

ORDINANCE 2024-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF HEARD COUNTY, GEORGIA, TO ADOPT AN AMENDED CHAPTER 40 - SUBDIVISIONS, REPEAL CONFLICTING CODE PROVISIONS, UNCODIFIED ORDINANCES, OR PORTIONS THEREOF; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES OF HEARD COUNTY, GEORGIA AS MODIFIED HEREIN; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Board of Commissioners of Heard County that, Chapter 40 of the Code of Ordinances of Heard County, Georgia shall be amended as follows:

1.

Section 40-1 – Definitions and rules of construction is hereby amended as follows:

Sec. 40-1. – Definitions and rules of construction.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The planning commission's interpretation shall be final as to the meaning of any definition, statement, requirement, symbol, and/or abbreviation used in connection with these regulations and/or their application.

Alley means a public right-of-way, not intended to be a vehicular arterial or to provide the primary means of access to abutting property, but used for service access to the rear or side of properties otherwise abutting a public street.

Building line means a line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang, walkways, and the subsurface projection of footings; provided, however, that such overhang does not exceed six feet and does not encroach upon the adjacent property of right-of-way.

Chairperson means the chairperson of the county planning commission.

Comprehensive plan means a long range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation, transportation, community facilities, population, and land use, all related to the community's goals and objectives for these elements.

County engineer means the official, or person designated by the commission chairperson, to whom the responsibilities normally associated with this title have been delegated.

County health inspector means the county health department.

Crosswalk means a right-of-way within a block dedicated to public use for pedestrian use only and so designed as to provide access to adjacent streets or lots.

Cul-de-sac means a street having only one end open for access to another street, the other end being terminated by a turnaround as specified in these regulations.

Development means the act or process of erecting buildings, structures, or making improvements.

Easement means a grant of one or more property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Land characteristics means a soils inventory of the area proposed for development. The inventory shall include a soils map and identification of soil types. This information may be obtained by request of the property owner from the local soil conservation office.

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

Lot width means the distance between the side of lot lines, measured at the building line, parallel to the street right-of-way line.

MSL means the mean sea level.

Planning commission means the county planning commission.

Public right-of-way means a portion of land being used or to be used as a public street, road, thoroughfare, crosswalk, pipeway, drainage canal, and/or other similar uses and designated by means of right-of-way lines.

Public water and sewerage system means a system owned and operated by the county, a water authority, a municipality, a community corporation, or an individual serving two or more premises and approved by the department of natural resources, environmental protection division.

Street means a public roadway which provides vehicular access to abutting property.

- (1) *Collector street* means a street which is designed and intended to collect traffic from local streets and direct it safely to secondary or major streets
- (2) *Dead-end street* means a street having one end open for access to another street and the other end being abruptly terminated with no turnaround.
- (3) *Local street* means a street used for local circulation in residential areas providing access to abutting property.
- (4) *Major arterial street* means a street which is intended to provide swift and safe movement through the county.
- (5) *Marginal access street* means a street generally parallel to and adjacent to an arterial street providing access to abutting properties and protection from through traffic.
- (6) *Secondary arterial street* means a street which is intended to provide easy and convenient traffic movement within the county.

Subdivider means any person or any agent who undertakes or proposes to undertake the subdivision of land so as to constitute a subdivision as defined in these regulations.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development, and includes all division of land involving a new street or a change to an existing street, and includes resubdivision of property, and where appropriate to the context, relates to the land or area subdivided; provided however, that the following are not included within this definition:

- i. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the county.
- ii. Divisions or sale of land by judicial decree.
- iii. The divisions of a tract or parcel of land where all lots are at least five acres, where all lots have the required public road frontage for the zoning district in which the lots are located, and such division does not include the construction of a new street or a change in an existing street.
- iv. Divisions of four (4) or fewer lots which meet the requirements of the zoning classification in which they are located, including required public road frontage and such division does not include the construction of a new street or a change in the existing street.”

Tax assessors means the county board of tax assessors.

Tract means a portion of land with definite and ascertainable limits or boundaries.

