COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina/Phil Mallon/Tony Parrott
Meeting Date:	Thursday, April 23, 2009	Type of Request:	Old Business

Wording for the Agenda:

Discussion of proposed amendments to the Fayette County Subdivision Regulations. This issue was last discussed at the April 1, 2009 Workshop.

Background/History/Details:

The primary change proposed is for clarification of the approval process for final plats which are eventually filed in the Clerk of Courts' Office. The proposed amendments will clarify that final plats are to be approved by the Planning Commission and not by the Planning Commission's administrative staff. Since the County's Subdivision Regulations were originally adopted in 1973, there are other changes proposed throughout the document, generally to make the language more contemporary and in the same style as other codes and ordinances currently in use. Other than the clarification concerning final plat approval, other changes are not procedural or substantial in nature.

The proposed changes concerning the approval of final plats can be found in Section 3-2 on page 6 and Section 4-2.5 on page 10.

Planning Staff brought this issue to the Board at its April1 Workshop for permission to proceed with developing proposed amendments. The Board concurred that changes should be made and directed staff to prepare recommended changes. If the Board is satisfied with the recommendations, staff is asking permission to advertise the proposed amendments to be heard by the Commissioners on May 28.

What action are you seeking from the Board of Commissioners?

Permission to advertise the proposed amendments to be heard by the Board of Commissioners on May 28, 2009.

If this item requires funding, please describe:

Not Applicable

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Wednesday, April 1, 2009
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Yes	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

DRAFT

NEW BUSINESS:

B. DISCUSSION OF PROPOSED AMENDMENTS TO THE FAYETTE COUNTY SUBDIVISION REGULATIONS, INCLUDING THE PROCEDURES FOR APPROVAL OF PRELIMINARY AND FINAL PLATS:

Director of Community Development Pete Frisina discussed the Fayette County Subdivision Regulations, specifically the procedures for approval of final plats and whether the Planning Commission or the Board of Commissioners should be providing final approval. A copy of the request, identified as "Attachment No. ", follows these minutes and is made an official part hereof. He said staff was recommending that the Board of Commissioners be responsible for the approval for final plats and at the same time approve the final acceptance of the right-of-way. He said staff had done some preliminary changes in the Subdivision Regulations as well as including conditions for the new Stormwater Department.

County Attorney Scott Bennett interjected that under the State Law either the Board of Commissioners or the Planning Commission can approve the final plats. He said it would be up to the Board of Commissioners as to how this would be determined. He said typically a final plat was also road dedication. He said the question was if the Board of Commissioners wanted to see these requests before they begin building. He said currently these requests go to the Planning Commission but if the Board wanted to see them this procedure could be changed.

Commissioner Hearn remarked that the significance of a final plat was that the property could not be sold and no closings could occur prior to the final plat being recorded.

County Attorney Scott Bennett said usually in a final plat there were areas shown on the final plat to be dedicated to the County for road purposes and the lots are drawn out and created at that time. He said this could be one process and done by either the Board of Commissioners or the Planning Commission. He said at that point the roads were in, the curb was in, the utilities were in and construction would be about to begin.

Mr. Frisina interjected that staff did not issue permits until the roads were dedicated. He said even though a plat was recorded, permits would not be issued until the road dedication. He noted that acceptance of street light districts was done at a separate time and would not hold up the construction start date.

County Attorney Scott Bennett remarked that the requirement that this procedure be approved by the Board of Commissioners or the Planning Commission was actually for the Clerk of the Superior Court regarding Title 15, Chapter 6. Superior Courts, Article 2. Clerks of Superior Court. He said the Clerk was actually prohibited from recording a final plat until it was approved by the Board of Commissioners and the Planning Commission.

Commissioner Maxwell felt the Planning Commission would be the better body to make this decision since their entire focus was on planning. Chairman Smith agreed and said he had no problem with the Planning Commission handling this and felt they would have more technical expertise for this.

The Board agreed that the Planning Commission would be the body designated to approve preliminary and final plats. Mr. Frisina remarked that staff would review the subdivision regulations and determine if there were any changes that needed to be made. He said he would bring any proposed amendments back to the Board at the next workshop meeting for discussion and then advertise for a public hearing for consideration by the Board.

04/01/09 – BOC Workshop
04/23/09 – BOC Public Hearing (Cancelled 05/06/09 Workshop)

PROPOSED AMENDMENTS TO
THE FAYETTE COUNTY SUBDIVISION REGULATIONS

SUBDIVISION REGULATIONS

AN ORDINANCE SETTING FORTH REGULATIONS, SPECIFICATIONS, AND PROCEDURES GOVERNING THE PLATTING OF LAND WITH THE CORPORATE LIMITS OF FAYETTE COUNTY INTO SUBDIVISIONS; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF SUBDIVISION PLATS FOR SUCH PURPOSES; ESTABLISHING MINIMUM IMPROVEMENTS; DEFINING TERMS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY the Board of Commissioners of Fayette County and it is hereby ordained by the authority of the same:

SECTION 1

DECLARATION OF PURPOSE

In Pursuance of authority conferred by Georgia Number 358, General Planning and Zoning Enabling Act of 1957, amended, the regulations, specifications and procedures for the subdivision and subsequent development of land and for the platting thereof, prescribed and adopted by this ordinance are hereby deemed by the Board of Commissioners to be desirable and necessary in order to help insure the public health, safety, morals, and general welfare by means of harmonious, orderly, and progressive development of land. Further, the purposes of the regulations of the subdivision of land are, among others, to encourage and ensure the development of economically sound and stable neighborhoods; to assure the adequate provision of required streets, utilities, and other facilities and services to new land developments; to assure the provisions of reasonably safe and convenient vehicular and pedestrian traffic access and circulation; to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservations of land for recreational, educational, and other public purposes; to provide accurate, uniform records for identification and location of real estate boundaries, and to assure, in general, the wise development of new areas, in harmony with the Comprehensive Plan of Fayette County.

Change "County Commissioners" to "Board of Commissioners"; "Planning and Zoning Commission" to "Planning Commission"; and "Zoning Regulations" to "Zoning Ordinance" in its entirety.
Delete all sections numbers under Definitions.

SECTION 2

DEFINITIONS

~~2-1~~ For the purpose of this ordinance, the following words, terms, phases, and their derivations shall have the meaning given in this section.

Words used in the present tense include the future tense. Words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory while the word "may" is merely discretionary.

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 application thereof.

Board of Commissioners. The Board of Commissioners of Fayette County, Georgia.

County, The County of Fayette, Georgia.

~~2-3~~ ~~**County Commissioners.** The Commissioners of the County of Fayette, Georgia.~~

County Engineer. The official to whom the responsibilities normally associated with this title ~~have~~ ***has*** been delegated.

Commissioners of Health. The Fayette County Commissioner of Health, the Fayette County Health Department, and/or the State of Georgia Department of Health. The words "Commissioner of Health" are used in these regulations to denote the fact that all matters pertaining to health regulations shall be directed to that official or his staff.

