk.** The City Clerk for the City of Winterville Georgia.
14. **Common Ownership.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock broker, partner, or associate, or a member of his family owns an interest in each corporation, firm partnership, entity, or unincorporated

association.

15. **Comprehensive Plan.** The Joint City/County Comprehensive Plan for Athens-Clarke County and Winterville, March 1999, and as may be amended or updated.
16. **Construction Plans.** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision, and prepared by a registered professional engineer, land surveyor, architect, or landscape architect in accordance with the requirements of the Mayor and Council as a condition of the approval of the plat.
17. **Cul-de-Sac.** A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement. A dead end or cul-de-sac begins where there is only one (1) point of ingress and egress to a through-street..
18. **DBH.** Diameter at breast height. DBH is determined by measuring the diameter of the tree trunk four (4) feet about the ground.
19. **Department of Transportation and Public Works.** The Athens-Clarke County Department of Transportation and Public Works.
20. **Developer.** The owner or owner's representative of land proposed to be subdivided. Written consent shall be required from the legal owner of the property in order to undertake subdivision development.
21. **Engineer.** A registered, professional engineer licensed by the State of Georgia.
22. **Easement.** A grant of one (1) or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
23. **Final Plat.** The plat of a subdivision prepared by a registered land surveyor to be recorded after approval by the Planning and Zoning Commission, if a minor subdivision, or the Mayor and Council, if a major subdivision, and any accompanying material as described in these regulations.
24. **Forested Area.** A biological community dominated by trees and other woody plants, the crowns of which form an unbroken covering layer or canopy.
25. **Front Yard Setback.** See "Setback, Front Yard."
26. **Frontage.** The distance for which the front boundary line of the lot and the street line are coincident calculated at the right-of-way line. For the purpose of corner lots, all sides of a lot adjacent to streets shall be considered frontage.
27. **Grade.** The slope of a road, street, or other public way specified as a percentage in terms of rise over grade.
28. **Half Street.** Streets with half the required width of the required right-of-way on the bounding edge of a tract being subdivided.
29. **Health Department.** The Clarke County Health Department.
30. **Land Disturbing Activity.** Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including ,but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in paragraph (5) of O.C.G.A. §12-7-17.

31. **Landscaping.** Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.
32. **Lot.** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, or transfer of ownership, or possession, or for building development.
33. **Lot Combination.** . The combination or recombination of previously platted lots, or portions of previously platted lots, is permitted where the total number of lots is not increased and the resultant lot, or lots, comply with the standards of these Regulations and all other ordinances and resolutions of the City of Winterville, Georgia.
34. **Lot Improvement.** Any building, structure, work of art, or other object situated on a lot.
35. **Lot, Corner.** A lot abutting two (2) or more streets at their intersection where the interior angle of the intersection does not exceed one hundred and thirty-five degrees (135°).
36. **MACORTS Long-Range Plan.** The Madison Athens-Clarke Oconee Regional Transportation Study 2030 Long Range Transportation Plan approved August 25, 2004 and as may be updated or amended.
37. **Major Subdivision.** All subdivisions of five (5) or more lots, or any size subdivision requiring any new street or change in existing streets.
38. **Master Preliminary Plat.** That portion of a preliminary plat submitted in connection with a multi-phase or phased subdivision application which provides the information and graphics meeting the requirements of this ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.
39. **Mayor and Council.** The Mayor and Council for the City of Winterville, Georgia.
40. **Minor Subdivision.** All subdivisions of less than five (5) lots provided that:
  - a. Each lot in the proposed subdivision abuts an existing street for a minimum distance of one hundred fifty (150) feet and the depth does not exceed three (3) times the width.
  - b. The proposed subdivision shall be directly accessible to existing required improvements that shall be necessary for connection to existing utilities and other existing facilities.
  - c. The combination or recombination of portions of previously platted lots is permitted where the total number of lots is not increased and the resultant lots comply with the standards of these Regulations and all other ordinances and resolutions of the City of Winterville, Georgia.
41. **Official Submission Date.** The Official Submission Date is the date on which the statutory period required for formal approval, conditional approval or disapproval of the preliminary or final subdivision plat shall commence to run. The statutory period shall commence to run when an application determined to be complete by the Planning and Zoning Commission Chair is filed with the city clerk and all fees paid. If an application is not deemed to be complete, the statutory period shall not commence to run.
42. **Open Space.** A parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Open space shall be substantially free of structures, but may contain such improvements as are in the plans as finally approved and are appropriate for the benefit of residents of the development. Unless dedicated and accepted by the Mayor and Council, maintenance shall be the responsibility of all property owners within the subdivision.

43. **Owner.** Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
44. **Parcel(s).** A general term including all plots of land shown with separate identification on the official tax maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.
45. **Phased Subdivision Application.** An application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phases(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, nonresidential development projects, and residential developments. Each subdivision phase shall be developed in conformance with the regulations current at the time of subdivision design.
46. **Planning and Zoning Commission.** The Planning and Zoning Commission of the City of Winterville, Georgia.
47. **Plat, Final.** The final plat prepared by a registered land surveyor, described in these regulations, on which the subdivider's plan of subdivision is presented to the City of Winterville for approval and which, if approved, may be submitted to the Clerk of the Superior Court for Clarke County for filing.
48. **Plat, Preliminary.** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the City of Winterville for approval.
49. **Public Hearing.** A meeting announced and advertised in accordance with O.C.G.A. §36-66-4 and open to the general public wherein the public has an opportunity to comment and participate.
50. **Public Improvement.** Any drainage, ditch, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility or liability, for maintenance or operation, or which may affect an improvement for which City responsibility and liability is established.
51. **Public Utility.** An entity engaged in regularly supplying the public with some commodity or service which
  - (1) is of public consequence or need, such as electricity, gas, water, transportation, or telephone services;
  - (2) Is regulatory and controlled by a state or federal regulatory commission; and (3) often has the power of eminent domain.
52. **Right-of-Way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lot or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established and owned in fee simple title by the property owner.
53. **Road Right-of-Way Width.** The distance between property lines measured at right angles to the center line of the street or road.

54. **Security.** The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.
55. **Setback, Front Yard.** The distance between a building and the street line nearest to the building.
56. **Street.** Streets within the City of Winterville shall be classified as to one of the following:
- a. **Arterial.** An arterial is a high-volume street that should have no residences on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. Arterial streets are normally controlled by traffic signs and signals. An arterial shall include "Principal" and "Urban Minor" arterial routes identified in the 2030 MACORTS Long Range Plan, approved August 25, 2004 and as may be amended..
  - b. **Collector.** As the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic; as such, communities should not encourage parking or residences along a collector. The collector's secondary function is to serve abutting land uses. A collector street has an actual or anticipated traffic flow of 800 vehicle trips per day (VTD) or greater and shall be constructed to the Collector Standards established by the Athens-Clarke County Transportation and Public Works Director and adopted by reference as if fully set out herein.
  - c. **Local.** The local street provides passage to other local streets and conveys traffic to collectors. The local street provides frontage and access to residential lots but also carries some through-traffic to similarly-ordered streets. The local street is a relatively low-volume street.
57. **Structure.** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site-built buildings. Manufactured and modular homes, swimming pools, and signs.
58. **Subdivider.** Any person who (1) having a majority interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develops or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.
59. **Subdivision.** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes re-subdivision and condominium creation or conversion.
60. **Surveyor.** A registered, practicing surveyor, licensed by the State of Georgia.
61. **Through-Street.** A public street in which there are two or more points of ingress and egress.
62. **Thoroughfares Map.** A map depicting the current and future streets in The City of Winterville by functional classification.
63. **Tree.** A plant having at least one well-defined stem or trunk and normally attaining a mature height of at least 15 feet, with an average mature spread of 15 feet, and having a trunk that shall be kept clear of

leaves and branches at least six feet above grade at maturity.