Undue hardship means an unusual situation on the part of the subdivider which will not permit the subdivider or property owner to enjoy full utilization of the property which is given to others within the same classification. A hardship exists only when it is not self-created, or when it is not economic in nature.

Utility means any community service available to the public by means of an overhead or underground distribution or collection system such as electricity, telephone, water, gas, and sewerage disposal.

Zoning regulations means the zoning regulations enacted by the county commission.

Zoning Administrator - means the official, or person designated by the commission chairperson or chairperson of the county board of commissioners, to whom the responsibilities normally associated with this title have been delegated.

2.

Section 40-4 – Platting jurisdiction, enforcement is hereby amended as follows:

Section 40-4 – Platting jurisdiction, enforcement.

(a) *Platting authority.* From and after the passage of the regulations from which this chapter is derived, the planning commission shall be the official platting authority, and no plat of a land

subdivision shall be recorded in the office of the clerk of the superior court of the county unless it has the approval of the planning commission chairperson or Zoning Administrator inscribed thereon following final approval by the planning commission. The filing or recording of a plat of a subdivision without the approval of the planning commission, as required by these regulations is declared to be a misdemeanor.

- (b) *Use of plat.* The transfer, sale, agreement to sell, or negotiation to sell land by reference to, exhibition of, or other use of a plat of a subdivision that has not been given final approval by the planning commission and recorded in the office of the clerk of the superior court of the county, is prohibited, and the description by metes and bounds in such an instrument of transfer or other document.
- (c) *Opening and improving public streets.* The board of commissioners of the county shall not accept, lay out, open, improve, grade, pave, or light any street, or lay any utility lines in any street, which has not attained the status of a public street prior to the effective date of the regulations from which this chapter is derived, unless such street corresponds to the street location shown on an approved subdivision plat; provided that the board of commissioners may accept, lay out, open, and improve any street not so platted if it first submits such proposed action to the planning commission for its review and comment.
- (d) *Issuance of building permits.* The building inspector for the county will not issue building permits for any parcel of land, lot or building site subject to these regulations that have not been designated and recorded as required by these regulations.

3.

Section 40-56 – General design standards; data review; advice and assistance is hereby amended as follows:

Section 40-56 – General design standards; data review; advice and assistance.

- (a) The subdivider may visit with the Zoning Administrator and discuss general design standards, zoning and other related matters that affect the subdivision.
- (b) The subdivider may submit preapplication plans and data for review, advice, and assistance by the Zoning Administrator, building inspector, and the county health department.
- (c) Preapplication plans and data should include:
 - a. Location sketch map, showing site in relation to the section of the county in which it is located.
 - b. A simple sketch plan on a topographic survey showing general layout of lots, streets, major drainageways and other features in relation to existing conditions on the site and the surrounding street system.

- c. General subdivision information including data on existing covenants, wooded areas, available and proposed community facilities, and utilities, typical lot size, roadways and their names and land characteristics.

4.

Section 40-86 – Preliminary Plat is hereby amended as follows:

Sec. 40-86. – Preliminary plat.

