

BOARD MEMBERS

Danny England, Chairman
Arnold L. Martin, Vice-Chairman
Brian Haren
John H. Culbreth, Sr.
Jim Oliver

STAFF

Peter A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning & Zoning Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
August 5, 2021
7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings**

1. Consideration of the Minutes of the meeting held on July 15, 2021.

NEW BUSINESS

1. Consideration of the Minor Final Plat of the Kennedy Estate. The property will consist of one (1) lot zoned R-70 and is located in Land Lot 16 of the 7th District and Land Lot 1 of the 9th District and fronts on Veterans Parkway.

PUBLIC HEARING

2. Consideration of Petition No. 1310-21, Thomas Jesse Busey, Jr. Trustee, or his Successors in Trust, Owner, and Wright Chancey Ebenezer Bypass, LLC, Agent, request to rezone 84.746 acres from A-R to R-80 to develop a residential subdivision. This property is located Land Lot 36 of the 7th District and fronts on Ebenezer Road, Ebenezer Church Road and Ebenezer Bypass.

OLD BUSINESS

3. Discussion of Fayette County Subdivision Regulations.

To: Fayette County Planning Commission
From: Chanelle Blaine, Zoning Administrator
Date: July 30, 2021
Subject: Minor Final Plat to be considered on August 5, 2021

MINOR FINAL PLAT

Minor Final Plat of the Kennedy Estate

OWNER/APPLICANT

Matthew & Melissa Kennedy

Recommend **APPROVAL** for the Minor Final Plat signed August 5, 2021.

MINOR FINAL PLAT OF THE KENNEDY ESTATE

LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
P.=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE
M.F.F.E.=MINIMUM FINISHED FLOOR ELEVATION
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
###=HOUSE NUMBER
U/P=UTILITY POLE
R/W=RIGHT OF WAY
TBM=TEMPORARY BENCHMARK

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE _____ SIGNED _____
ENVIRONMENTAL HEALTH SPECIALIST

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT

DATE _____ SIGNED _____
ENVIRONMENTAL MANAGEMENT DIRECTOR

APPROVED BY FAYETTE COUNTY ENGINEER

DATE _____ SIGNED _____
COUNTY ENGINEER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION ____/____/____

DATE _____ SIGNED _____
SECRETARY.

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.

DATE _____ SIGNED _____
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHAL.

DATE _____ SIGNED _____
FIRE MARSHAL

OWNER'S CERTIFICATION

WE, THE UNDERSIGNED OWNERS/REPRESENTATIVES OF THE KENNEDY ESTATE SUBDIVISION, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