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

# Article III. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

## 3.1 General Procedure

1. **Classification of Subdivisions.** Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:
  - a. Minor Subdivision
    - i. Preliminary Plat - optional
    - ii. Final Plat
  - b. Major Subdivision
    - i. Preliminary Plat
    - ii. Final Plat
2. **Application and Fees.** A complete application for Preliminary Plat must be filed with the City Clerk and all fees paid at least thirty (30) days prior to a regular Planning and Zoning Commission meeting. If a Preliminary Plat is not required, then a complete Final Plat Application must be filed with the City Clerk and all fees are paid at least thirty (30) days prior to a regular Planning and Zoning Commission meeting. The official submission date shall be determined in accordance with section 2.2.
3. **Lot Combination.** . Lots proposed to be combined must be combined by way of an approved final plat. The combination plat shall show a single lot and the total acreage; furthermore, within the combined lot, the plat shall show as a dashed line any original common lot lines being eliminated and label such dashed lane as "original lot line." The title of such a plat shall include the phrase "lot combination."
  - a. The following information shall be placed on the plat either by the surveyor prior to approval or will be noted on plat by the Planning and Zoning Board at the time of approval.
    - i. If the lots to be combined were a part of a subdivision previously approved and recorded, the combination plat title shall also reference the name of the original subdivision affected by the lot combination and lots in the original subdivision affected by the lot combination (e.g., "Combination Plat for Lots 3, 4, and 5 of Broad Acres Subdivision").
    - ii. The combination plat shall also include the original tax map and parcel(s) numbers.
    - iii. The combination plat shall also state that these lots shall now be considered as one build-able lot for both zoning, subdivision, and tax purposes.

## 3.2 Minor Subdivision

1. For developments of less than five lots not involving public street construction, only an application for a Final Plat must be filed.
2. Final Plat.
  - a. **Application Procedure and Requirements.** Application for final plat shall be made on forms available from the City Clerk together with a fee as determined by Mayor and Council. Ten (10) copies of a complete Final Plat application shall be submitted to the City Clerk.
  - b. **Compliance with Ordinances and Best Management Practices.** The final plat shall comply with all applicable ordinances and best management practices.

- c. **Content.** The final plat submitted shall be in ink on a reproducible medium prepared in accordance with accepted professional standards. The submittal copies shall consist of black-line prints on a white background, and the submittal shall include such other documents as necessary to meet the requirements of these regulations. The final plat shall be prepared at a scale of one inch equals one hundred feet or larger. Sheet size shall be appropriate for recording. If the entire final plat cannot be depicted on one sheet, the plat may be divided and an index provided. Application for final plat approval shall be made on forms available from the City Clerk, together with a fee as determined by Mayor and Council. The final plat shall contain a scale plat or plats showing the following for the development in addition to all other requirements for plats under state law. The content for a final plat shall be as follows:
- i. Property boundary lines.
  - ii. Individual lot lines of each parcel that is to be created for separate ownership.
  - iii. The location of all easements and apparent encroachments.
  - iv. The date, scale, north point, and legend.
  - v. Legal description of the tract boundaries.
  - vi. Name and address of the owner or subdivider and surveyor.
  - vii. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
    - (a) Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
    - (b) Adjoining corners of adjoining subdivisions.
    - (c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
  - viii. The exact location and width of streets and easement intersecting the boundary of the tract.
  - ix. Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings for tract, lot, and boundaries and street bearings. All distances shall be shown to the nearest 1/100 of a foot. No ditto marks shall be used.
  - x. Easements denoted by fine dotted lines, clearly identified and, if already of record, a statement of the easement, the width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the subdivision must be shown; if the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificate of dedication.
  - xi. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
  - xii. Building envelope lines and the height restrictions, if any. The setback lines, if any, are to be made a part of the subdivision restrictions.
  - xiii. All environmental areas required under the Environmental Areas Protection Ordinance shall be shown, including FEMA flood hazard areas.
  - xiv. Names of all streets and alleys immediately adjoining the subdivision.
  - xv. Method of water supply.
  - xvi. Method of wastewater disposal.
  - xvii. Method of solid waste disposal.
  - xviii. The following certifications which may be combined where appropriate:



(5) **Certificate of Approval for Recording.**

"Pursuant to the Subdivision Regulations of the City of Winterville, the Planning and Zoning Commission approves this subdivision plat for final recording in the office of the Clerk of the Superior Court of Athens-Clarke County, Georgia.

Date

Chair, Planning and Zoning Commission

(b) **Survey Requirements.**

- (1) An arrow shall be shown to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north.
- (2) The coordinates of the boundary of the subdivision and showing the error of closure, if any.
- (3) The computation of all distances, angles, and courses shown on the final plat.
- (4) Ties of existing monuments, proposed monuments, adjacent subdivisions, and street corners.
- (5) Iron pins one-half (½) inch set at all property corners.

(c) **Discovery of Errors and Omissions.** When an error is discovered on a recorded survey, the surveyor shall make corrections and resubmit the corrected plat.

- (d) Tax parcel identification number of subject property.
- (e) Zoning classification of subject property.
- (f) Zoning classification of adjacent property.
- (g) Names of adjacent property owners.

d. **Supplemental Information to Accompany the Final Plat.**

- i. Sheets and drawings showing the following:
  - (a) A copy of any deed restrictions applicable to the subdivision.

3. **Reserved.** (Amended 12.14.10)

4. **Final Plat Review.** The Chair of the Planning and Zoning Commission, or in his/her absence, the Vice-Chair, upon review and recommendation of the Planning and Zoning Commission, shall have forty-five (45) days from the Official Submission Date to approve, approve with conditions, disapprove, or table the final plat application. If the final plat is disapproved, the City Clerk shall notify the applicant in writing, citing the reasons for disapproval. The action of the Chair, or in his/her absence, the Vice-Chair, shall be noted on the copy of the final plat. If the Chair, or in his/her absence, the Vice-Chair, does not take action within the forty-five days of the Official Submission Date, the plat shall be considered approved and a certificate of approval shall be issued on demand. However, the subdivider may waive this requirement and consent to an extension of time. (*Amended 12.14.10*)

5. **Criteria for Final Plat Approval**

Final plat approval shall be granted by the Planning and Zoning Commission upon finding of substantial conformance with the requirements of this ordinance.