Comprehensive Plan. The Comprehensive Plan for the County of Fayette, Georgia, approved by the ***Board of Commissioners*** ~~Planning Commission and recommended to the County Governing Authority for their consideration which may consist of the Major Thoroughfare Plan, General Land Use Plan, Street and~~

~~Road Classifications Plan, and other maps data, and descriptive matter for the physical development of the County and any portion thereof, including any amendments, extensions, or additions thereto as recommended by the Planning Commission~~.

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

Cul-de-sac. A street having only one end open for access to another street and the other end being terminated by a turn-around as specified in these regulations.

Development. The act, process or state of erecting buildings, structures, or making improvements, or laying out and dividing land.

~~**Major**~~ ***Fayette County* Thoroughfare Plan.** ~~See section 2-6 (Comprehensive Plan).~~ ***The Thoroughfare Plan for the County of Fayette, Georgia, approved by the Board of Commissioners.***

Easement. A grant by the owner of land for the use of such land by others, including the public for a specific purpose of purposes.

Loop Street. A street that connects to another street which is not a cul-de-sac or single-access loop street at two (2) points, forming a horseshoe or loop. (Amended 5/23/85)

Loop Street, Single Access. A street which connects to another street at one point and intersects itself at some point, forming a "p" or similar shape. (Amended 5/23/85)

Lot or Acreage. An undivided portion of land which is designed as a distinct and separate tract and identified by a tract number, lot number, or symbol on an approved subdivision plat properly recorded, and which is or may in the future be offered for sale, conveyance, transfer or improvement.

Lot Width. The distance between the side lot lines, measures at a building line, parallel to the street right-of-way line.

M.S.L. Mean Sea Level.

Planning Commission. The Fayette County Planning Commission.

Right-of-Way. A portion of land being used or in the future will be used as a street, road, thoroughfare, crosswalk, pipe way, drainage canal, and/or other similar uses and designated by means of right-of-way lines.

Street. A public right-of-way which provides vehicular access to abutting property.

~~**Major**~~ ***Street*, Arterial** ~~**Street.**~~ A street which is designated as such on the ***Fayette County*** ~~Major~~ Thoroughfare Plan ~~and which is intended to provide swift and safe movement of traffic through the community~~.

~~**Secondary Arterial Street.** A street which is designated as such on the Major Thoroughfare Plan and which is intended to provide easy and convenient traffic movement within the community.~~

Street*, Collector** ~~**Street.**~~ A street which is designated as such on the ***Fayette County ~~Major~~ Thoroughfare Plan ~~and which is intended to collect traffic from residential streets and direct it safely to secondary or major streets~~.

Street, Local. A street which is designated as such on the Fayette County Thoroughfare Plan.

Dead End Street. A street having only one end open for access to another street, the other end being abruptly terminated with no turn-around.

Marginal Access Street. A street parallel to and adjacent to an arterial street providing access to abutting property.

Residential Street. A street used for local circulation in residential areas providing access to abutting property.

Subdivider. Any person, firm, corporation, association or partnership or any agent thereof who undertakes or proposes to undertake the subdivision of land so as to constitute a subdivision as defined herein.

Subdivisions. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all divisions of land involving a new street or change in existing streets, and includes re-subdivision and where appropriate context, relates to the process of subdividing or to the land or area subdivided; provided, however that the following are not included within this definition:

(a) The combination or recombination of portions of previously platted lots where the total number or lots is not increased and the resultant lots are equal to the standards of the municipality;

(b) The division of land into parcels of five (5) acres or more where no new street is involved.

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

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

Zoning ~~Regulations~~ *Ordinance.* The Zoning ~~Regulations~~ ***Ordinance*** enacted by the ***Board of*** Commissioners of ~~the County of Fayette~~ ***Fayette County***, Georgia.

SECTION 3

GENERAL

3-1 **Zoning Ordinance.** No subdivision shall be accepted for review which does not conform with the Zoning Ordinance applicable to the land for which it is proposed.

3-2 ~~**Subdivisions Not Involving Changes in Public Facilities.** All subdivisions which do not involve the platting, constructions or opening of new streets, water or sewer facilities shall be accepted by the planning commission in the form of a Final Plat providing that the Plat shall comply with these regulations in all respects.~~

Recordation of Final Plats. No Final Plat shall be recorded with the Clerk of Superior Court of Fayette County, Georgia, without said plat having first been submitted to and approved by the Planning Commission. The Secretary to the Planning Commission shall endorse the plat upon approval by the Planning Commission. The Planning Commission approval is not required for Final Plats where no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.

3-3 ~~**Approval by Individual Agencies.** No subdivision plat shall be recorded with the Clerk of Superior Court of Fayette County, Georgia, without said plat having first been submitted to and approved by the Planning Commission and the County Governing Authority. The Planning Commission shall not approve any subdivision plat without said plat having first been reviewed and approved by the County Engineer and the Commissioner of Health to the extent that each has jurisdiction.~~ ***Open.***

SECTION 4

APPROVAL OF SUBDIVISIONS

Subdivisions shall be reviewed and approved in two (2) stages as follows:

(Change final plat to Final Plat and preliminary plat to Preliminary Plat in its entirety)

4-1 **Preliminary Plat.**

4-1.1 **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 Ordinance. The Preliminary Plat only requires ~~approximate~~ accuracy of scale and dimension. Public agencies having jurisdiction will review the Preliminary Plat regarding matters within their jurisdiction. During the review process, the subdivider or his agent may be called upon for consultation.

4-1.2 **Future Tract Plan.** The subdivider shall submit to the Zoning Administrator for the Planning Commission a ~~reasonably accurate~~ ***Preliminary Plat*** ~~plat in sketch form~~ of the entire tract which will show the ~~tentative~~ future street system ***and lot layout*** for the entire tract. The plat must also show future recreation areas and pedestrian circulation patterns. (Ordinance No. 2000-03)

4-1.3 **Filing**. Any person desiring to subdivide land shall file with the Zoning Administrator for the Planning Commission a number of copies, which number shall be determined by the Zoning Administrator, of the Preliminary Plat. In order to be considered by the Planning Commission, the Preliminary Plat shall be submitted in accordance with the schedule of hearing dates and application deadlines established by the ~~Planning Commission~~ ***Planning and Zoning Department.*** Said schedule is available in the office of the Zoning Administrator. The plat shall be prepared in accordance with these regulations and with applicable County specifications by a registered engineer, surveyor, and/or architect who ~~is~~ ***are*** licensed under the laws of the State of Georgia. ~~The Preliminary Plat shall be submitted in accordance with the schedule of application deadlines and meeting dates, a copy of which is available in the office of the Zoning Administrator. The Preliminary Plat shall be deemed filed with the Planning Commission when it is filed with the Zoning Administrator. At the time of filing, certificate of filing shall include the time and date of filing.~~ The Zoning Administrator shall have authority to reject the Preliminary Plat, if after study, he or she finds that it does not comply with these regulations. If rejected, the Zoning Administrator shall provide subdividers with a written statement specifying all the respects in which the plat fails to comply. Subdividers shall have the right to appeal to the Planning Commission from such rejections. ***The Preliminary Plat will be placed on a Planning Commission Agenda upon approval from all the appropriate departments.*** (Ordinance No. 99-09, 6/24/99)