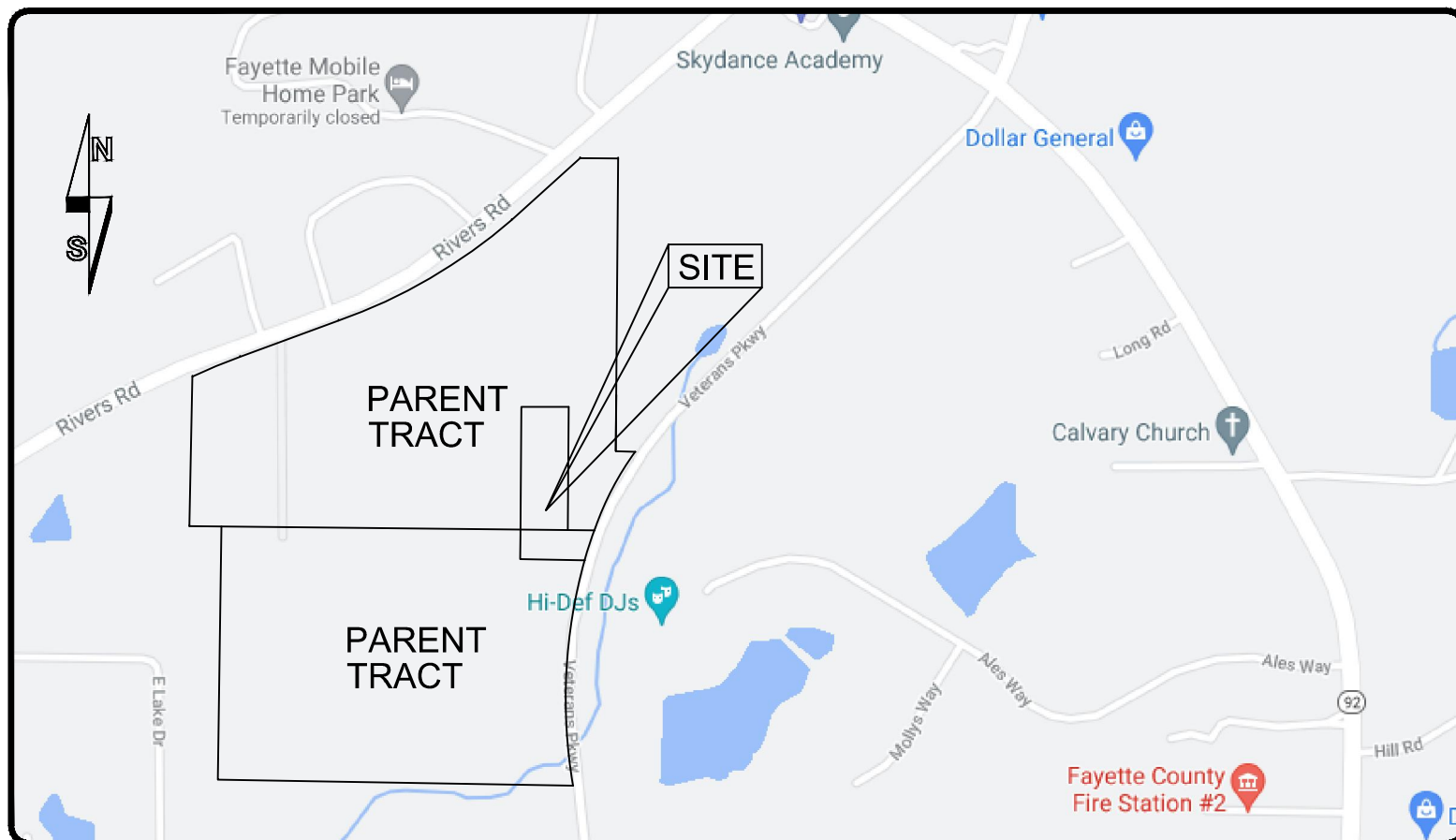
OWNER _____ DATE _____

OWNER _____ DATE _____

OWNER _____ DATE _____

OWNER _____ DATE _____

OWNER _____ DATE _____



VICINITY MAP
NOT TO SCALE

SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE 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. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO.1620

DATE 06/29/21

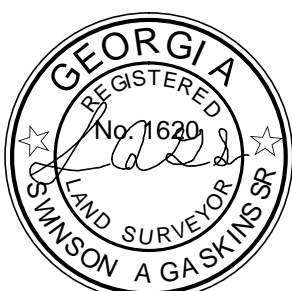
SOILS CLASSIFICATION DELINEATION

I, LARRY F. MCEVER DO HEREBY CERTIFY THAT THE LEVEL III SOIL SURVEY INFORMATION PROVIDED ON THIS PLAT WAS PERFORMED BY RESOURCE ENGINEERS, INC. IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE GEORGIA DEPARTMENT OF HUMAN RESOURCES' CURRENT MANUAL FOR ON-SITE SEWAGE MANAGEMENT SYSTEMS.

SIGNATURE OF SOIL CLASSIFIER _____ DATE _____
PROFESSIONAL ENGINEER
REGISTRATION NO. PE 012170
REGISTRATION NUMBERS/LICENSE NUMBERS
8305 SPENCE ROAD, FAIRBURN, GA 30213
PHONE: 770 969 8923