## 6. Recording

Subsequent to the favorable decision, the applicant shall:

- a. file a copy of the final plat with the Clerk of the Clarke County Superior Court;
- b. file a copy of the recorded plat and construction plans shall be filed with the City Clerk within sixty (60) days.

Failure to comply with this provision shall void any approved plat.

## 7. Suspension and Invalidation of Final Plat

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

### 3.3 Major Subdivision

#### 1. Preliminary Plat.

##### a. Application.

- i. Application for preliminary plat approval shall be made on forms available from the City Clerk, together with a fee as determined by Mayor and Council. Ten (10) copies of a complete Preliminary Plat Application shall be submitted to the City Clerk no later than thirty (30) Days prior to the next regular meeting date of the Planning and Zoning Commission and all fees shall be paid. .
- ii. The Preliminary Plat submitted shall be in ink on a reproducible medium prepared in accordance with accepted professional standards. The submittal copies shall consist of black-line prints on a white background, and the submittal shall include such other documents as necessary to meet the requirements of these regulations. The preliminary plat shall be prepared at a scale of one inch equals one hundred feet or larger. Sheet size shall be appropriate for recording. If the entire preliminary plat cannot be depicted on one sheet, the plat may be divided and an index provided. The preliminary plat shall contain a scale plat or plats showing the following for the development in addition to all other requirements for maps and plats under state law:

##### b. Contents. The contents for a preliminary plat shall be as follows:

- i. A topographic map prepared by a registered land surveyor at a contour interval as specified by the Soil Erosion and Sediment Control Ordinance and in accordance with state law.
- ii. The locations of existing buildings, the proposed and existing property lines and easements on the site, and existing buildings, structures, and all buildings within 160 feet of the site boundaries.
- iii. The locations of all proposed streets, walkways, and parking facilities.
- iv. Public uses, including schools, parks, playgrounds, open spaces, and trails.
- v. Existing and proposed public and private utilities, stormwater and stormwater

management facilities.

- vi. General areas of cut and fill.
- vii. The location of natural features such as ponds, wetlands, forested areas, and isolated preservable trees of greater than 18 inches DBH.
- viii. All environmental areas defined in the Protected Environmental Areas Ordinance.
- ix. Building envelopes and maximum height of improvements.
- x. If the area is to be built in phases, the areas contained in each phase, delimited on the preliminary plat.
- xi. An executed Designation of Owner and Legal Agent form.
- xii. A written statement which will contain an explanation of:
  - (a) The present ownership of all the land included within the development.
  - (b) Written statement detailing the maintenance program for common open areas, buildings, private thoroughfares, stormwater facilities, and utility easements.
  - (c) The proposed time schedule and a phasing plan of the development.
  - (d) The findings of the applicant showing that the development meets the criteria set forth in this ordinance.
  - (e) Tax parcel identification number of the subject property.
  - (f) Zoning classification of the subject property.
  - (g) Indicate each lot size (acreage).
  - (h) North arrow and graphic scale and date.
  - (i) Vicinity map showing the location of the subdivision.
  - (j) Zoning of adjacent property(ies).
  - (k) Seal of professional preparing plat (civil engineer, landscape architect, or surveyor).
  - (l) A signature block for approval by Mayor or designee.
  - (m) Inscription stating "NOT FOR FINAL RECORDING".

2. **Public Hearing.** Upon receipt of a complete application for preliminary plat approval, there shall be an opportunity for public comment on the application at a public hearing following the submission of a complete and timely submitted application. The City Clerk shall submit a notice for publication in the legal organ of the city at least fifteen (15) days and not more than forty-five (45) days prior to the public hearing and shall maintain file copies of the plat application for public review prior to the public hearing.
3. **Preliminary Plat Review.** The Planning and Zoning Commission shall hold a public hearing on the application and shall have forty-five (45) days from the Official Submission Date to recommend approval, approval with conditions, disapproval, or table the preliminary plat application; provided, however, that preliminary plans and site plans have been reviewed and approved by Athens-Clarke County Department of Transportation and Public Works. If the plat is recommended for approval with conditions, the Planning and Zoning Commission shall provide the recommended conditions to the Mayor and Council in writing.

Following a public hearing on the application, the Mayor and Council shall review the recommendations of the Planning and Zoning Commission. The Mayor and Council shall have sixty (60) days following receipt of the recommendation from the Planning and Zoning Commission to review the application and shall approve, approve with conditions, disapprove, or table the preliminary plat application. If the preliminary plat is disapproved, the City Clerk shall notify the applicant in writing, citing the reasons for disapproval. The action of the Mayor and Council shall be noted on the copy of the preliminary plat, and one (1) copy shall be returned to the applicant. Any required modifications to an otherwise approved plat shall be made on the preliminary plat before the action of the Mayor and Council is noted on the preliminary plat. If the Mayor and Council does not take action within sixty (60) days of the receipt of the recommendation from the Planning and Zoning Commission the plat shall be considered approved and a certificate of approval shall be issued on demand. However, the subdivider may waive this requirement and consent to an extension of time.

- a. Review Criteria. The Planning and Zoning Commission shall recommend approval of the preliminary plat and the Mayor and Council shall approve the preliminary plat when it finds the following criteria have been met:
  - i. That the development meets all applicable ordinance requirements of the City of Winterville, and is compatible with the zoning requirements of the zone or zones in which the subdivision will take place.
  - ii. That adequate key public facilities can be provided including water, sewer (if available), paved access to and through the development, electricity, storm drainage, and adequate transportation; and that the development will not cause a public facility to operate beyond capacity.
  - iii. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if the development is accomplished in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
  - iv. That the lot area meets the requirements of the zoning ordinance.
  - v. That the existing and natural features of the land, such as wetlands, floodplain corridors, ponds, large trees (greater than 18" dbh), rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in any open space, common areas, and unbuildable areas. These features shall be protected unless written approval is granted by Mayor and Council.
- b. The lack of any information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.
- c. A signed and date the certification of approval of the Mayor and City Council shall be placed on the Preliminary Plat. The form for endorsement shall be as follows:

"Pursuant to the Subdivision Regulations of The City of Winterville, Georgia, all the requirements of preliminary approval having been fulfilled, this preliminary plat was given preliminary approval by the Mayor and City Council. This preliminary approval does not constitute approval of a final plat. This certificate of preliminary approval shall expire and be null and void one (1) year from preliminary plat approval."

Said endorsement shall be signed by the Mayor or designee.