- (a) *Purpose.* The purpose of the preliminary plat is to safeguard the subdivider from unnecessary loss of time and expense in preparation of a subdivision plat which does not conform with the specifications of the subdivision regulations. The preliminary plat requires only approximate accuracy of scale and dimension. Public agencies (health department, county engineer or person designated by the commission chairperson, county commission, etc.) having jurisdiction will review preliminary plats regarding matters within their jurisdiction. During the review process, the subdivider or his agent may be called upon for consultation.
- (b) *Subdivisions requiring no new street, water, or sewer facilities.* All subdivisions which do not involve the platting, construction, or opening of new streets, water or sewer facilities may be accepted by the planning commission in the form of a final plat, provided that essential data required by the reviewing agencies to insure compliance with the intent of these regulation is submitted. This essential data includes a proper soils inventory, a contour map and necessary percolation tests.
- (c) *Filing.* Any person desiring to subdivide land shall file with the planning commission (through the Zoning Administrator) five copies of the preliminary plat accompanied by a letter of application. The letter of application shall contain the name and address of the developer and his agent, the zoning of the property to be subdivided, whether or not the subdivision will be developed in phases, any plans for potential annexation and plans for serving the proposed subdivision with sewer and water facilities, or individual septic and water. The plat shall be prepared in accordance with these regulations and with applicable county specifications by a registered land surveyor, who is licensed under the laws of the state. The preliminary plat shall be deemed filed with the planning commission when it is filed with the Zoning Administrator. At the time of filing, a certificate of filing shall be provided to the subdivider and shall include the time and date of filing. The Zoning Administrator shall have the authority to reject the preliminary plat if he finds that it does not comply with these regulations. If the Zoning Administrator rejects the preliminary plat, he shall provide the subdivider with a written statement specifying all the aspects in which the plat fails to comply. The subdivider may appeal to the planning commission from such rejection. Filing of the preliminary plat shall be accomplished at least 14 days prior to the regular planning commission meeting at which it is to be considered. The preliminary plat shall include:
 - (1) *Title block and north arrow.* The plat will show the name of the proposed subdivision, its location, the name, address and registration number of the surveyor preparing the

plat and the date of the plat. A north arrow shall be included with a notation referencing the bearings to magnetic north.

- (2) *General layout.* The plat shall show information as to the proposed street layout and widths, layout of lots with a notation as to the minimum size and width of lots and any proposed open space. Any lands to be dedicated will be identified. Plat scale, total acreage of the site and total number of lots created shall also be indicated. Lot and block identification and building setback lines shall also be indicated.
 - (3) *Topography.* The plat shall show existing contour lines dashed and any proposed contour lines solid, both sets of lines to be at two-foot intervals, mean sea level (MSL). Prominent drainage features, such as, lakes, depressions, streams, etc., which could affect the design of the subdivision shall be shown. Engineering data showing the high-water elevation and how it was established shall be submitted.
 - (4) *Existing features.* The plat shall show the locations and names of existing and platted property lines, streets (and its right-of-way), railroads (and its right-of-way), public and private rights-of-way, sanitary sewer (and size), easements, storm drainage (and size), parks and other public open spaces, land lot and land district lines, city limits lines, if applicable and names of adjoining property owners or subdivisions.
 - (5) *Location map.* The plat shall include a small scale map of sufficient clarity so that the location of the proposed subdivision can be readily determined.
 - (6) *Water and sewer.* A statement from the subdivider shall be submitted with the preliminary plat which will describe the method by which sanitary sewer and water facilities will be provided. If a nonpublic sewer is proposed to serve a subdivision, then a soils inventory, soils percolation test results and contour map shall accompany the preliminary plat at the time of submission. The contour map shall show location and identification of each soil class and site of each percolation test. Percolation tests shall be made in accordance with county health department requirements.
 - (7) *Future tract plan.* In cases where a subdivision is to be developed in stages with additional plats being filed with the planning commission at a later date, the filing of the initial plat will be accompanied by a future tract plan, a reasonably accurate plat in sketch form of the entire tract which will show the future street system and topography for the entire tract. Once the required tract plan has been given approval by the planning commission, five copies of the approved future tract plan must be provided for distribution to the various reviewing agencies and the county building inspector.
- (d) *Completeness.* If any of the facts in subsection (c) of this section are omitted or misrepresented on the plat, the chairperson may refuse to review the plat and shall return the plat to the subdivider to be completed or revised.
 - (e) *Approval by individual agencies.* No preliminary plat shall be approved by the planning commission unless it is approved by the county engineer or person designated by the commission chairperson, county commission or delegate and county health department. These agencies shall approve with or without modification or disapprove the preliminary plat to the extent that each has jurisdiction. If the plat is rejected, the reviewing, agency shall provide the planning commission with a written statement specifying all aspects where the plat fails to comply.