GENERAL NOTES

- OWNER:
MATTHEW BECK KENNEDY ~ JACQUELYN WINDHAM BECK
MELISSA BURKE KENNEDY 173 RIVERS ROAD
JONATHAN C. KENNEDY FAYETTEVILLE, GA 30214
SONYA B. KENNEDY
194 RIVERS ROAD
FAYETTEVILLE, GA 30214
404-569-0113
mbkennedy2323@gmail.com
- SURVEYOR:
S. A. GASKINS & ASSOCIATES, LLC.
P.O. BOX 321
BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com
- TOTAL ACREAGE: 3.155 ACRES
1 LOT- ZONED R-70
MINIMUM DIMENSIONAL REQUIREMENTS FOR R-70 ZONING DISTRICT
LOT AREA: 2 ACRES (87,120 SQ FT)
LOT WIDTH: 175 FT ARTERIAL
175 FT COLLECTOR
150 MINOR
FLOOR AREA: 1,500 SQ FT
FRONT YARD SETBACK:
MAJOR THOROUGHFARE
ARTERIAL: 75 FEET
COLLECTOR: 75 FEET
MINOR THOROUGHFARE: 50 FEET
REAR YARD SETBACK: 50 FT
SIDE YARD SETBACK: 25 FT
- SEWER TO BE PROVIDED BY AN ON-SITE SEWAGE DISPOSAL SYSTEM.
- WATER TO BE PROVIDED BY AN INDIVIDUAL WELL.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY.
- THERE IS GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
- 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0019E, DATED SEPTEMBER 26, 2008, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.
- EACH RESIDENTIAL LOT HAS A CONTIGUOUS AREA OF MORE THAN 0.3 ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
- THERE ARE NO VISIBLE CEMETERIES OR BURIAL GROUNDS ON THIS PROPERTY.
- THERE ARE NO STATE WATERS ON THIS PROPERTY.
- SHARED DRIVEWAY DEVELOPER REQUIREMENTS 1. THE WIDTH OF THE SHARED DRIVEWAY SHALL BE A MINIMUM OF 12 FEET AND CONSTRUCTED OF AN ALL-WEATHER SURFACE APPROVED BY THE ENGINEERING DEPARTMENT; 2. THE DRIVEWAY SHALL HAVE A MINIMUM CLEAR ZONE OF 20 FEET THAT EXTENDS, CONTINUOUS, FROM THE RIGHT-OF-WAY TO BOTH HOMES SERVED BY THE DRIVEWAY. THE PURPOSE OF THE CLEAR ZONE IS TO ENSURE UNOBSTRUCTED EMERGENCY ACCESS TO THE HOMES; 3. A PERMANENT CROSS-ACCESS EASEMENT SHALL BE RECORDED AND THE EASEMENT REFLECTED ON THE PLAT AND DEED OF BOTH PROPERTIES; AND 4. THE STREET ADDRESS OF EACH LOT SHALL BE CLEARLY MARKED AT THE ROAD AND AT ALL FORKS IN THE SHARED DRIVEWAY.
- THERE ARE NO EXISTING STRUCTURES OR FEATURES ON THE PROPERTY.



Prepared For:

MATTHEW BECK KENNEDY
AND
MELLISA BURKE KENNEDY

Property Location

Land Lot 16 Of The 7th Land District
Land Lot 1 Of The 9th Land District
Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

Job No. 21-058

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 06/29/21

F.W.P.D.: 06/22/21

Revisions _____ Date _____

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

LEGEND

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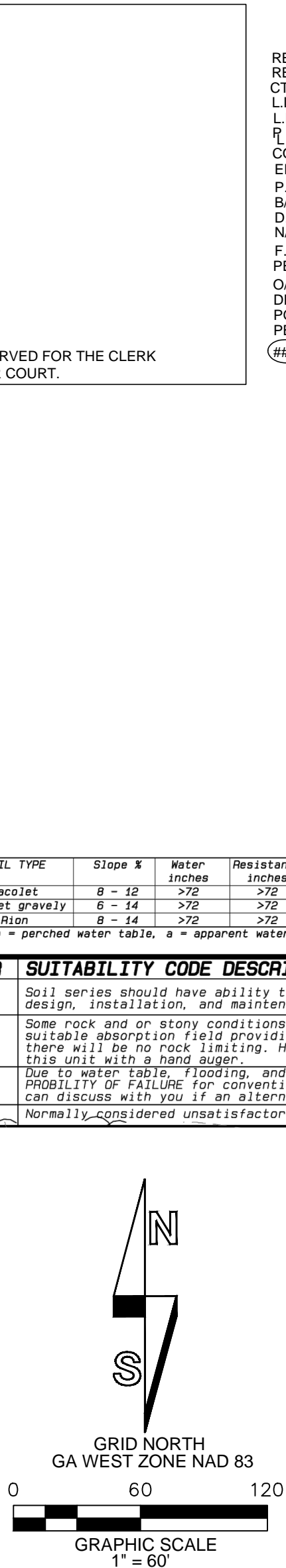
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PARENT TRACT
N/F
JACQUELYN WINDHAM BECK
DB 2053 PG 355-357
PB 20 PG 106
ZONED R-70