4-1.3.1 ~~**Plat Review Fee.** Upon the filing of any Preliminary Plat, a plat of plan review fee, established by the Board of Commissioners shall be assessed. There shall be no recording of any plat or plan until the plat of plan review fee is paid. (Amended 6/11/82)~~ ***Open.***

4-1.4 **Approval by Individual Agencies.** No Preliminary Plat shall be recommended for Planning Commission approval by the Zoning Administrator unless the Zoning Administrator first obtains the approval of ~~the County Engineer and the Health Department~~ ***the appropriate departments***. The ~~reviewing~~ ***appropriate*** departments shall recommend approval with or without conditions or shall require modification of the Preliminary Plat to the extent that each has jurisdiction. ***A checklist from the appropriate departments is available in the Planning & Zoning Department.*** ~~Percolation tests meeting Health Department requirements shall be furnished in three (3) copies. Approval will be on an individual lot basis.~~ (Ordinance No. 99-09, 6/24/99)

4-1.5 **Approval by Planning Commission.**

~~a.~~ The Preliminary Plat shall be ~~accepted for consideration~~ ***placed on the Planning Commission Agenda for consideration*** ~~by the Planning Commission~~ when the ***Preliminary Plat is approved by all of the appropriate departments*** ~~file is complete as required by the Zoning Administrator according to these regulations. The Zoning Administrator shall have the authority to accept the Preliminary Plat with modification when necessary to make the plat comply with provisions of these regulations.~~

b. The Planning Commission shall take action on Preliminary Plats in their regular***ly scheduled*** meeting***s***, except for revisions to a recorded plat which, under the ***applicable*** provisions of ***Section*** 4-~~2.7~~, requires approval of a new Preliminary Plat. Revisions which change a street and/or utility layout shown on a recorded plat shall be afforded a public hearing on the new Preliminary Plat, the legal notice for which shall be advertised in at least one (1) of the newspaper in which is carried the legal advertisements of the County in such a manner as to give at least seven (7) days notice of the public hearing from the date of issue. (Ordinance No. 2000-03)

c. Approval or disapproval of a Preliminary Plat by the Planning Commission shall be within ~~sixty (60)~~ ***60*** days of the ~~Zoning Administrator's Certification that the application is complete~~ ***date of their regularly scheduled meetings***. If after ~~sixty (60)~~ ***60*** days from the ~~issuance of said Certification of Completeness~~ ***date of their regularly scheduled meetings,*** the Planning Commission fails to act, the Preliminary Plat shall be deemed approved; provided, however, that the subdivider may waive this requirements in writing and consent to an extension of such period. If approval of the Preliminary Plat is not recommended, the reasons therefore shall be ~~stated on the plat checklist~~ ***supplied to the subdivider***. The approval of a Preliminary Plat by the Planning Commission shall not be deemed to constitute an acceptance by

Fayette County of any street or other real property shown upon the plat. (Ordinance No. 99-09, 6/24/99)

4-1.6 **Approval of ~~Engineering~~ *Construction* ~~Drawings~~ *Plans*.** Upon approval of the Preliminary Plat by the Planning Commission, the subdivider may submit construction plans to the County Engineer***, Stormwater Management Department,*** and Fire Marshal for approval. The plans must be prepared by an Engineer Registered in the State of Georgia and must bear his seal. No permits for grading or construction of the roads will ~~not~~ be given until the County Engineer***, Stormwater Management Department,*** and the Fire Marshal have approved the construction plans. (Ordinance No. 2000-03)

4-1.7 **Expiration.** Preliminary Plats shall include the following statement: "Approval of this Preliminary Plat shall expire ~~eighteen (18)~~ ***18*** months from the date of approval by the Planning Commission unless a Final Plat for at least one (1) section has been approved or street base construction on at least one (1) section has been completed and inspected."

FINAL PLAT

4-2.1 **Conformance.** The Final Plat shall conform with the layout ~~and phasing~~ indicated on the Preliminary Plat. If desired by the subdivider, the Final Plat may ~~constitute only that phase~~ ***be developed and recorded in phases*** ~~of the Preliminary Plat he proposes to record and develop at that time~~; provided that such portion conforms with all requirements of these regulations and the Development Regulations.(Ordinance No. 99-09, 6/24/99)

4-2.2 **Filing the Final Plat.** The Final Plat shall not be submitted for review until the minimum improvements are completed subject to the provisions of Section 8 of these regulations. The Final Plat shall be submitted in accordance with the schedule of application deadlines and meeting dates, a copy of which is available in the office of the Zoning Administrator. ~~Eight (8) blueline copies and one (1) mylar~~ ***The number of copies required of the Final Plat is also available in the office of the Zoning Administrator.*** ~~of the Final Plat shall be submitted to~~ ~~t~~***T***he Zoning Administrator shall ~~for distribution~~ ***distribute copies of the Final Plat*** to the ~~reviewing~~ ***appropriate*** departments. The ~~f~~***F***inal ~~p~~***P***lat shall be deemed filed when it has been submitted by the Zoning Administrator. (Ordinance No. 99-09, 6/24/99)

4-2.3 **Approval by ~~Individual~~ *Appropriate* Departments.** ~~No Final Plat shall be approved without the necessary department approvals.~~ Said ***appropriate*** departments shall approve, with or without modification, or disapprove the Final Plat to the extent to which each has jurisdiction ***within 14 days from the submittal and /or resubmittal of the Final Plat.*** ~~The secretary to the Planning Commission shall endorse the plat upon approval by both the County Engineer and the Zoning Administrator.~~ (Ordinance No. 99-09, 6/24/99)

4-2.4 **Approval by Zoning Administrator.** Approval or disapproval of the Final Plat shall be conveyed by the Zoning Administrator to the subdivider within ~~ten (10) business~~ ***14*** days ~~following the scheduled plat review meeting~~ ***from the submittal and/or resubmittal of the Final Plat***. If the Final Plat is disapproved, the reasons therefor shall be stated on the plat checklist. The approval of a Final Plat shall not be deemed to constitute an acceptance by Fayette County of any street or other real property shown upon the plat. (Ordinance No. 99-09, 6/24/99)

~~a. **Revisions** to a recorded plat which, under the provisions of 4-2.7, require approval of new Preliminary and Final Plats, shall be afforded a public hearing before the Planning Commission, the legal notice for which shall be advertised in at least one (1) issue of the newspaper in which is carried the legal advertisements of the County, and shall provide at least seven (7) days notice of the public hearing from the date of issue.~~

~~b. Each approved Final Plat shall include thereon the following statements:~~

Relocate the following to Section 5.