4. **Effective Period of Preliminary Plat Approval.** The approval of a preliminary plat shall be effective for a period of one (1) year from the date that the preliminary plat is approved by the Mayor and Council, at the end of which time the applicant must have submitted a final subdivision plat for approval. If a subdivision plat is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new application for preliminary plat review subject to the then existing zoning restrictions and subdivision regulations.
5. **Zoning and Subdivision Regulations.** Every preliminary plat shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary plat is submitted for review and approval.
6. **Grading of Site Prior to Final Approval.** Subsequent to preliminary approval, the developer may apply for a soil disturbance permit from the Georgia Department of Natural Resources, Environmental Protection Division, and upon receipt of the permit and approval by the Department of Transportation and Public Works, may commence grading of roads and road rights-of-way required by the approved preliminary plat. For large-scale developments, the development must be phased to include no more than fifty (50) homes per phase. Grading of roads and road rights-of-way shall be

by phase unless a variance is granted to promote public health and safety. No building envelope shall be cleared prior to final plat approval for the phase in which the building envelope is located nor shall any road or road right-of-way grading occur on any subsequent phase until building permits for no less than sixty (60) percent the previous phase are issued.

7. **Amendments to the Preliminary Plat.** After approval of the preliminary plat but before submission of a final plat, the applicant may request consideration of an amendment to the approved preliminary plat. Ten (10) copies of the amendment shall be filed with the City Clerk no later than thirty (30) days prior to the next regular meeting date of the Planning and Zoning Commission and all fees shall be paid. The fact that it is a revised plat must be clearly stated thereon.

The City Clerk shall submit a notice for publication in the legal organ of the county at least fifteen (15) days and not more than forty-five (45) days prior to the regular Planning and Zoning Commission public hearing and shall maintain file copies of the plat application for public review prior to the public hearing. The Planning and Zoning Commission shall have forty-five (45) days from the Official Submission Date to recommend approval, approval with conditions, disapproval, or table the preliminary plat amendment application. If the amended plat is recommended for approval with conditions, the Planning and Zoning Commission shall provide the recommended conditions to the Mayor and Council in writing.

Following a public hearing on the application, the Mayor and Council shall review the recommendations of the Planning and Zoning Commission. The Mayor and Council shall have sixty (60) days following receipt of the recommendation from the Planning and Zoning Commission to review the application and shall approve, approve with conditions, disapprove, or table the preliminary plat application. If the preliminary plat is disapproved, the City Clerk shall notify the applicant in writing, citing the reasons for disapproval. The action of the Mayor and Council shall be noted on the copy of the amended preliminary plat, and one (1) copy shall be returned to the applicant. Any required modifications to an otherwise approved plat shall be made on the amended preliminary plat before the action of the Mayor and Council is noted on the preliminary plat. If the Mayor and Council does not take action within sixty (60) days of the receipt of the recommendation from the Planning and Zoning Commission the plat shall be considered approved and a certificate of approval shall be issued on demand.

If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Mayor and Council, the applicant may withdraw the proposed major amendment. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more, or increasing density in the subdivision by ten percent (10%) or more.

An applicant may not propose more than two (2) major amendments to any preliminary plat. Proposed amendments shall be approved after the public hearing in accordance with these regulations. Public comment on a proposed plat amendment shall be limited to whether the proposed amendment should or should not be approved. The Mayor and Council shall, within sixty (60) days of public hearing, approve, approve with conditions, or disapprove the proposed amendment. The Mayor and Council may require modifications in the terms and conditions of the preliminary plat approval reasonably related to the proposed amendment. The action of the Mayor and Council shall be noted on the copy of the preliminary plat, and the City Clerk shall return one (1) copy to the applicant. If the Mayor and Council does not take action within sixty (60) days of the public hearing, the plat shall be considered approved and a certificate of approval shall be issued on demand. However, the subdivider may waive this requirement and consent to an extension of time.

## 8. Final Plat

- a. **Application Procedure and Requirements.** In order to proceed, the applicant shall file with the City Clerk a complete application for final plat approval of a subdivision plat and all fees must

be paid. The application for final plat shall be filed within one (1) year following the approval of the original preliminary plat. The final plat shall conform to the preliminary plat. It may represent only that portion of the approved preliminary plat which the subdivider proposed to develop and record at this time.

Failure to submit within this time period shall void the plat unless an extension for a period not to exceed six (6) months is granted. Said extension must be applied for in writing by the applicant and filed with the City Clerk at least thirty (30) days prior the regular Planning and Zoning Commission meeting where the public hearing will be heard.

- b. Content.** The final plat submitted shall be in ink on a reproducible medium prepared in accordance with accepted professional standards. The submittal copies shall consist of black-line prints on a white background, and the submittal shall include such other documents as necessary to meet the requirements of these regulations. The final plat shall be prepared at a scale of one inch equals one hundred feet or larger. Sheet size shall be appropriate for recording. If the entire final plat cannot be depicted on one sheet, the plat may be divided and an index provided. Application for final plat approval shall be made on forms available from the City Clerk, together with a fee as determined by Mayor and Council. The final plat shall contain a scale plat or plats showing the following for the development in addition to all other requirements for maps and plats under state law. The content for a final plat shall be as follows:
- i.** Location of all streets and walks, their widths and nature of their improvements, and whether they are to be public or private.
  - ii.** The location, layout, and servicing of all off-street parking areas for commercial zones.
  - iii.** Property boundary lines.
  - iv.** Individual lot lines of each parcel that is to be created for separate ownership.
  - v.** The location of all easements and apparent encroachments.
  - vi.** Common open areas and spaces, and the particular uses intended for them.
  - vii.** Areas proposed to be conveyed, dedicated, reserved or used for parks, scenic ways, open space, playgrounds, schools or public buildings.
  - viii.** The date, scale, north point, and legend.
  - ix.** Legal description of the tract boundaries.
  - x.** Name and address of the owner, subdivider, and surveyor.
  - xi.** Reference points of existing surveys identified and related to the plat by distances and bearings as follows:
    - (a)** Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
    - (b)** Adjoining corners of adjoining subdivisions.
    - (c)** Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
  - xii.** The exact location and width of streets and easement intersecting the boundary of the tract.
  - xiii.** Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings for tract, lot, and boundaries and street bearings. All distances shall be shown to the nearest 1/100 of a foot. No ditto marks shall be used.
  - xiv.** The width of the portion of streets being dedicated, and the width of any existing right-of-way and the width on each side of the centerline. For streets on curvature, curve data shall be provided based on road right-of-way.
  - xv.** Easements denoted by fine dotted lines, clearly identified and, if already of record, a statement of the easement, the width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificate of dedication.
  - xvi.** Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout each block of the subdivision.

- xvii.** Block letters beginning with the letter "A" and continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block letters for lots that are part of additions to or in later phases of a subdivision of the same name shall be a continuation of the lettering in the original subdivision.
- xviii.** Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.
- xix.** Building envelope lines and the height restrictions, if any. The front setback lines, if any, are to be made a part of the subdivision restrictions.
- xx.** All environmental areas required under the Environmental Areas Protection Ordinance shall be shown, including FEMA flood hazard areas.
- xxi.** Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
- xxii.** Name of subdivision, exact locations, widths, and names of all streets and alleys within and immediately adjoining the subdivision.
- xxiii.** Street numbering system.
- xxiv.** The following certifications which may be combined where appropriate:

**(a) Owner's Certification.**

**(1) "Owner's Certification":**

State of Georgia, City of Winterville

"I (we) hereby certify that I am (we are) the owner of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, having established the minimum building restriction lines, dedicate all rights—of-way, water and sewer easement, drainage easement, alleys, walks, parks, and other open spaces to public or private use as noted, and agree to provide either directly or indirectly for the maintenance of all common areas and outlets. I (we) further acknowledge that possession of the rights-of-way remains solely with the subdivider until such time as all bonds are released by Athens-Clarke County."