SOIL TYPE	Slope %	Water inches	Resistance inches	Code	Trench Depth inches	Perk Rate min/in	Infil. Rate gal/sf/day
Pacolet	8 - 12	>72	>72	A	24 - 48	45@30"	0.10
Pacolet gravelly	6 - 14	>72	>72	A	24 - 48	45@30"	0.10
Rion	8 - 14	>72	>72	A	24 - 48	45@36"	0.10

p = perched water table, a = apparent water table nsd = Not Sufficient Data

CODE LETTER	SUITABILITY CODE DESCRIPTION
A	Soil series should have ability to function as suitable absorption field with proper design, installation, and maintenance
B	Some rock and or stony conditions were found. This soil should function as a suitable absorption field providing that the system is put in first to make sure there will be no rock limiting. Holes have been bored at least 72" deep within this unit with a hand auger.
C	Due to water table, flooding, and or drainage problems, there is a HIGH PROBABILITY OF FAILURE for conventional systems. (Your Health Department can discuss with you if an alternate system might be an option for your situation.)
F	Normally considered unsatisfactory for use for conventional absorption fields.



GEND
 R FOUND
 R SET
 P TOP PIPE
 LOT
 D LOT LINE
 RTY LINE
 TRUCTION ENTRANCE
 OF PAVEMENT
 INT OF BEGINNING
 ING SETBACK LINE
 NAGE EASEMENT
 OR FORMERLY
 IELD WORK
 ED DATE
 OF FLOOD PLAIN
 BOOK

BOOK
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PARENT TRACT
 N/F
 JACQUELYN WINDHAM BECK
 DB 2053 PG 355-357
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Trench Depth inches	Perk Rate min/in	Infil. Rate gal/sf/day
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24 - 48	45@30"	0.10
24 - 48	45@36"	0.10

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PARENT TRACT
 N/F
 JONATHAN C. AND SONYA B. KENNEDY
 DB 1521 PG 296-297
 DB 4283 PG 283-286
 PB 34 PG 124
 PB 100 PG 360
 ZONED R-70

PARENT TRACT
N/F
JACQUELYN WINDHAM BECK
DB 2053 PG 355-357
PB 20 PG 106
ZONED R-70

1/2" RBS N 90°00'00" E 200.01' 1/2" RBS

Pacolet

50' B/L

Pacolet Gravelly

50' B/L

Rion

3.155 Acres
137450 Sq. Feet
CONTIGUOUS AREA
1.192 Acres

50' B/L

1/2" RBS

20' INGRESS/EGRESS EASEMENT

1/2" RBS

N 00°25'47" E 641.90'

N 89°04'08" W 272.75'

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JONATHAN C. AND SONYA B. KENNEDY
DB 1521 PG 296-297
DB 4283 PG 283-286
PB 34 PG 124
PB 100 PG 360
ZONED R-70

NT TRACT
N/F
WINDHAM BECK
PG 355-357
D PG 106
ED R-70

1/2" RBW

1/2" RBW

P.O.B.

VETERAN'S PARKWAY
100' R/W
DB 4292 PG 677-678
DB 4292 PG 684-685

T.B.M. PK NAIL
ELEVATION = 932.5'

CURVE
C1

I.H.
F.C.
V.I.
V.I.
R.I.

B'
G'

S.A. GASKINS &
ASSOCIATES, LLC

surveyors planners development consultants
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678-571-3054
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MINOR FINAL PLAT OF THE KENNEDY ESTATE

MINOR FI
KENN

N/F
PENELOPE C. AND RICKY T. HERRON
DB 4199 PG 687
PB 46 PG 158
ZONED R-70

200.0'

1/2" RE

PARENT TRACT
N/F
JACQUELYN WINDHAM BECK
DB 2053 PG 355-357
PB 20 PG 106
ZONED R-70

FINAL PLAT OF T KENNEDY ESTATE

ERRON

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SIGHT DISTANCE CERTIFICATION

MINOR FINAL PLAT OF THE
KENNEDY ESTATE

N/F
AND RICKY T.HERRON
4199 PG 687
3 46 PG 158
IONED R-70

RBF

SIGHT DISTANCE CERTIFICATION

I HEREBY CERTIFY THAT THE AASHTO MINIMUM REQUIRED SIGHT DISTANCE OF 500'
FOR 45 MILES PER HOUR IS PROVIDED FOR THE LOT SHOWN ALONG
VETERAN'S PARKWAY. SOME LOCATIONS MAY REQUIRE THE CLEARING OF
VEGETATION FROM WITHIN THE RIGHT OF WAY TO PROVIDE THE NECESSARY
REQUIRED SIGHT DISTANCE.