1. "Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat." (Amended 7/9/81)
2. ~~Open.(Amended 7/12/90)~~

4-2.5 ***Approval by the Planning Commission.***

a. ***The Final Plat shall be placed on the Planning Commission Agenda for consideration when the Final Plat is approved by all of the appropriate departments.***

b. ***Approval or disapproval of a Final Plat by the Planning Commission shall be within 60 days of the date of their regularly scheduled meetings. If after 60 days from the date of their regularly scheduled meetings, the Planning Commission fails to act, the Final Plat shall be deemed approved; provided, however, that the subdivider may waive this requirement in writing and consent to an extension of such period. If approval of the Final Plat is not recommended, the reasons therefore shall be supplied to the subdivider.***

c. ***The Secretary to the Planning Commission shall endorse the plat upon approval by the Planning Commission.***

Renumber remaining section numbers.

4-2.~~5~~***6*** **Recordations.** In addition to the above requirements, the following documents must be submitted to the noted authorities. (Amended 7/12/90)

~~1. A warranty deed for the subdivision or portion of the subdivision covered by the Final Plat, shall be submitted to the Zoning Administrator. (Amended 7/12/90)~~

Renumber the following sections:

1. A performance bond or irrevocable letter of credit to cover any asphalt pavement which the subdivider will be completing at a later date, shall be posted with the County Engineer in accordance with Section 8 of these regulations. (Amended 7/12/90; Ordinance No. 2000-03)

2. A performance bond or irrevocable letter of credit to cover any grassing or other erosion control items shall be posted with the County Engineer in accordance with Section 8 of these regulations.

3. A core sample report must be submitted to the County Engineer for approval in accordance with the Development Regulations.

4. As-built plans of all storm sewer pipes and detention ponds must be submitted to the ~~County Engineer~~ ***Stormwater Management Department*** for approval in accordance with the Development Regulations.

5. As-built plans of the water lines and a cost letter must be submitted to the Water System for approval.

6. A street light petition must be submitted to the ~~County Engineer~~ ***Stormwater Management Department*** to establish a street light district, if appropriate.

7. ~~A~~ ***Two (2)*** digital ~~copy~~ ***copies*** of the Final Plat in a format that ~~is~~ ***are*** compatible with Fayette County's Geographic Information System must be submitted to the ~~Engineering Department~~ ***Utility Management Division.*** (Ordinance NO. 2001-12)

4-2.6 ~~**Removal.** 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 Fayette 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 pursuant to the provisions of Section 8~~ ***Open.***

4-2.7 **Revision to a Recorded Plat.** Proposed revisions which change in any way the street and/or utility layout shall be submitted as a ***revised*** Preliminary Plat in accordance with Section 4-1 of these regulations. Proposed revisions which do not change in any way the street and/or utility layout shall be submitted as a ***revised*** Final Plat in accordance with Section 4-2 of these regulations. In addition, a revision to a recorded plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the County Land Records and the book and page number wherein said plat is recorded.

Proposed revisions to any existing residential or agricultural-residential subdivisions which add property to, increase***s*** the number of platted lots, or change***s*** the principal use on a lot(s) within a residential subdivision will be considered in public hearings before the Planning Commission and the Board of Commissioners. ~~The legal notice for which shall be advertised in at least one (1) issue of the newspaper which carries the legal advertisements of the County, and shall provide at least seven (7) days notice of the public hearing from the date of issue.~~ The legal notice shall be advertised at least seven (7) days prior to the public hearing before the Planning Commission, but not more than forty-five (45), nor less than ~~fifteen (15)~~ ***15*** days prior to the public hearing before the Board of Commissioners. In the event that the time-frames above cannot be met with one ***(1)*** advertisement, the notice shall be published twice. ***A revised Final Plat shall comply with the revised Preliminary Plat and shall be approved by the Planning Commission.*** (Amended 10/26/95)

4-2.8 ~~**Deposit and Reproduction.** Upon approval of the Final Plat by the Planning Commission, the subdivider shall be required to furnish to the Zoning Administrator for the Planning Commission an amount equal to the cost of recordation of the Final Plat with the Clerk of Superior Court, Fayette County, Georgia; and an amount equal to the cost of securing the required number of reproducible and prints (See Section 4-2.9 Distribution Schedule) or authorize the Planning Commission to have the reproducible and prints made at an establishment where the subdivider maintains an account.~~ ***Open.***

4-2.9 **Distribution Schedule.**

~~County Records~~	~~Original linen or plastic reproducible and one(1) print~~
~~County Engineer~~	~~Three (3) prints (2 file and 1 building inspector)~~
~~County Tax Assessor~~	~~One (1) print~~
~~County Health Department~~	~~One (1) print~~
~~Sheriff's Department~~	~~One (1) print~~

~~Water and Sewer Department~~	~~Two (2) prints~~
~~Board of Education~~	~~One (1) print~~
~~Fire Department offering service to the proposed subdivision~~	~~One (1) print~~
~~Planning Commission~~	~~One (1) paper reproducible and One (1) print.~~
~~TOTAL~~	~~One (1) original linen or plastic reproducible~~
	~~One (1) paper reproducible~~
~~TOTAL~~	~~12 prints~~

The Planning & Zoning Department will be responsible for distributing the copies of the Final Plat to the appropriate departments.

SECTION 5

THE SUBDIVISION PLAT

5-1 **The Preliminary Plat.**

5-1.1 **Title Block.** The title block shall show the name of the proposed subdivision, County, State, name, address, and Georgia registration number of the engineer, surveyor, and/or architect.

5-1.2 **North Point.** The plat shall show the true north point, ***standard engineering*** scale (~~minimum~~ ***not to exceed*** ~~scale~~ 1" equals ~~200~~ ***100*** feet), total acreage of the site, and total number of residential lots created.

5-1.3 **Topography.** The plat shall show existing contour lines (dashed) and proposed contour lines (solid) and both shall be shown at ten (10) foot intervals of elevation, based upon M.S.L. datum. Accuracy shall be within 1/2 contour intervals.

5-1.4 **Existing Features.** The plat shall show the location and names of existing and platted property lines, streets, water courses, railroads, public and private rights-of-way, sewers, bridges, culverts, drain pipes, water mains, public utility easement, parks and other public open spaces and names of adjoining property owners or subdivisions.

5-1.5 **Dedications and Reservations.** The plat shall show all parcels of land to be dedicated or reserved for public use including the names, locations and widths of all proposed streets, parks and other public spaces.

5-1.6 **Lot Lines.** The plat shall show all proposed lot lines, lot and block identifications, and building setback lines.

5-1.7 **Vicinity Map.** The plat shall show a vicinity map of such a scale that the subdivision may be readily identified.

5-1.8 **State Waters.** The Preliminary Plat shall show all state waters within the subdivision. The plat shall also show all state waters around the property that have associated floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision.

5-1.9 **Wetlands.** The plat shall show the delineation of all jurisdictional wetlands. The wetland delineation shall be made following the procedures established by the U.S. Army Corps of Engineers. The plat shall also include the following certification statement.

I, _____ of _____
name organization
do hereby certify that I have field inspected the property know as
_____ on _____ and determined that the property
subdivision name date
☐ contains ☐ does not contain jurisdictional wetlands as defined by the U.S. Army Corps of Engineers.