Subdivider	Owner(s)
Date	Date

**(2) Certification of Approval of On-site Septic System.**

"The lots shown have been reviewed by the Clarke County Health Department and with the exception of lot(s) are approved for development. Each lot is to be reviewed by the Clarke County Health Department and approved for septic tank installation prior to the issuance of a building permit."

Date

Sanitarian

**(3) Certification of Approval of Public Utilities.**

"I hereby certify that all required improvements necessary to provide water and/or sanitary sewer service from the Athens-Clarke County water distribution and/or sanitary sewer collection system(s), as noted,

have been satisfactorily installed and have been accepted by Athens-Clarke County for ownership, operation, and maintenance, or improvement guarantees in an amount sufficient to secure the satisfactory installation and dedication of the necessary improvements have been provided."

Date

Athens-Clarke County Public Utilities Director

**(4) Certification of Required Improvements for Streets and Other Required Improvements.**

"I hereby certify that all required improvement necessary to provide all streets and other required public improvements in accordance with plans submitted to the Athens-Clarke County by the subdivider's professional representatives have been satisfactorily completed or have been adequately guaranteed in an amount sufficient to secure satisfactory installation.

All drainage and access easement shown are the maintenance responsibility of the property owner per Athens-Clarke County policy. "

Date

Athens-Clarke County Public Works Director

**(5) Certificate of Approval for Recording.**

"The Mayor and Council approves this subdivision plat for final recording in the office of the Clerk of the Superior Court of Clarke County, Georgia.

Date

Mayor, City of Winterville, GA

**(b) Survey Requirements.**

- (1)** An arrow shall be shown to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north.
- (2)** The coordinates of the boundary of the subdivision and showing the error of closure, if any.
- (3)** The computation of all distances, angles, and courses shown on the final plat.
- (4)** Ties of existing monuments, proposed monuments, adjacent subdivisions, and street corners.
- (5)** One-half (½) inch iron pin at all property corners.

**(c) Discovery of Errors and Omissions.** When an error is discovered on a recorded survey, the surveyor shall make corrections and resubmit the corrected plat.

**(d)** Tax parcel identification number of subject property.

**(e)** Zoning classification of subject property.

c. **Supplemental Information to Accompany the Final Plat.**

- i. Sheets and drawings showing the following:
  - (a) A copy of any deed restrictions applicable to the subdivision.
  - (b) Plans for the disposition, development, and maintenance of any common open space, including legal agreements related thereto.
- ii. **Agreement for Improvements.**
  - (a) **Improvements and Guarantees.** Before the final plat is signed by the Mayor or designee, all applicants shall be required to complete or provide improvement guarantees for all the street, utility and other improvements as required in these regulations.

(1) **Improvement Guarantees.** The subdivider may provide improvement guarantees and deed and easement documents, as defined in these regulations, at the time of application for final subdivision approval in an amount approved by the Public Works Department and Public Utilities Department as sufficient to secure to the Unified Government of Athens-Clarke County the satisfactory construction, installation and dedication of the uncompleted portion of required improvements. Guarantees shall be structured to permit periodic demands for payment from the issuer in whole or in part for the entire amount of the credit.

Such improvement guarantees shall be approved by the Department of Public Works and/or Department of Public Utilities as to amount and surety and can be renewed for a period not to exceed one year.

The original bond or letter of credit will be kept on file with the Finance Department of the Unified Government of Athens-Clarke County.

- (2) **Temporary Improvements.** The applicant shall build and pay for all costs of temporary improvements as may be required and shall maintain same for the period specified by the Department of Public Works and Department of Public Utilities. Prior to construction of any temporary facility or improvements, the subdivider shall file with the City of Winterville a separate suitable guarantee for temporary facilities, which guarantee shall ensure that the temporary facilities will be properly constructed, maintained and removed.
- (3) **Costs of Improvements.** All required improvements shall be made by the subdivider, at his expense, without reimbursement by the City of Winterville or any improvements therein.
- (4) **Failure to Complete Improvement.** In those cases where an improvement guarantee has been posted and required improvements have not been installed within the terms of such guarantees, the City of Winterville shall call the improvement guarantee due and collect all funds or require that all the improvements be immediately installed regardless of the extent of the building development at the time the improvement guarantee is declared to be in default. If the Director of Public Works and Director of Public Utilities find, upon inspection, that any of the required improvements have not been constructed in accordance with applicable construction standards and specifications, the subdivider shall be responsible for removing any defects and completing the improvements or forfeiting the guarantee.
- (5) **Acceptance of Dedication Offers.** Acceptance of formal offers of dedication of all public street rights-of-way, drainage and utility easements, and public areas shall be made in writing by the Public

Works Director and/or Public Utilities Director who shall notify the Athens-Clarke County Mayor and Commission of said action. The approval and recording of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Athens-Clarke County or the City of Winterville of any street, right-of-way, easement or public area shown on said plat.

- (b) Inspection of Improvements.
  - (1) **General Procedure.** Athens-Clarke County shall provide for inspection of required improvements during construction and ensure their satisfactory completion.
  - (2) **Release or Reduction of Improvement Guarantees.** Athens-Clarke County will not accept dedication of required improvements, nor release or reduce an improvement guarantee, until the required improvements have been satisfactorily completed.

iii. **Maintenance of Public Improvements.** The subdivider shall maintain all required improvements until acceptance of such improvements by the Public Works Director and the Public Utilities Director. Prior to dedication of improvements, the applicant shall be required to file a maintenance bond with Athens-Clarke County in an amount considered adequate by the Department of Public Works or the Department of Public Utilities in a form satisfactory to the Athens-Clarke County Attorney. The maintenance bond shall assure the satisfactory condition of the required street improvement and drainage for a period of one (1) year after the date of acceptance of the right-of-way by the Public Works Director and the Public Utilities Director.

iv. **Issuance of Building Permits and Certificates of Occupancy.** Where an improvement guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the approval of the Department of Public Works and Department of Public Utilities of all improvements of that phase of the subdivision.

d. The time period for completion shall not exceed one year. Following expiration of the allowed time period, failure to complete may be met by Athens-Clarke County completing the work as specified above, or by voiding of the final plat. The course chosen shall depend on the stage of completion, if any, and the nature of the surrounding area. The decision regarding completion or plat voiding shall be made by the Transportation and Public Works Director.

## 9. Bond

- a. The subdivider shall file with the agreement, to assure full and faithful performance thereof, one of the following:
  - i. An irrevocable letter of credit payable to Athens-Clarke County in the event the agreement for improvements are not performed.
  - ii. A surety bond executed by a surety company authorized to transact business in the state.
  - iii. Cash.