MINOR FINAL PLAT OF T KENNEDY ESTATE

N/F
AND RICKY T.HERRON
4199 PG 687
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BY: _____

GEORGIA REGISTERED LAND SURVEYOR NO. 1620

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Y ESTATE

DISTANCE CERTIFICATION

TO MINIMUM REQUIRED SIGHT DISTANCE C
DED FOR THE LOT SHOWN ALONG
ATIONS MAY REQUIRE THE CLEARING OF
GHT OF WAY TO PROVIDE THE NECESSARY

VEYOR NO. 1620

DELTA ANGLE	CHORD BEARING	CH
S 54°57"	S 17°30'17" W	10.

CLOSURE STATEMENT.
THE FIELD DATA UPON WHICH THIS PLA
BASED HAS A CLOSURE PRECISION OF
FOOT IN 42,167 FEET AND AN ANGULAR
OF 00° 00' 02" PER ANGLE POINT AND HA
ADJUSTED USING THE COMPASS RULE
METHOD.

THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE AND IS FOUND TO BE ACCUR
WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS W
OBTAINED USING A LIECA 403 TCR TOT
STATION

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD
INSURANCE RATE MAP NUMBER
13113C0019E, DATED SEPTEMBER 26,
2008, THIS PROPERTY DOES NOT LIE
WITHIN A SPECIAL FLOOD HAZARD
AREA

<p>THIS BLOCK RESERVED FOR THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF _____</p>						
<p>CODE LETTER</p> <p>A</p> <hr/> <p>B</p> <hr/> <p>C</p> <hr/> <p>F</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;"><i>SOIL</i></td></tr> <tr><td style="text-align: center;"><i>Pacolet</i></td></tr> <tr><td style="text-align: center;"><i>Pascolet</i></td></tr> <tr><td style="text-align: center;"><i>Riparian</i></td></tr> <tr><td style="text-align: center;"><i>p =</i></td></tr> </table>	<i>SOIL</i>	<i>Pacolet</i>	<i>Pascolet</i>	<i>Riparian</i>	<i>p =</i>
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Job No. 21-058

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CODE	LETTER	SUITABILITY					
	A	<i>Soil s design</i>					
	B	<i>Some r suitab there this u</i>					
	C	<i>Due to PROBIL can di</i>					
	F	<i>Normal</i>					

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Job No. 21-058

Drawn By: R.D.G.	Reviewed By: R.M.B.
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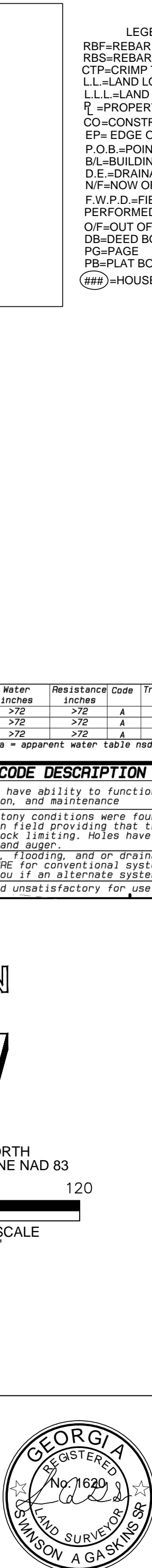
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<i>Pacolet</i>							
<i>Pacolet gravelly</i>							
<i>Rion</i>							
CODE LETTER	SUITABLE						
<i>A</i>	Soil service design.						
<i>B</i>	Some rock suitable there with this unit.						
<i>C</i>	Due to weathering PROBABLY can discuss.						
<i>F</i>	Normally,						

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Job No. 21-058

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Issue Date: 06/29/21	
F.W.P.D.: 06/22/21	
Revisions	Date:

[illegible]

ON ENTRANCE
 EMENT
 BEGINNING
 BACK LINE
 EMENT
 MERLY
 ORK
 D PLAIN
 BER
 PARE
 JACQUELYN
 DB 2053
 PB 2
 ZONE

Depth	Perk Rate	Infiltration
ft	min/in	gal/ft
0	45@30"	0
3	45@30"	0
9	45@36"	0

Sufficient Data

suitable absorpti
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 Your Health Depa
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 conventional abso

PARENT
 N/
 THAN C. AND S
 DB 1521 P
 DB 4283 P
 PB 34 P
 PB 100 P
 ZONE

Prepared For:

N
 PENELOPE C. ANDERSON
 DB 4199
 PB 46
 ZONE

1/2" RBF

1/2" RBF

IT TRACT
 N/F
 WINDHAM BECK
 PG 355-357
 PG 106
 ED R-70

P.O.B.