_____
Signature of Wetland Delineator

_____
Company Address & Telephone

5-1.10 **Soils.** The plat shall indicate and delineate the classification of soils across the property. The soil classification work shall be done following the procedures for Level III soil surveys established in the Georgia Department of Human Resources' current *Manual for On-Site Sewage Management Systems*. The plat shall also include the following certification statement.

I, _____ do hereby certify that the Level III soil
name
survey information provided on this plat was performed by
_____ in accordance with the procedures specified in
company name
the Georgia Department of Human Resources' current *Manual for On-Site Sewage Management Systems*.

_____
Signature of Soil Classifier

_____
Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer Registration No.

_____
Company Address & Telephone

5-1.11 **Checklist.** In addition to the above items, the Preliminary Plat shall satisfy all the requirements listed on the Fayette County Preliminary Plat Checklist, available in the ***Planning and*** Zoning Department.

5-1.12 **Completeness.** If any of the above facts are omitted or misrepresented on the plat, the Zoning Administrator ~~for the Planning Commission~~ may refuse to review the plat and shall return the plat to the subdivider to be completed or revised.

5-2 **The Final Plat.**

5-2.1 **Sheet Design.** The Final Plat shall conform in general with the Preliminary Plat and requirements; therefore, as set forth in these regulations and shall be drawn in permanent ink on one (1) or more sheets of linen tracing cloth or reproducible plastic measuring ~~seventeen (17)~~ ***17*** inches by ~~twenty-two (22)~~ ***22*** inches as per plat book. When two ***(2)*** or more sheets are used, a key map shall be shown with each sheet. There shall be a two (2) inch margin on the left end of the plat and one-half (1/2) inch margin on the remaining three ***(3)*** sides.

A revision to a recorded plat shall be drawn in permanent ink on a sheet of linen tracing cloth or reproducible plastic measuring a minimum of ten (10) inches by ~~fourteen (14)~~ ***14*** inches, and if necessary, a maximum of ~~seventeen (17)~~ ***17*** by ~~twenty-two (22)~~ ***22*** inches.

5-2.2 **Certificates.** The following certificates shall be entered on the face of the plat:

OWNER'S CERTIFCATE

We, the undersigned owner(s) and/or mortgagee(s) of the _____Subdivision, hereby ~~offer to~~ dedicate ~~and/or reserve for public use~~ the rights-of-way ***for public use***, ***and/or reserve for public use the*** easements and other ground shown on this plat.

Owner	Date	Mortgagee	Date
_____	_____	_____	_____
_____	_____	_____	_____

(Ordinance No. 2000-03)

SURVEYOR'S CERTIFICATE

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: _____

GA Registered Land Surveyor – Signature and Number Date

ENGINEER'S CERTIFICATE

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Drawings; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: _____

GA Professional Engineer – Signature and License Number Date

(Amended 3/23/06)

5-2.3 **Approvals.** The following spaces shall be provided (as shown in Figure 1) in the form listed below for approval by all agencies having jurisdiction:

Approved by Department of Public Health, Fayette County, Georgia.

Date _____ Signed _____

Environmental Health Specialist

(Amended 6/23/94)

Approved by Stormwater Management Department, Fayette County, Georgia.

Date _____ ***Signed*** _____

Stormwater Management

Final Plat approved by County Engineer of Fayette County. All as-built construction plans have been approved.

Date _____ Signed _____

County Engineer

(Amended 8/27/87)

Approved by the Fayette County Planning Commission. (Amended 6/23/94)

Date _____ Signed _____

Secretary

(Note: The Planning Commission approval is not required for Final Plats where no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required; therefore, this statement will not be required for this type Final Plat.)

Approved by the Fayette County Zoning Administrator. (Amended 6/23/94)

Date _____ Signed _____
Zoning Administrator

Approved by Fayette County Fire Marshal. All fire hydrant(s) located as shown. (Amended 6/23/94)

Date _____ Signed _____
Fire Marshal

5-2.4 ***Drainage Easement/Overall Drainage.*** Each approved Final Plat shall include thereon the following statement:

"Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat."

Renumber remaining section numbers.

5-2.5 **Surveying.** The Final Plat shall contain the location, bearing, and length of every street line, lot line, boundary line, and easement line, whether curved or straight. All dimensions shall be shown in feet and decimals to the nearest one-hundredth (1/100) of a foot, and all angles shall be shown to the nearest minute. The error of closure shall not exceed third order accuracy, one (1) in five thousand (5000).

5-2.6 **Monuments.** The Final Plat shall show the accurate location, material, and description of all monuments. A permanent master bench mark shall be established within the site by ~~transfer of levels, not less than third order accuracy, from the nearest approved bench mark of known elevation (M.S.L.) showing its location on the Final Plat, and recording its elevation on the Final Plat to the nearest one hundredth (1/100) of a foot.~~ ***Section 7-3.***

5-2.7 **Easements.** In addition to the requirements for the Preliminary Plat as set forth in Section 5-1.4 of these regulations, 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.

5-2.8 **Wetlands.** The Final Plat shall show all jurisdictional wetlands on the subject properties, identify the source of the wetland delineation, and contain the following statement, if applicable:

Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.
(Added 3/23/2006)

5-2.9 **Final Plat Application/Checklist.**

The Final Plat shall contain items listed on the Final Plat Checklist ***which is*** available in the ***Planning and*** Zoning Department. (Added 6/23/94; Ord. No. 2000-03)

SECTION 6

MINIMUM DESIGN STANDARDS

6-1 **Block.**

6-1.1 **Non-residential.** Blocks for other that 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.

6-1.2 **Residential.** The length of residential blocks shall not exceed ~~fifteen hundred (1,500)~~ ***1,500*** feet not be less than ~~four hundred (400)~~ ***400*** feet. Blocks of more than ~~fifteen hundred (1,500)~~ ***1,500*** feel will be permitted if natural or man made barriers such as streams and railroads require blocks of greater size. The depth of residential blocks shall be sufficient to allow two (2) tiers of lots, unless prohibited by natural or man-made barriers, or unless one tier backs on to a line of another person's property, provided that this shall not prevent the inclusion with the subdivision plan of blocks of greater width including super blocks. Super blocks may contain public or joint use areas such as parks and playgrounds and shall be covered by adequate maintenance agreements if not dedicated and accepted for public maintenance.

6-1.3 **Crosswalks.** Rights-of-way for pedestrian crosswalks shall be provided when in the opinion of the Planning Commission, Zoning Administrator, ***Technical Review Committee (TRC),*** or County Engineer crosswalks are necessary for direct pedestrian access to schools, shopping centers, and parks. The crosswalk right-of-way shall not be less than ~~twenty (20)~~ ***20*** feet wide. (Ordinance No. 2000-03)

6-2 **Easements.**

6-2.1 **Utility.** Utility easements for overhead services shall be located at the rear or side of and adjacent to the lot lines and shall be a minimum width of ~~fifteen (15)~~ ***15*** feet. Where possible, water lines shall be located outside the curb line on the west and south sides of streets; sewer and gas lines shall be on the east and north sides. Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they shall be platted within said subdivision or phase thereof. Water and sewer lines outside of street rights-of-way shall follow side and rear property lines where possible and shall have a minimum easement width of ~~twenty (20)~~ ***20*** feet except that a greater width shall be provided where it is determined by the ~~County Engineer~~ ***Water System*** that a greater width is necessary for maintenance or construction.