- (f) *Approval by planning commission.* No plat shall be acted upon by the planning commission without a public hearing, and due notice of the time and place of such hearing shall be provided to the applicant/newspaper. Approval or disapproval of the preliminary plat shall be accomplished within 30 days after the plat is filed with the planning commission. If after 30 days the planning commission has failed to act, the preliminary plat shall be deemed approved and heard by the county commission at their next regularly scheduled meeting at which public notice requirements can be met, who shall approve or disapprove the preliminary plat in accordance with this Section. If the plat is rejected by the planning commission, the planning commission shall provide a written statement specifying where the plat fails to comply. Upon resubmittal, the 30 day time period for review, approval or disapproval shall begin again.
- (g) *Approval of construction drawings.* Upon approval of the preliminary plat and before preparation of the final construction drawings for the minimum improvements required by these regulations, the subdivider shall receive tentative approval of said engineering plans from the county engineer or the person designated by the commission chairman or delegate of the county commission.
- (1) The design of all minimum improvements shall be under the direction of an engineer registered in the state. All plans shall bear his seal.
 - (2) A certificate of approval from the county health department shall accompany all water and sewer plans.

5.

Section 40-87. – Final plat shall be amended as follows:

Sec. 40-87. – Final plat.

- (a) *Conformance.* The final plat shall conform with the approved preliminary. If desired by the subdivider, he may submit only that portion of the preliminary plat he proposed to record and develop at that time; provided, that such portion conforms with all requirements of these regulations.
- (b) *Filing.* Filing the final plat with the planning commission shall include the following:
- (1) A letter of application shall contain:
 - a. The name and address of the person developing the subdivision and his agent;
 - b. Zoning of the property to be subdivided;
 - c. Whether or not the subdivision will be developed in phases;
 - d. Plans for serving the proposed subdivision with water and sewer facilities.
 - (2) A complete list of major deviations, if any, from the approved preliminary plat.
 - (3) A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision.
 - (4) A copy of the agreement for providing the necessary water and sewer facilities.

- (5) A filing fee of \$250.00 to cover the cost of investigation and review of the subdivision; and the cost of reproducing necessary copies will be charged to subdivider.
- (6) Two originals, reproducible, on plastic or linen, and five blue-line prints of the final plat, which include the following:

- a. *Sheet design.* The final plat shall conform to the items listed under the preliminary plat and the requirements thereof, as set forth in these regulations and shall be drawn in black India ink on one or more sheets of linen tracing cloth or Mylar film measuring 17 inches by 22 inches. There shall be a two-inch margin on the left end of the plat and one-half-inch margin on the remaining three sides. A revision to a recorded plat shall be drawn in black India ink on the same type cloth or film as mentioned in this subsection. The final plat shall be drawn on the scale (stated and graphically) of one inch in 100 feet.
- b. *Surveyor certificate.* The following certificate shall be entered on the face of the plat. Placement of this certificate may vary as necessary.

I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision; the field data upon which this plat is based has a closure precision of one foot in _____ feet and an angular error of _____ per angle point, and was adjusted using _____ rule; the plat has been calculated for closure and is found to be accurate within one foot in _____ feet; monument and pin locations are correctly shown by the symbols _____ and the pins are _____ (type of material and length).

Signed _____

SEAL:

Date _____

Surveyor, Georgia Registration No. _____

The surveyor must certify whether or not the property is located in a special flood hazard zone and indicate the informational source and zone of the property. If the property is located within a flood hazard zone then the limits of the zone must be shown.

- c. *Owner certificate.* The following certificate shall be entered on the face of the plat as shown in figure 1. Placement of this certificate may vary as necessary.

Owner _____	Date _____
Agent _____	Date _____

- d. *Approvals.* The following spaces shall be provided (as shown in figure 1) in the form listed in this subsection for approval by all agencies having jurisdiction. Placement of this certificate may vary as necessary.