VETERAN'S PARKWAY
 100' R/W
 DB 4292 PG 677-678
 DB 4292 PG 684-685

T.B.M. PK NAIL
 ELEVATION = 932.5'

CURVE
 C1

I.H.
 F.C.
 V.I.
 V.I.
 R.I.

B.Y.
 G.

S.A. GASKINS & ASSOCIATES, LLC
 surveys planners development consultants
 P.O. BOX 303 BROOKS, GA 30205
 678-571-3054
 rdgaskins79@gmail.com

From: [Steven L. Jones](#)
To: [Pete Frisina](#)
Cc: [Rod Wright](#)
Subject: RWC/Fayette - Ebenezer Bypass - Petition 1310-221
Date: Friday, July 16, 2021 12:56:42 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

External Email Be cautious of sender, content, and links

Pete—

Will you accept this email as a request to withdraw the rezoning application for the above property?

Thank you,

SLJ

Steven L. Jones



Mailing Address:

200 Ashford Center North, Suite 500

Atlanta, GA 30338-2680

Direct: (678) 338-3902 | Main: (770) 391-9100

Cell: (404) 218-2756 | Fax: (770) 668-0878

sjones@boviskyle.com

[DOWNLOAD V-CARD](#) [VIEW BIO](#) BOVISKYLE.COM

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THE FAYETTE COUNTY PLANNING COMMISSION met on June 3, 2021 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Danny England, Chairman
Arnold Martin, Vice-Chairman
John H. Culbreth (via *teleconference*)
Brian Haren (via *teleconference*)
Jim Oliver

STAFF PRESENT: Pete A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator (via teleconference)
Howard Johnson, Plan & Zoning Coordinator

- 9. Consideration of Petition No. 1310-21, Thomas Jesse Busey, Jr. Trustee, or his Successors in Trust, Owner, and Wright Chancey Ebenezer Bypass, LLC, Agent, request to rezone 84.746 acres from A-R to R-80 to develop a residential subdivision. This property is located Land Lot 36 of the 7th District and fronts on Ebenezer Road, Ebenezer Church Road and Ebenezer Bypass.**

Chairman England said I understand that there has been a request to table this petition.

Arnold Martin made a motion to table petition 1310-21 until August 5, 2021. John Culbreth seconded the motion. The motion passed 5-0.

REQUESTED ACTION: A-R to R-80

PROPOSED USE: Residential

EXISTING USE: Undeveloped

LOCATION: Ebenezer Road, Ebenezer Church Road & Ebenezer Bypass

DISTRICT/LAND LOT(S): 7th District, Land Lot 36

OWNER: Thomas Jesse Busey, Jr. Trustee, or his Successors in Trust,

AGENT: Wright Chancey Ebenezer Bypass, LLC

PLANNING COMMISSION PUBLIC HEARING: June 3, 2021

BOARD OF COMMISSIONERS PUBLIC HEARING: June 24, 2021

APPLICANT'S INTENT

Applicant proposes to rezone 84.746 acres from A-R to R-80 to develop a residential subdivision consisting of 25 lots.

STAFF RECOMMENDATION

APPROVAL WITH TWO (2) CONDITIONS

INVESTIGATION

A. PROPERTY SITE

The subject property is an 84.746 acre tract fronting on Ebenezer Road, Ebenezer Church Road and Ebenezer Bypass in Land Lot 36 of the 7th District. Ebenezer Road is classified as an Arterial road, Ebenezer Church Road is classified as a Collector road and Ebenezer Bypass is classified as a County Local road on the Fayette County Thoroughfare Plan. The subject property is undeveloped.