6-2.2 **Drainage.** Drainage easements shall be provided as required by the ~~County Engineer~~ ***Stormwater Management Department*** after review of the construction plans.

6-2.3 Dedication of a permanent high-water and maintenance easement to an elevation of 840 feet along Whitewater Creek north of Hood Road is required. (Amended 6/26/86)

6-3 **Lots.**

6-3.1 **Minimum Lot Size.** Minimum lot size shall be as prescribed in the Zoning Ordinance for the County of Fayette.

6-3.2 **Minimum Lot Elevation.** ~~The lot area contained within and contiguous to the building walls and for a minimum distance of ten (10) feet measured from all sides of said building, shall have a minimum elevation of three (3) feet above the 100-year flood stage of streams or canals in the particular area being developed based on acceptable engineering procedure and approved by the County Engineer. And that said minimum elevation shall be subject to approval by the Commissioner of Health if it would affect the positioning of the septic system.~~ ***The minimum lot elevation shall be dictated by Article IV. Floodplain Management of the Fayette County Development Regulations.*** (Ordinance No. 2000-03)

6-3.3 **Contiguous Areas.** Each residential lot shall have a minimum contiguous area that is free and clear of zoning buffers and setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind. The required minimum contiguous areas, set forth below, are a function of zoning requirements and minimum lot sizes.

Zoning District	Minimum Contiguous Area Free & Clear (ac)
A-R	2.0
EST	1.3
R-85, R-80	1.5
R-78, R-75, R-72, R-70	0.9
R-55, R-50, R-45, R-40, R-20, DR-15, C-S	0.6[1]
R-55, R-50, R-45, R-40, R-20, DR-15, C-S	0.3[2]

[1] Where public water is not available (lots have individual wells)
[2] Where public water is available
(Added 3/23/2006)

6-4 **Building Lines.**

6-4.1 All building setback lines shall be specified in the Zoning Ordinance for the County of Fayette.

6-4.2 **County Limits.** Lots shall not be divided by corporate boundary lines.

6-4.3 **Corner Lots.** Corner lots shall be of such size and dimension that will permit the location of buildings so as to conform with the building setback lines, as prescribed in the Zoning Ordinance. Corner property lines at street intersections shall have a ~~twenty (20)~~ ***20*** foot radius.

6-4.4 **Double and Reverse Frontage.** Lots having street frontage both to the front and rear shall be prohibited except where it is essential to provide separation of residential development from railroad or Major and Secondary Arterial rights-of-way. Where a railroad or Major Arterial abuts or runs through any portion of the subdivision, the subdivision plan shall provide that lots backing onto said railroad or arterial right-of-way shall have a minimum depth of ~~one hundred seventy (170)~~ ***170*** feet which shall include a ~~twenty (20)~~ ***20*** foot planting buffer strip separating the lots from the right-of-way.

6-4.5 **Commercial Use Buffer Zone.** When a portion of the subdivision is to be devoted to commercial purposes such as a shopping center, and when it adjoins residential lots, a buffer zone shall be provided as required in the Zoning Ordinance of Fayette County.

6-5 **Streets.** The street and road system of any subdivision shall give due consideration to the Major Thoroughfare Plan.

6-5.1 **Access.** Every lot of every subdivision shall have adequate access to and abut a public street, which is or shall be maintained by the County. Where the subdivision does not immediately adjoin a public street, the subdivider shall provide access from the subdivision to a public street. Any upgrades to existing roads or prescriptive easements to provide adequate access to the subdivision shall be the responsibility of the subdivider. The County Engineer or Public Works Director shall determine if any up grades to the existing roads/ prescriptive easements are required prior to approving construction of the subdivision. (Ordinance No. 2000-03)

6-5.2 **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.

6-5.3 **Street Length.** A permanent street shall not exceed 3,000 feet in length. This distance shall be measured from a street which has at least two (2) outlets onto another public street which is not a cul-de-sac or single-access loop street. This measurement shall not extend outside of the proposed subdivision. This measurement shall extend into previous phases of the same subdivision. A street ending in a cul-de-sac shall be measured from its intersection with another public street as described above to the center of the cul-de-sac diameter. A single-access loop street shall be measured from its intersection with another public street as described above to the further point from such intersection. (Ordinance No. 2000-03)

The Planning Commission may vary the maximum length requirements or permit a tie-on to a street which fails to meet the above criteria when the conditions for the granting of a variance enumerated in ~~Section 9-5, B~~. ***Article IX*** of the Zoning Ordinance exist. A request for such a variance must accompany an application for Preliminary Plat approval. (Amended 1/12/06)

6-5.4 **Dead-End-Streets.** Permanent dead-end streets and alleys shall be prohibited.

6-5.5 **Half Streets.** Permanent half street and half alleys shall be prohibited.

6-5.6 **Intersections.** The sentence "no street shall intersect another street at less than ~~eighty (80)~~ ***80*** degrees and shall as nearly as possible intersect at ~~ninety (90)~~ ***90*** degrees" and adding in lieu thereof "Streets shall intersect as nearly as possible at right angles and no intersection shall have an angle of less than ~~sixty (60)~~ ***60*** degrees", such that the subsection shall provide as follows:

Intersections: The center lines of no more than two (2) streets shall intersect at any one point. Streets shall intersect as nearly as possible at right angles and no intersection shall have an angle of less that ~~sixty (60)~~ ***60*** degrees. A tangent no less than ~~one hundred (100)~~ ***100*** feet shall be placed between a curved street and the nearest right-of-way line of the street with which it intersects. (Amended 6/11/81)

6-5.7 **Curb Radius.** The curb radius at street intersections shall be no less than ~~twenty (20)~~ ***20*** feet except on major arterial streets where Georgia Highway Department Standards shall prevail.

6-5.8 ~~**See Development Regulations**~~ ***Reserved.*** ~~(Amended 5/23/85)~~

6-5.9 **Stub Street (Right-of-Way Extension).** Where the Planning Commission determines that it is essential to provide for the extension of a street to an adjacent property, such street right-of-way shall be extended by dedication and paved to the property line. Such a stub street shall be clearly labeled "Temporary Dead-End Street" on the Final Plat. (Amended 5/23/85; Ordinance No. 2000-03)

6-5.10 ~~**See Development Regulations**~~ ***Reserved.*** ~~(Amended 5/23/85)~~

6-5.11 **Subdivision Names.** A proposed subdivision name shall not duplicate the name of another subdivision unless such property is contiguous to the subdivision ~~beating~~ ***bearing*** the proposed name and with the same or more restrictive zoning, and covenants and restrictions as the subdivision previously bearing such name. In addition to meeting the above criteria, the sharing of a subdivision name must be approved by the Planning Commission. Whenever a new subdivision is permitted by the Planning Commission to share the name of a previously approved subdivision, such name shall be followed by the Roman Numerals II. Any subsequent subdivisions approved by the Planning Commission under these provisions shall be numbered in sequence with Roman numerals. (Amended 6/26/86)

6-5.12 ~~**See Street Specifications**~~ ***Reserved.*** (Amended 7/9/81)

6-5.13 **Additional Right-of-Way.** If the subdivision boundary lies adjacent to the right-of-way line of an existing platted street of less than minimum right-of-way width a minimum of one-half the required extra width shall be dedicated.