Approved by Department of Public Health, Heard County, Georgia.	
Date _____	Signed _____
	Health Department Representative
Approved by County Engineer or person designated by the Commission Chairman, County Commission or County Manager, Heard County, Georgia.	
Date _____	Signed _____
	County Engineer or County designee
Approved by the Heard County Planning Commission.	
Date _____	Signed _____
	Planning Commission Chairman

1. *Surveying data.* The final plat shall contain the location, bearing and length of every street line, lot line and boundary whether curved or straight. A note will be made on the plat as to whether curved or straight. A note will be made on the plat as to whether curved dimensions are arc or chord distances. Easement lines (and width), land lot and land district lines will be shown. All dimensions shall be shown in feet and decimals to the nearest 1/100th of a foot, and all angles shall be shown to the nearest second. The error of closure shall be as set forth by the State of Georgia Platting Act, or as defined by the technical standards required by Georgia 84-21 of the Law Governing the Practice of Professional Engineering and Surveying (1980).
2. *Monuments.* The final plat shall show the accurate location, material and description of all monuments. A permanent master bench mark shall be established (subject to the approval of the county engineer or person designated by the commission chairperson, or county commission) within or adjacent to the site by transfer of levels, not less than third order accuracy,

from the nearest approved bench mark of known mean sea level (MSL) elevation showing its location on the final plat to the nearest 1/100th of a foot.

3. *Easements.* In addition to the requirements for the preliminary plat, the final plat will show the location and width of all temporary construction easements (as required by standard engineering practice), public utility easements and drainage easements where required.
 4. *Construction drawings.* At such time as the final plat is filed for review with the chairperson, the subdivider shall submit construction drawings to the county engineer or person designated by the commission chairperson or county commission, for review and approval if not previously approved. Construction drawings shall conform to county specifications.
- (c) *Filing certificate.* The final plat shall be deemed filed with the planning commission when it is filed with the building and zoning department. At the time of filing, a certificate of filing shall be furnished to the applicant which will include the time and date of filing. The final plat shall be prepared in accordance with these regulations and applicable county requirements by a registered land surveyor, who is licensed under the laws of the state. The Zoning Administrator shall have authority to reject the final plat if he or she finds that it does not conform with the approved preliminary plat or these regulations. If the plat is rejected, the building and zoning department shall provide the subdivider with a written statement specifying all the aspects of the plat which do not conform to these regulations or the approved preliminary plat. Filing the final plat shall be accomplished at least 20 days prior to the regular planning commission meeting at which it is to be considered.
- (d) *Approval by individual agencies.* No final plat shall be approved unless the developer first obtains approval of the county health department, the county engineer or person designated by the commission chairperson, county commission or delegate. Said agencies shall approve, with or without modification, or disapprove the final plat to the extent to which each has jurisdiction. If the plat is disapproved, the agency must provide a written statement of reasons for disapproval within ten days of the time of submittal.
- (e) *Approval by planning commission.* Approval or disapproval of the final plat shall be accomplished within 45 days after the plat is filed with the planning commission. If, after 45 days, the planning commission has failed to act, the final plat shall be deemed approved and on demand, a copy shall be signed by the chairperson for transmission to the county commission; provided that the subdivider may waive in writing these requirements and consent to an extension of such period. If the final plat is disapproved, the reasons thereof shall be stated in the resolution disapproving the final plat and the subdivider shall be so informed. The approval of a final plat shall not constitute an acceptance by the county of any street or other ground shown upon the plat. No plat shall be acted upon by the planning commission without a public hearing, and due notice of the time and place of such hearing shall be provided to the applicant/newspaper.
- (f) *Recording a plat.* Upon satisfactory compliance with these regulations and after approval by the planning commission, the final plat will be forwarded to the county commission of the county to remain until such time that all required minimum improvements have been completed and accepted by the county and the required guarantee has been posted. At such

time the county commission shall release said final plat for recording. The plat shall be returned to the developer who shall record the plat in a timely matter.