Such assurance of full and faithful performance shall be for a sum approved by the Athens-Clarke County Transportation and Public Works Director as sufficient to cover the cost of said improvements, engineering, inspection, and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision and must be approved by the Athens-Clarke County Transportation and Public Works Director as to form.

In the event the subdivider fails to complete all improvement work in accordance with the provisions of this title, and Athens-Clarke County has completed same, or if the subdivider fails to reimburse Athens-Clarke County for the cost of inspection, engineering, and incidental expenses, and to cover cost of replacement and repair of existing streets or other

improvements damaged in the development of the subdivision, Athens-Clarke County shall call on the surety for reimbursement, or shall appropriate from any cash deposits funds for reimbursement. In any such case, if the amount of surety bond or cash deposit exceeds all cost and expense incurred by Athens-Clarke County, it shall release the remainder of such bond or cash deposit, and if the amount of the surety bond or cash deposit is less than the cost and expense incurred by Athens-Clarke County, the subdivider shall be liable to Athens-Clarke County for such difference.

- 10. Public Hearing.** Upon receipt of a complete application for preliminary plat approval, there shall be an opportunity for public comment on the application at a public hearing following the submission of a complete and timely submitted application. The City Clerk shall submit a notice for publication in the legal organ of the city at least fifteen (15) days and not more than forty-five (45) days prior to the public hearing and shall maintain file copies of the plat application for public review prior to the public hearing.
- 11. Final Plat Review.** The Planning and Zoning Commission shall hold a public hearing on the application and shall have forty-five (45) days from the Official Submission Date to recommend approval, approval with conditions, disapproval, or table the final plat application. If the plat is recommended for approval with conditions, the Planning and Zoning Commission shall provide the recommended conditions to the Mayor and Council in writing.

Following a public hearing on the application, the Mayor and Council shall review the recommendations of the Planning and Zoning Commission. The Mayor and Council shall have sixty (60) days following receipt of the recommendation from the Planning and Zoning Commission to review the application and shall approve, approve with conditions, disapprove, or table the final plat application. If the final plat is disapproved, the City Clerk shall notify the applicant in writing, citing the reasons for disapproval. The action of the Mayor and Council shall be noted on the copy of the final plat, and one (1) copy shall be returned to the applicant. Any required modifications to an otherwise approved plat shall be made on the final plat before the action of the Mayor and Council is noted on the final plat. If the Mayor and Council does not take action within sixty (60) days of the receipt of the recommendation from the Planning and Zoning Commission the plat shall be considered approved and a certificate of approval shall be issued on demand. However, the subdivider may waive this requirement and consent to an extension of time.

**12. Criteria for Final Plat Approval**

Final plat approval shall be granted upon finding of conformance with the requirements of this development ordinance and the approved preliminary plat and site plan.

**13. Substantial Conformance**

Substantial conformance shall exist when comparison of the preliminary plat with the final plat shows that:

- a. The number of dwelling units vary no more than ten percent of those shown on the approved preliminary plat, but in no case shall the number of units exceed those permitted in the preliminary plat.
- b. The yard depths and distances between main buildings vary no more than ten percent of those shown on the approved preliminary plat, but in no case shall these distances be reduced below the minimum established within this development ordinance.
- c. The open spaces vary no more than ten percent of that provided on the preliminary plat.

#### **14. Substantial Amendment**

Any substantial amendment to an approved final plat shall be reviewed and approved in accordance with the criteria established in section 3.7 above for final plats.

#### **15. Recording**

Subsequent to the favorable decision, the applicant shall:

- a. file a copy of the final plat with the Clerk of the Clarke County Superior Court;
- b. file a copy of the recorded plat and construction plans shall be filed with the City Clerk within sixty (60) days.

Failure to comply with this provision shall void any approved plat.

#### **16. Suspension and Invalidation of Final Plat**

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

### **3.4 Construction Plans and Site Plan Review**

1. All plans for non-single-family major subdivisions must undergo plans review and site plan review through the Department of Transportation and Public Works and all Athens-Clarke County fees shall be paid.
2. The following shall be submitted for all plans, including single-family major subdivisions:
  - a. **Transportation Impact Analysis.**
    - i. Transportation Impact Analysis (TIA) shall be required for any proposed site development that can be reasonably expected to generate more than 1,000 vehicle trip ends during a single day and/or more than 100 vehicle trips ends during a single hour.
    - ii. The Transportation Impact Analysis shall address at least the following areas:
      - (a) All proposed site access points.
      - (b) All intersections bordering or adjacent to the site frontage including the closest intersecting collector or arterial street.
      - (c) Any road segment or intersection where the proposed development can be expected to generate more than 25 additional vehicle trips during a single hour.
      - (d) Any road segment or intersection where the additional traffic volumes created by the proposed development is greater than 10 percent of the current traffic volume (for road segments) or the current entering volume (for intersections).
      - (e) The analysis shall include the following study time frames: existing conditions, full site build out conditions, and a five-year forecast.

The TIA Report shall include those items required by the Athens-Clarke County Traffic Impact Report Standards, adopted by reference as if fully set out herein. The final scope of the traffic study may be administratively adjusted by the traffic engineer based on the current or projected traffic conditions on the roads in the vicinity of the proposed development or if the

development includes a land use change.

**b. Storm Water Management Impact Analysis.**

- i. A Storm Water Management Impact Analysis/Report shall be required for any land development or redevelopment project that will impact the nature, condition, direction, and/or magnitude (rate and volume) of storm water runoff entering and/or leaving the site.
- ii. The analysis/report shall be accompanied by a plan and, at a minimum, include the following:
  - (a) Locations and description of all surface and subsurface water features and flood hazard zones on site.
  - (b) Location, description and hydrologic and hydraulic analysis of all storm-water runoff contributions to site. A map shall be provided clearly showing off-site contributing drainage basin.
  - (c) Locations, description and hydrologic and hydraulic analysis of all proposed storm- water management facilities.

The analysis/report shall be prepared pursuant to all requirements of the Athens-Clarke County Storm Water Management, Flood Protection, and the Soil Erosion and Sediment Control Ordinance. A Professional Engineer, or Landscape Architect licensed to practice in the State of Georgia, shall prepare the analysis/report.

**c. Athens-Clarke County Health Department Plans Requirements.**

- i. Any structure that requires a new septic tank system must submit a plat with information regarding the area topography, soil types, and any water wells in the area.
- ii. Any development which incorporates food service (restaurants, bars, bakeries, etc.) is required to submit a complete set of plans. The Health Department determines the equipment to be required based upon the nature of the food and food service. It is recommended that the applicant contact the Health Department prior to development of plans for information regarding required equipment.
- iii. Review of personal care homes and commercial swimming pools also require full building plans.
- iv. Any development utilizing an existing tank system will require a review and approval of the existing system.