6-5.14 **See Development Regulations**. (Amended 6/11/89)

6-5.15 **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 shall be located in accordance with the Comprehensive Plan. The acquisition of such land shall rest with the proper authority.

6-5.16 **Open.** (Amended 7/12/90)

6-5.17 **Testing.** See Development Regulations for tests required by County standards. Results of said tests must be submitted to and reviewed by the County Engineer ***and Stormwater Management Department*** prior to review of the Final Plat, subject to the provisions of Section 8 of these regulations. (Amended 7/12/90)

SECTION 7

MINIMUM IMPROVEMENTS

7-1 **General.** The subdivider shall provide public improvements as required by these regulations and by applicable County specifications and requirements.

7-2 **Curbs and Gutter.** The subdivider shall install curb and gutter and proper drainage as required by County specifications.

7-3 **Monuments.** The subdivider shall provide and set reinforced concrete monuments four (4) inches in diameter of square, ~~thirty (30)~~ ***30*** inches long with a flat top. The top of each monument shall be set flush to the ground. Said monuments shall be set at each street corner and at all points where the street lines intersect the exterior boundary of the subdivision, at points of curvature in each street and at every exterior corner or point of curvature of the exterior boundary, except where such corners lie with a stream meander in which case reference monuments shall be placed on the bank of the stream. The top of the monument shall contain a metal plate or metal rod which shall be scored in such a manner that will properly and accurately identify the location.

7-4 **Water Supply and Sanitary Sewerage.**

7-4.1 Every lot of a proposed subdivision shall be supplied with adequate water and waste water facilities which shall be approved by the Georgia Commissioner of Health. Septic tank drain field approval shall be on an individual lot basis. Where public water or waste water facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.

NUMBER OF LOTS	MINIMUM DISTANCE FROM WATER LINE*
6 or more	2,500'

For each additional lot after six (6), an additional ~~one hundred and fifty (150)~~ ***150*** feet shall be added per lot to the minimum distance from a water line requiring connection thereto.

*Measured along public right-of-way to closest point on property.

Cost differentials based on line sizes and fire hydrants needed to serve a subdivision versus that needed as part of the overall system will be determined by the Water System. (Ordinance No. 2000-14)

7-4.2 Standard fire hydrants will be provided at the spacing specified by the County Fire code, and of the type specified by the American Water Works Association.

7-5 **Sidewalks.** Space for the installation of sidewalks is provided under the Development Regulations, and shall only be constructed on individual lots permitted for construction. (Ordinance No. 2000-03)

7-6 **Streets.** The subdivider shall provide improved rights-of-way in accordance with these regulations and the Development Regulations, and applicable Georgia State Transportation Department specifications and providing that drainage ditches shall be a minimum of two (2) feet deep. Cross-drainage shall be in accordance with acreage drained. Grassing shall be required and contours shall be such that can be maintained by standard County equipment.

7-7 **Storm Water Drainage.** The subdivider shall provide adequate storm water drainage in accordance with these regulations and applicable County specifications. The subdivider shall also provide for adequate drainage for springs or other ground water drainage.

7-8 **Installation of Improvements.** No grading, paving, construction of sidewalks or installation of any other utility shall be permitted until the Preliminary Plat of the subdivision has been approved by the Planning Commission and the construction plans have been approved by the County Engineer. (Ordinance No. 2000-03)

7-9 **Grassing And Erosion Control.** Proper erosion control measures must be in place throughout the entire phase of construction and must also be in place prior to Final Plat approval. Permanent grass must also be established on all disturbed areas prior to Final Plat approval. However, proper temporary erosion control measures and performance bonds can be substituted for a permanent stand of grass during the Final Plat Inspection. (Ordinance No. 2000-03)

7-10 **Building Permit.** No permit for the construction of any building on any lot of a proposed subdivision shall be issued unless the Final Plat of the proposed subdivision has been recorded in the office of the Clerk of Superior Court of Fayette County, Georgia, and unless the Minimum Site Improvements, as prescribed in this Ordinance, have been made and such improvements have been inspected and approved by the County Engineer. (Ordinance No. 2000-03)

7-10.1 Building permits shall be issued for part of a subdivision prior to the completion of the improvements in the entire subdivision, provided that the County Engineer shall approve the improvements in said plat if it is determined that it will be completely served by the improvements as if it were a separate subdivision.

7-10.2 **Utilities.** The subdivider shall provide all applicable utilities to the subdivision in accordance with all applicable County requirements, including utility locations detailed in the Development Regulations. Power, natural gas, and water utilities must be installed prior to Final Plat approval. (Ordinance No. 2000-03)

7-10.3 **Exceptions to minimum Improvements.** All of the minimum improvements listed in this section of the ordinance must be completed and inspected prior to Final Plat approval with the exceptions of:

1. Installation of all utilities in non-residential subdivisions. (Ordinance No. 2000-03)

SECTION 8

PROVISIONS FOR RECORDING OF FINAL PLATS PRIOR TO COMPLETION OF MINIMUM IMPROVEMENTS

(Amended 7/12/90)

8-1 **Requirements Therefore.** Construction of all minimum improvements, except the asphalt pavement, must be completed in conformance with Fayette County specifications as determined through inspection by the County Engineer and the ~~Road Superintendent~~ ***Public Works Director, and Stormwater Management Department*** before the Final Plat can be recorded and building permits issued. To assure the construction of the asphalt paving the subdivider shall deliver to the County the following. (See 4-2.5) (Amended 7/12/90)

8-1.1 A performance bond or irrevocable letter of credit designated for the asphalt paving of a road must be filed with the County Engineer prior to the recording of the Final Plat. The bond or irrevocable letter of credit shall be equal to 110 percent of the amount determined by the County Engineer sufficient to reimburse the County for its expenses in completing the paving. The bond or irrevocable letter of credit shall be given for a period of one (1) year. However, if coring of the asphalt and base reveal that additional overlays are necessary in order to bring the road up to County standards, the application of which overlays would extend beyond the life of the bond or letter of credit, or be hampered by weather conditions which would extend beyond the life of the bond or letter of credit, the County Engineer and/or Director of Public Works may require the subdivider to provide for an extension of the life of the bond or letter of credit so that said overlays can be correctly applied. (Amended 7/12/90; Ordinance No. 2000-03)

8-1.2 If, in the opinion of the County Engineer, weather or other circumstances preclude the establishment of permanent ground cover on the shoulders of the road or roads to be covered by the bond or irrevocable letter of credit, and additional amount equal to 100 percent of the cost of establishing said ground cover may be included in the amount of the bond or letter or credit. (Amended 7/12/90)