- (g) *Removal of subdivision from land records.* After a subdivision has been recorded, the subdivider may petition the county commission for permission to remove the subdivision plat from the land records of the county. The county commission may permit such removal providing that no lot in the subdivision has been sold. Upon giving its permission for such removal, the county commission shall release the bonds and/or cash posted by the subdivider.
- (h) *Distribution of prints and reproducible.* The planning commission will make the following distribution of the prints and reproducible:

County records	Original linen or Mylar
Recording copies	Reproducible and one print
Person designated by the commission chairperson, or county commission	One print
County tax assessor	Two prints
County health department	One print
Planning commission	One reproducible and two prints

- (i) *Administrative approval of minor subdivisions.* Where a proposed subdivision presents no engineering problems, no required improvements, and few, if any, planning problems, the planning commission and county commission may waive the requirements of filing a preliminary plat and may approve the final plat, provided proper plat and application is submitted to the planning commission. Said plat shall conform fully to the requirements of these regulations. It shall be the responsibility of the planning commission to coordinate said administrative review responsibilities.

6.

Section 40-118. – Blocks shall be amended as follows:

Sec. 40-118. – Blocks.

- (a) *Nonresidential.* Blocks for other than residential use shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and maneuvering space.

- (b) *Residential*. The length of residential blocks shall not exceed 1,500 feet nor be less than 420 feet. Blocks of more than 1,500 feet will be permitted if natural or manmade barriers such as streams and railroads require blocks of greater size. The depth of residential blocks shall be sufficient to allow two tiers of lots, unless prohibited by natural or manmade barriers, or unless one tier backs onto a line of another person's property, except as provided for in section 40-120. The foregoing shall not prevent the inclusion of blocks of greater width.
- (c) *Crosswalks*. Rights-of-way for pedestrian crosswalks shall be provided when in the opinion of the planning commission crosswalks are necessary for direct pedestrian access to schools, shopping centers, and parks. A crosswalk right-of-way shall not be less than 20 feet wide.
- (d) *Ingress and egress*. Any subdivision located on a U.S., state, county or local street shall have one point of ingress and egress, not to exceed 100 feet in width. Entrance to a subdivision shall be the access to an interior designed street system constructed and paved to county and DOT specifications.

7.

Section 40-120. – Lots shall be amended as follows:

Sec. 40-120. – Lots.

- (a) *Minimum acreage*. The lot area of any residential lot shall have a total acreage of no less than 5 acres.
- (b) *Minimum elevation*. The lot area contained within and contiguous to the building walls and for a minimum distance of ten feet measured from all sides of said building shall have a minimum elevation of two feet above the maximum flood stage of streams or canals in the particular area being developed based on acceptable engineering procedure and approved by the county engineer or person designated by the commission chairperson or county commission. Said minimum elevation shall be subject to approval by the county health department. No change of elevation necessary to meet this requirement will be permitted if change constitutes filling within a designated flood hazard zone.
- (c) *Width and area requirements Residential*. Residential lots shall not be less than 235 feet wide at the building line. They shall have depth of not less than 400 feet. Lots shall have a depth not more than four times the width of the lot at the building line. Each lot shall abut upon a dedicated public street, but shall not abut an existing U.S., state, county or local road. Dimensions of corner lots shall be large enough to allow for the additional side yard width adjoining the street.
- (d) *Corner lots*. corner lots shall be of such size and dimensions that will permit the location of buildings so as to conform with the building setback lines as prescribed in the zoning chapter. Corner property lines at street intersections shall have a minimum of 20 foot radii.

(e) *Double and reverse frontage.* Lots having street frontage both to the front and rear shall be prohibited except to provide for separation of residential development from railroad or major, secondary arterial or collector street rights-of-way. Where the aforementioned abuts or runs through any portion of the subdivision, the subdivision plan shall provide for lots backing on railroad rights of way. Said lots shall have a minimum depth adequate to provide for the rear yard setback, required by the respective zoning district, plus an additional 20 feet, ten of which shall be a planted, nonencroachable buffer strip separating the lots from the right-of-way. The buffer zone shall be landscaped with hedges or closely planted small trees to provide a visual screen and shall be planted at the time of development, by the developer. Said planted, nonencroachable buffer strip shall be clearly indicated on the final plat. Proper covenants shall be prepared by developer to insure maintenance of the buffer by owner of the lot after lot is sold.

8.