**d. Athens-Clarke County Public Utilities Department Plans Requirements.**

- i. The following information must be submitted to the Athens-Clarke County Public Utilities Department:
  - (a) The site plans must indicate all existing water and sanitary sewer mains and easements within and immediately adjacent to the subject property.
  - (b) The site plan must indicate the proposed location for water and sanitary sewer service connections and proposed service lines.
  - (c) Both fire and domestic water demands must be included for large users (large commercial and industrial users).
  - (d) The site plan must indicate the size and location of existing water and sanitary sewer services, if applicable. Please note if existing services are to be utilized.
  - (e) Cross Connection / Backflow Protection Plans must be drawn by a Georgia State Mechanical Engineer, a certified Backflow Tester or Georgia State Licensed Plumber. Plans must include a site plan indicating the location of domestic water and fire line vault sizes, type, and size of backflow device. If a reduced pressure zone backflow device is required, a cross section diagram of the vault is required. Vault drains must be shown.

**e. Athens-Clarke County Department of Transportation and Public Works Plans Requirements.**

- i. The following information must be included on the site plan:
  - (a) All access points.
  - (b) Driveway widths must be dimensioned.
  - (c) Driveway radii must be dimensioned.
  - (d) Property lines must be indicated.
  - (e) State of Georgia Department of Transportation permit as determined by the Traffic Engineering Division.\

**Street, Block, and Easement Standards**

1. **Streets Standards.** The following street standards shall apply to developments under this ordinance. Assigning of street classifications within each street type shall be established by the Thoroughfares Map.

- a. Street Types.
  - i. Arterial.
    - (a) Right of Way: 100 ft.
    - (b) Distance from Centerline: 50 ft.
  - ii. Collector
    - (a) For roads identified as collectors in the MACORTS Long-Range Plan.
      - (1) Right of Way: 80 ft.
      - (2) Distance from Centerline: 40 ft.
    - (b) All other collector roads:
      - (1) Right of Way: 60 ft.
      - (2) Distance from Centerline: 30 ft.
  - iii. Local
    - (a) Right of Way: 60 ft.
    - (b) Distance from Centerline: 30 ft.
    - (c) Vehicular travel area measured from edge of pavement: 20 feet
    - (d) Sidewalk: 5 feet
    - (e) Tree planting area (between sidewalk and curb): 5 feet
    - (f) Utility area, total both sides: 15 feet
    - (g) Curb and gutter required.
- b. **Dedicated Public Streets Required.** All roads which serve a single-family zone, must be dedicated to the public and shall be developed to improvement standards established by the Athens-Clarke County Transportation and Public Works Department and adopted by reference as if fully set out herein. Public streets may not be gated or barred from use by the general public. All roads that serve less than four units shall be paved to alley standards established by the Athens-Clarke County Transportation and Public Works Department and adopted by reference as if fully set out herein.
- c. **Dead Ends and Cul-de-sacs.** Only residential lands may be dead end roads. Such roads shall exceed one thousand (1,000) feet in length, not including the turnaround, and no streets may branch off any cul-de-sac. Dead end roads must terminate in an improved turnaround as defined in the development standards of Athens-Clarke County Transportation and Public Works Department adopted by reference as if fully set out herein. Roads that are temporary dead ends that are shown on the street master plan are exempt from these requirements, but must provide a temporary turnaround.
- d. **Reserve Strips.** Reserve strips or street plugs shall be created to control access onto any street which terminates upon any undeveloped land through which the street might logically extend. In such cases, the street shall be provided to within one foot of the boundary line of the tract with the remaining one foot being granted in fee to Athens-Clarke County as a reserve strip. Upon approved dedication of the extension of the affected street, the one-foot reserve strip shall be dedicated by Athens-Clarke County to the public use as a part of said street. This dedication will be automatic and without further action by A-CC or The City of Winterville. This action shall also apply retroactively to all previously created reserve strips where the streets have been extended and dedicated for street purposes.

- e. **Alignment.** All streets as far as is practical shall be in alignment with the existing streets by continuation of the centerlines thereof. The staggering of street alignment resulting in "T" intersection shall wherever practical leave a minimum distance of 125 feet between the centerlines of streets.
- f. **Future Extension of Streets.** Where necessary to give access to or permit a satisfactory subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- g. **Intersection Angles.** Streets shall be laid out to intersect at an angle as near to a right angle as practical, except where topography requires a lesser angle. Intersection angles shall be no less than 75 degrees and no greater than 105 degrees as measured in any direction from the intersection. Property lines at intersections shall have a minimum radius or miter 20 feet at streets and ten feet at the intersection between a street.
- h. **Existing Streets.** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- i. **Access to Subdivision.** All major means of access to a subdivision or major partition shall be from existing streets fully improved to Athens-Clarke County standards, and which, in judgment of the Transportation and Public Works Director, have the capacity to carry all anticipated traffic from the development.
- j. **Half Streets.** Half streets, while generally not acceptable, may be approved when essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the City Engineer finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street may be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of the half streets.
- k. **Street Names.** No street name shall be used which will duplicate or be confused with the names of existing streets in the City of Winterville or within Athens-Clarke County except for extensions of existing streets. Streets that are an extension of, or are in alignment with, existing streets shall have the same name as the existing street. Street names and numbers shall conform to the establishment pattern for Athens-Clarke County and shall be subject to the approval of the Planning and Zoning Commission.
- l. **Street Grade.** Street grades, measured at the street centerline for dedicated streets and private roads, shall be as follows:
  - i. Public street and private street grades shall not exceed the following maximum grades:
 

<u>Residential</u>	<u>Commercial/Industrial</u>
Local Street - 15%	Local Street - 12%
Collector Street - 12%	Collector Street - 10%
Arterial Street - 10%	Arterial Street - 8%
- m. **Blocks.**
  - i. **General.** The length, width, and shape of blocks shall be designed with due regard to provide building site for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of street traffic, and recognition of the limitations and opportunities of topography.
  - ii. **Sizes.** Blocks shall be not greater than 1,200 feet nor less than 400 feet in length, unless the Agent of the City determines topographical conditions or manmade barriers justify an exception. The block dimensions shall be measured between minimum 50-foot-wide street right-of-way. Minimum 50-foot-wide open space areas can also be used for block separations when approved by the City Engineer.
  - iii. **Block Width.** Blocks shall have sufficient width to provide for two tiers of lots. Single-tier lots and through-lots shall be avoided, except where essential to provide

separation of residential development from major traffic arteries or adjacent nonresidential activities, where located adjacent to the external boundary of the development, or where the City Engineer determines such lots to be necessary to overcome specific disadvantages of topography and orientation. A planting screen developed to the standards contained in the Winterville Zoning Ordinance across which there shall be no right of vehicular access, shall be required along the line of lots abutting such a traffic artery or nonresidential use. Lots with required planting screens shall meet the minimum lot depth, excluding the planting screen area.

- iv. Blocks shall have pedestrian walkways of not less than five (5) feet wide where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
- v. **Exception for Commercial and Industrial Blocks.** Where property is zoned and planned for commercial use, such subdivisions shall be exempt from the block size and length standards of this section.