8-1.3 If a permanent ground cover is not established at the time of the Final Plat Inspection, then a one (1) year performance bond shall be required for all grassing and construction of shoulders along streets. The bond shall be in an amount equal to 100 percent of the cost of performance. (Ordinance No. 2000-03)

8-2 **Conditions Thereof.**

8-2.1 Bonds or irrevocable letters of credit delivered for the purpose of guaranteeing construction of minimum improvements pursuant to Section 8-1 shall run to the County and provide that the subdivider, his heirs, successors and assigns, and their agents and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, will faithfully perform and complete the work of constructing and installing said facilities or improvements in accordance with these regulations and that the subdivider will save the County from any unnecessary expense incurred through the failure of the subdivider, his heirs, successors or assigns, or their agents or servants, to complete the work of said construction and installation as required by these regulations, and from any damage growing out of negligence in performing or failing to perform said construction and installation. (Amended 7/12/90)

8-2.2 Before acceptance of any bond or irrevocable letter of credit, the County Engineer may, at his direction, have the County Attorney review said instrument. If a bond is offered, it shall be executed by a Surety or Guaranty Company qualified to transact business in the State of Georgia and approved by the Board of Commissioners. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the State of Georgia.
(Ordinance No. 2000-03)

8-3 **Duration and Release.** Bonds and/or cash posted pursuant to the regulations shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted.

8-4 **Default.** If the construction or installation of any improvements or facilities for which a bond or irrevocable letter of credit is posted is not completed within three (3) months after substantial completion of any building or structures which said improvements of facilities are designed to serve, or if said construction or installations not in accordance with the applicable specifications and requirements, the County may proceed to construct, install, or modify said improvements of facilities in accordance with the applicable specifications and requirements. In either the case of a bond or a letter of credit, the County shall make whatever claims and/or drafts are necessary in order to obtain the funds necessary to so construct or install said improvements of facilities. The default provisions of this Section 8-4 shall not apply when the governing body acts to permit the subdivider to remove his subdivision from the land records of Fayette County in accordance with the provisions of these regulations. (Amended 7/12/90)

8-5 **Miscellaneous.**

8-5.1 One *(1)* or more bonds or irrevocable letters of credit or any combination thereof shall be held to be in compliance with this Section 8 so long as the total is equal to the total required; provided, however, that no bond or irrevocable letter of credit shall be released for a lesser or smaller portion of the construction or installation work that is required by these regulations and/or other County specifications and requirements to be installed or constructed as a unit. (Amended 7/12/90)

8-5.2 If subsequent to the posting of a bond or irrevocable letter of credit under these regulations, it can be established that the amount thereof is more than required because subsequent estimates by the County establish that the work can be constructed or installed for a lesser amount than the amount of the bond posted or deposited hereunder, the bond or irrevocable letter of credit so posted may be released proportionately. (Amended 7/12/90)

8-6 Open. (Amended 7/12/90)

SECTION 9

ACCEPTANCE AND GUARANTEE OF COMPLETED MINIMUM IMPROVEMENTS

9-1 **Completion.** At such time as any or all improvements are completed, the subdivider shall notify the County, in writing, accurately identifying the improvements covered and requesting a final inspection of the same. All testing, core sampling or other requirements for verifying that the work conforms to the standards shall be completed, submitted to and reviewed and approved by the County, and any work required to bring said standards completed prior to this notification. Facilities will not be accepted unless they conform to County standards. (Amended 7/12/90)

Maintenance Bond or Letter of Credit. Prior to Final Plat approval by the County Engineer, the subdivider shall submit to the County Engineer a bond or irrevocable letter of credit for the purpose of guaranteeing the materials and workmanship of the minimum improvements for a period of two (2) years. If, during the-two (2) years maintenance period, the need for repairs to the road or other improvements becomes evident then the subdivider will be notified in writing by the County Engineer and informed of the measures to be taken to repair the facilities. If the subdivider has not taken action within ~~thirty (30)~~ ***30*** days of said notification, the County Engineer shall take such steps as are necessary to claim funds from the bond or letter of credit to adequately reimburse the County for its estimated expenses associated with making the repairs itself. (Ordinance No. 2000-03)

9-2.1 Facilities shall not be accepted unless they conform to these regulations and applicable County specifications.

9-3 ~~**Acceptance.** Upon receipt of the maintenance bond or letter of credit the Public Works Director shall within thirty (30) days request that the Board of Board of Commissioners formally accept the roads into the county road system, subject only to the terms of the maintenance bond or letter of credit. (Amended 7/12/90)~~ ***Open***
The approval of a Final Plat by the Planning Commission shall be deemed to constitute an acceptance by Fayette County of any street or other real property shown upon the plat.

9-4 **Open**. (Amended 7/12/90)

SECTION 10

VIOLATIONS AND PENALTIES

10-1 **Violations.**

10-1.1 It shall be unlawful to convey or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in these regulations, except those parcels recorded prior to the effective date of these regulations.

10-1.2 It shall be unlawful to record a subdivision plat, or once recorded, to make any changes thereon whatsoever which have not been approved by the ~~Planning Commission and~~ the Board of Commissioners in accordance with the provisions of ~~these~~ ***all applicable*** regulations.

10-1.3 **Each Day's Violation a Separate Offense.** Each and every day's violation of any provisions of this Ordinance shall constitute a separate offense.

10-2 **Penalties.** Any person or persons, firm or corporation of association of persons who shall divide and offer for sale any real estate in violation of the terms or provisions of the Ordinance shall, upon conviction therefor in State Court, be punished as provided by the County Code.

SECTION 11

LEGAL STATUS

11-1 **Effect of Invalidity of Part of Ordinance.** Should any section or provision of this Ordinance be decided by the Courts to be unconstitutional or invalid, such decision shall not effect the validity of this Ordinance as a whole or any thereof other than the part so decided to be unconstitutional or invalid.

11-2 **Conflict with Other Laws.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

~~11-3~~ ~~**Amendment.** The Board of Commissioners shall have the authority to amend these regulations after a public hearing thereon.~~

~~11-3.1~~ ~~Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in Fayette County at least fifteen (15)~~ ***15*** ~~days prior to such meeting.~~

Combine 11-3 and 11-3.1 as follows:

11-3 **Amendment.** The Board of Commissioners shall have the authority to amend these regulations after a public hearing thereon. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in Fayette County at least ~~fifteen (15)~~ ***15*** days prior to such meeting.

~~11-3.2~~***11-4*** ***Variance or Appeal.*** In cases of undue hardship under this Ordinance, the property owner may petition the Planning Commission for ~~relief~~ ***a variance or an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement***. ~~and where the Planning Commission concurs it will prepare and send to the Board of Commissioners such amendment as is considered necessary and equitable~~. In ***the*** case ~~the~~ ***where the*** Planning Commission ~~fails to~~ ***does not*** concur ***with the variance or appeal***, the property owner may then appeal to the ~~County~~ ***Board of*** Commissioners ~~for relief~~.