Section 40-121. – Building lines shall be amended as follows:

Sec. 40-121. – Building lines.

Building lines for residential subdivision shall be as follows:

Minimum front-yard from centerline of major arterial	Setback all other streets	Minimum side yard	Minimum rear yard
100 feet	75 feet	30 feet each side Total 60 feet	35 feet

9.

Section 40-121. – Streets shall be amended as follows:

Sec. 40-121. – Streets.

(a) *Access.* Every lot of every subdivision shall have access to a publicly dedicated street. Where access to a proposed subdivision, or to any lot therein, is from a street under the jurisdiction of the state department of transportation, such access shall meet all requirements of the agency. Where the subdivision does not immediately adjoin a public street, the subdivider shall provide a public street from the subdivision to a public street, which meets the specifications set forth in this article. There shall be only one entrance and exit point into or

out of a subdivision from a U.S., state, or county road. This entrance shall be no less than 100 feet.

- (b) *Paving*. All streets in the subdivision shall be paved according to county and DOT specifications.
- (c) *Alignment and continuation*. Streets within the subdivision shall be so arranged as to provide for the alignment and continuation of or projection of existing public streets.
- (d) *Culs-de-sac*. Permanent culs-de-sac shall not be longer than 500 feet from the nearest street right-of-way line with which it intersects to the center of its diameter. Where the area served by the cul-de-sac has two or more dwelling units, the maximum length may be increased to 1,000 feet. Culs-de-sac shall terminate in a circular turnaround having a right-of-way of not less than 100 feet. Paving within the turnaround shall have an outside diameter of not less than 80 feet.
- (e) *Dead-end streets*. Permanent dead-end streets and dead-end alleys shall be prohibited.
- (f) *Half streets*. Permanent half streets and half alleys shall be prohibited.
- (g) *Intersections*. The centerline of no more than two streets shall intersect at any one point. No street shall intersect another street at less than 80 degrees and shall as nearly as possible intersect at 90 degrees.
- (h) *Right-of-way radius*. The right-of-way radius at street intersections shall be no less than 20 feet except on major arterial streets where state department of transportation standards shall prevail.
- (i) *Curved streets*. The centerline radius shall not be less than 300 and 350 feet for major arterial streets, 250 feet for secondary streets, and 120 feet for collector and residential streets. Centerline tangents between reverse curves shall not be less than 200 feet for secondary streets and 100 feet for collector streets and residential streets.
- (j) *Right-of-way extension*. Where the proposed subdivision abuts undeveloped properties, it is essential that appropriate extensions of streets be provided to facilitate future growth and development. Such street rights of way to facilitate future development shall be extended by dedication and improved to the boundary of the proposed subdivision.
- (k) *Street jogs*. Street jogs at intersections shall not be less than 150 feet between centerline offsets. This provision shall not negate the design intent of subsection (c) of this section.
- (l) *Street names*. The subdivider shall indicate on the subdivision plat the proposed name or number of all streets within the subdivision. Streets and roads that are obviously in alignment with and are extensions of existing previously named or numbered streets shall bear that

name. The names of all new streets within the subdivision shall be subject to the review and approval of the planning commission.

(m) *Street right-of-way and pavement width.* Street rights-of-way shall be measured between lot lines and shall be prescribed in this section. The pavement width shall be as prescribed in the table on the following page.

Street Classification Minimum Rights-of-Way (in feet) Minimum Pavement Width (in feet)

Street Classification	Minimum Rights-of-Way (in feet)	Minimum Pavement Width (in feet)
Major arterial	60	24
Second arterial	60	24
Collector	60	24
Marginal access	60	24
Local street	60*	22
Alleys		
Residential	20	12
Commercial	**	**
Industrial	**	**
Easements	**	**

*When new development is proposed in proximity to existing curb and gutter sections, said development may be developed with curb and gutter and proper storm drainage within a 50 foot right of way. Subdivisions planned for annexation shall be developed to current county standards and shall be subject to review by the county engineer or person designated by the commission chairman, county commission or county manager.