## 2. Lots.

- a. **Lot Sizes.** Residential lots shall meet the lot width and lot area requirements of the Winterville Zoning Ordinance. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to use intended and shall be in conformity with the requirements in the Winterville Zoning Ordinance.
- b. **Lot Lines.** All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topographic or other features.

## 3. Easements.

- a. **Utility Lines.** Easement for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of 20 feet in width.
- b. **Streams.** All subdivisions shall comply with the Protected Environmental Areas Ordinance.
- c. **Pedestrian Ways.** When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs, to pass through oddly-shaped or unusually long blocks, or to provide access to schools, parks, or other public areas.

## 3.6 Improvements

- 1. **Improvement Procedure.** Improvements installed by the subdivider either as a requirement of these regulations or at the subdivider's own option shall conform to the requirements of this ordinance. The improvements shall be installed in accordance with the following procedure:
  - a. Work shall not begin until plans have been checked for adequacy and approved by Athens-Clarke County. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final plat.
  - b. The City of Winterville and Athens-Clarke County must be notified, in advance, when work begins and, if work has been discontinued for any reason, work cannot resume until the City of Winterville and Athens-Clarke County are notified that work will resume.
  - c. Improvements shall be constructed under the inspection and to the satisfaction of Athens-Clarke County. The Athens-Clarke County Public Works Department may require changes in typical sections and details if unusual conditions arise during construction to warrant the change in the public interest.
  - d. All underground utilities shall be constructed prior to the surfacing of such streets. Stubs for service connection for all underground utilities and sanitary sewers shall be placed to such lengths as will obviate the necessity for disturbing the street improvements when service connections are made.
  - e. A reproducible plat showing all public improvements as built shall be filed with the Athens-Clarke County upon completion of such improvements.

2. **Improvement Requirements.** The expense of installing improvements as a requirement of this ordinance, or at the subdivider's own option are the responsibility of the subdivider. All improvements listed in this section are required with the exception of:

Sidewalks described in subsection-a will not be required in the RR district, or any residential district which share a street centerline with the RR district;

Street Trees described in subsection e will not be required in the RR district; and

Safety Street Lighting as described in subsection j will not be required in the RR district, , or any residential district which share a street centerline with the RR district, except at the intersection of two streets or where required by the standards established by the Athens-Clarke County Director of Transportation and Public Works.

However, the Planning and Zoning Commission may make recommendation for requiring, or granting relief from the requirement, of these or other improvements as a condition of approval to property that is zoned RR, and the City Council may, at its discretion, accept, reject, or modify the recommended conditions.

- a. **Interior Streets.** All interior streets shall be graded for the entire improvement width, and roadways shall be improved with paving, curbs, gutters, sidewalks, and drainage. The subdivider shall improve the extension of all subdivision streets to the edge of pavement of existing streets with which subdivision streets intersect.
- b. **Structures.** Structures specified as necessary by the City of Winterville for drainage, access, and public safety shall be installed.
- c. **Improvements.** Improvements to be installed or provided by subdividers include all items required by the transportation and public works director at the time of the subdivider's plat and construction plan and specification approval.
- d. **Water.** Water mains and services, fire hydrants of design, layout, and locations approved by the Athens-Clarke County Director of Public Utilities as conforming to Athens-Clarke County standards shall be installed.
- e. **Street Trees.** Street trees shall be installed according to §3.5.1.a.iii or may be bonded and installed at the time of construction of structures on the site. Street tree plantings shall comply with the following best management practices:
  - i. Plant trees only where there is adequate room both overhead and underground for the mature size of the tree you are planting.
  - ii. Vary the spacing of trees along road rights-of-way to add interest and diversity to roadway plantings.
  - iii. Maintain sight lines so drivers can see pedestrians and vehicles when pulling out of driveways.
  - iv. Provide clearance for large vehicles such as buses and delivery along tree lined streets and drives.
  - v. Provide at least eight (8) feet of clearance for pedestrians and bicyclists to avoid hazards created by low branches or trees too close to sidewalks and drives.
  - vi. Consider the impact of utility line maintenance along roadways.
  - vii. Avoid over-thinning a natural stand to reduce susceptibility to wind damage and uprooting.
  - viii. Remember that the closer you plant a tree to the street in a frontage area, the more difficult the situation for healthy tree growth.
  - ix. Tunnel or bore instead of trenching during utility line installation to avoid damaging tree roots.
  - x. Plant trees a minimum of fifteen (15) feet from driveways and thirty-five (35) feet from road intersections for collectors and one hundred (100) feet for arterials.
  - xi. Avoid planting trees directly over property lines or corners.

- xii. Tree lawns—the planting area between the sidewalk and the curb—should be a minimum of five (5) feet wide.
  - xiii. Consider the installation of root barriers along sidewalks and curbs to prevent tree roots from heaving and breaking pavers, sidewalks, curbs, and road pavement.
  - xiv. Plant trees behind the sidewalk utilizing private property and tree planting easements to increase above and below ground growing space and vehicular and pedestrian clearance.
- f. **Monuments.** Upon completion of street improvements, monuments shall be re-established at every street intersection and at all points of intersection, or at all points or curvature and points of tangency of street center lines.
  - g. **Underground Utilities - Required.** All on-site utility lines, including but not limited to electric, communications, street lighting, and cable television, shall be installed underground, except as provided below. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, terminations for concealed ducts in an underground system, and street lighting structures and fixtures may be placed above ground. This section does not apply to utility lines that do not provide service to the area being subdivided.
  - h. **Recreation Area.** For subdivisions of 20 or more residential lots, the subdivider shall provide a plan for a recreation area. The recreation area shall be designated on the final plat.
  - i. **Underground Utilities—Rules and Regulations.** All subdivision utilities shall be underground.
  - j. **Safety Street Lighting.** Safety street lighting shall be provided by the developer in new subdivisions and in private developments of five acres or more. Developer shall bear all costs except maintenance and energy. The amount and intensity of illumination provided for street lighting shall be in accordance with the standards established by the Athens-Clarke County Director of Transportation and Public Works, adopted by resolution as if fully set out herein.
  - k. **Street Signs.** The developer shall pay Athens-Clarke County for all street signs and posts.

### 3.7 Issuance of Building Permits and Certificates of Occupancy

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

## **Article IV. CONSTRUCTION SCHEDULE**

### **4.1 Prior Approval**

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

### **4.2 Grading**

Grading operations limited to clearing and grubbing may commence once approval of the preliminary plat is granted except where the grading operation is in the historic district as depicted on the Official Zoning Map of Winterville, Georgia.

### **4.3 Utilities**

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

### **4.4 Inspections**

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

### **4.5 Sale and Transfer**

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

### **4.6 Building Permits**

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

### **4.7 Occupancy**

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

## Article V. ADOPTION

### 5.1 Effective Date

These regulations shall take effect and be in force from and after the \_\_\_\_ day of its adoption, the public welfare demanding it.

Adopted and approved by the Mayor and Council on the \_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

City of Winterville

Dodd I. Ferrelle, Mayor

ATTEST:

Wendy Bond, City Clerk