**As appropriate for the proposed development, with approval required by the county engineer or person designated by the commission chairman, county commission or county manager and building inspector.

(n) *Additional rights-of-way.* If the subdivision boundary line lies adjacent to the right-of-way line of an existing street of less than minimum right-of-way width, a minimum of one-half the required right-of-way shall be dedicated.

(o) *Provisions for public use.* In subdividing land, due consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use. Such land should be located in accordance with the comprehensive plan. The acquisition of such land shall rest with the county commission and the county planning commission.

Section 40-148. – Water supply and sanitary sewerage shall be amended as follows:

Sec. 40-148. – Water supply and sanitary sewerage.

- (a) It is the intent of these regulations that the general public health of the county be safeguarded from the proliferation of septic tank systems and individual wells in higher density developments.
- (b) Where public water is available within 1,000 feet of any portion of the subdivider's property, the subdivider shall provide every lot of the subdivision with public water in accordance with applicable county specifications. Said facilities are to be dedicated to the county or the water authority for public maintenance and operation prior to recording the plat.
- (c) Where a public water supply and/or public sewerage system is not accessible, and where topography, soil characteristics, drainage, groundwater or other physical conditions preclude safe on-site water supplies and/or sewerage disposal systems, the developer shall furnish through the county board of health plans and specifications for community water supply and/or community sewerage disposal system for the subdivision.
- (d) For lots served by either an individual water supply or an individual sewage disposal system, the minimum lot size shall be 217,800 square feet (five acre) with a minimum lot width of 235 feet.

11.

Section 40-151 – Street signs shall be amended as follows:

Sec. 40-151. - Street signs.

The developer shall pay for all street signs required for his subdivision at a cost of \$100.00 per sign. These fees shall be paid to the county prior to release of the plat for recording.

12.

Section 40-152. – Installation of improvements shall be amended as follows:

Sec. 40-152. – Installation of improvements.

Following approval of the preliminary plat by the planning commission, the developer shall request approval of the construction drawings by the county engineer or the person designated by the commission chairman or delegate of the county commission. Said developer can begin installation of the minimum improvements, including grading, paving, installation of utilities, etc., upon approval of the construction drawings. Final plat approval by the planning commission can be requested during or following the installation of minimum improvements.

13.

Section 40-173. – Water supply and sanitary sewerage shall be amended as follows:

Sec. 40-152. – Water supply and sanitary sewerage.

Before the plat is signed by the chairperson of the county planning commission or the Zoning Administrator, all developers shall be required to complete, in accordance with the planning commission's decision and to the satisfaction of the county engineer or other designee, all minimum improvements as required by article IV, specified on the final plat, and as approved by the planning commission, and to dedicate same to the county

14.

Section 40-175. – Guarantee shall be amended as follows:

Sec. 40-175. – Guarantee.

The subdivider shall guarantee to the county, for a period of two year after completion and acceptance of the improvements, all material and workmanship going into such improvements. The subdivider shall post bond with the county, conditioned upon the faithful performance of such guaranty. In lieu of furnishing the subdivider's bond, the subdivider may assign to the county an approved contractor's guaranty and bond. Such guaranty and bond shall be posted prior to approval by the county of the subdivision plat. Cash shall be accepted in lieu of bond. This guaranty shall be in the amount of 100 percent of the total improvement cost.

15.

Section 40-228. – Variances shall be amended as follows:

Sec. 40-228. – Variances.

Any property owner may petition the county planning commission for a variance from the requirements of this Chapter. Such variance may be approved by the planning commission upon a finding that (1) there are conditions or circumstances unique to the property in question that would justify the variance; (2) such condition or circumstance is not the result of any action of the property owner or his predecessor(s) in interest; and (3) relief, if granted, would not cause a substantial detriment to the public good or impair the purposes of this Chapter. The planning commission may approve, deny or approve with conditions. All variance requests will require a public hearing in same manner as provided for in Section 46-435.

16.

All remaining provisions of Chapter 40 shall remain in full force and effect.

So adopted this _____ day of November, 2024.

Chairman

Attest: _____
Clerk