B. SURROUNDING ZONING AND USES

The general situation is an 84.746 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R and R-40. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	18.6	A-R	Undeveloped	Rural Residential – 3 (1 Unit/3 Acres)
	6.32	A-R	Single-family Residential	
	6.32	A-R	Single-family Residential	
	12.89	A-R	Undeveloped	
	10.1	A-R	Single-family Residential	
	9.8	A-R	Undeveloped	
South (across Ebenezer Bypass)	5.0	A-R	Single-family Residential	Rural Residential – 3 (1 Unit/3 Acres)
	3.0	A-R	Single-family Residential	
South (across Ebenezer Church Road)	1.95	A-R	Church	Rural Residential – 3 (1 Unit/3 Acres)
	1.95	A-R	Cemetery	
	2.0	A-R	Single-family Residential	
	7.08	A-R	Church	
East (across Ebenezer Road)	8.7	R-40	Single-family Residential	Rural Residential – 3 (1 Unit/3 Acres)
	2.7	A-R	Single-family Residential	
West	28.8	A-R	Agriculture	Rural Residential – 3 (1 Unit/3 Acres)
	11.26	A-R	Undeveloped	
	5.0	A-R	Single-family Residential	
	3.72	A-R	Single-family Residential	

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Rural Residential – 3 (1 Unit/3 Acres). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from A-R to R-80 for the purpose of developing a residential subdivision consisting of 25 lots. The dimensions requirements of the R-80 zoning district are as follows:

ZONING DISTRICT	ZONING SETBACKS	MINIMUM LOT SIZE	MINIMUM HOUSE SIZE	LOT WIDTH AT BUILDING LINE
R-80 Single-Family Residential	Front - 75' Arterial Front - 75' Collector Front - 50' Local Side - 30' Rear - 50'	3 Acres	2,500 heated square feet	175'

Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the proposed subdivision, the subject property must be platted per the Fayette County Subdivision Regulations, as applicable.

Access

The Concept Plan submitted indicates one street serving 15 lots that will access Ebenezer Road. Ten lots will directly access Ebenezer Bypass and Ebenezer Road.

E. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat and/or Final Plat, as applicable.

F. DEPARTMENTAL COMMENTS

Water System

FCWS has no concerns regarding the rezoning. Water availability is along Ebenezer church Rd by a 12" watermain and along Ebenezer Rd by a 16 " watermain.

Public Works/Environmental Management

Recommended Conditions of Rezoning:

1. That the conceptual realignment of Ebenezer Bypass shall be considered and shown in the development's preliminary plat and construction plans.
2. That no lot shall have direct driveway access onto Ebenezer Road, Ebenezer Church Road, or Ebenezer Bypass.

County Road Frontage Right of Way Dedication

Ebenezer Road is a **minor arterial**. For Final Plat approval Fayette County will require a ROW dedication along the Ebenezer Road frontage to provide **50 feet** of ROW as measured from the existing road centerline.

Ebenezer Church Road is a **collector**. For Final Plat approval Fayette County will require a ROW dedication along the Ebenezer Road frontage to provide **40 feet** of ROW as measured from the existing road centerline.

Ebenezer Bypass is an unpaved **county local road**. For Final Plat approval Fayette County will require a ROW dedication along the Ebenezer Bypass frontage to provide **30 feet** of ROW as measured from the existing road centerline. As part of an intersection improvement project, Fayette County is evaluating a project to realign and pave Ebenezer Bypass. Staff recommends a condition of rezoning that the conceptual realignment shall be considered and shown in the development's preliminary plat and construction plans. The purpose is to minimize impacts of possible future right-of-way acquisition.

Traffic Data

According to the GDOT on-line traffic data, the annual average daily traffic for the Ebenezer Road is **3,780 vehicles per day**. The project with **25 lots** would add **234 trips per day**. This would increase the existing traffic on Ebenezer Road by **6.2%**

According to the GDOT on-line traffic data, the annual average daily traffic for the Ebenezer Church Road is **3,080 vehicles per day**. Based on the recommendation for rezoning no lots will have direct access to Ebenezer Church road.

Site Distance/Intersection Location

Based on the requested donation of right of way, the proposed project would need to be reconfigured to provide the appropriate intersection spacing based on the Georgia DOT driveway and encroachment control. Minimum sight distances will have to be satisfied for the proposed new road intersection, Engineering has not field checked at this time.

Floodplain Management

The request for rezoning **DOES** contain floodplain per FEMA FIRM panel 13113C0091E and 13113C0092E dated September 26, 2008. The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.

Wetlands

The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection

There **ARE** state waters located on the subject property and **WILL BE** subject to the Fayette County Watershed Protection Ordinance.

Groundwater

The property **IS** within a groundwater recharge area.

Post Construction Stormwater Management

This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.

Environmental Health Department

This Dept. has no objections to proposed rezoning.

Fire

No comment

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-80 for the purpose of developing Residential. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

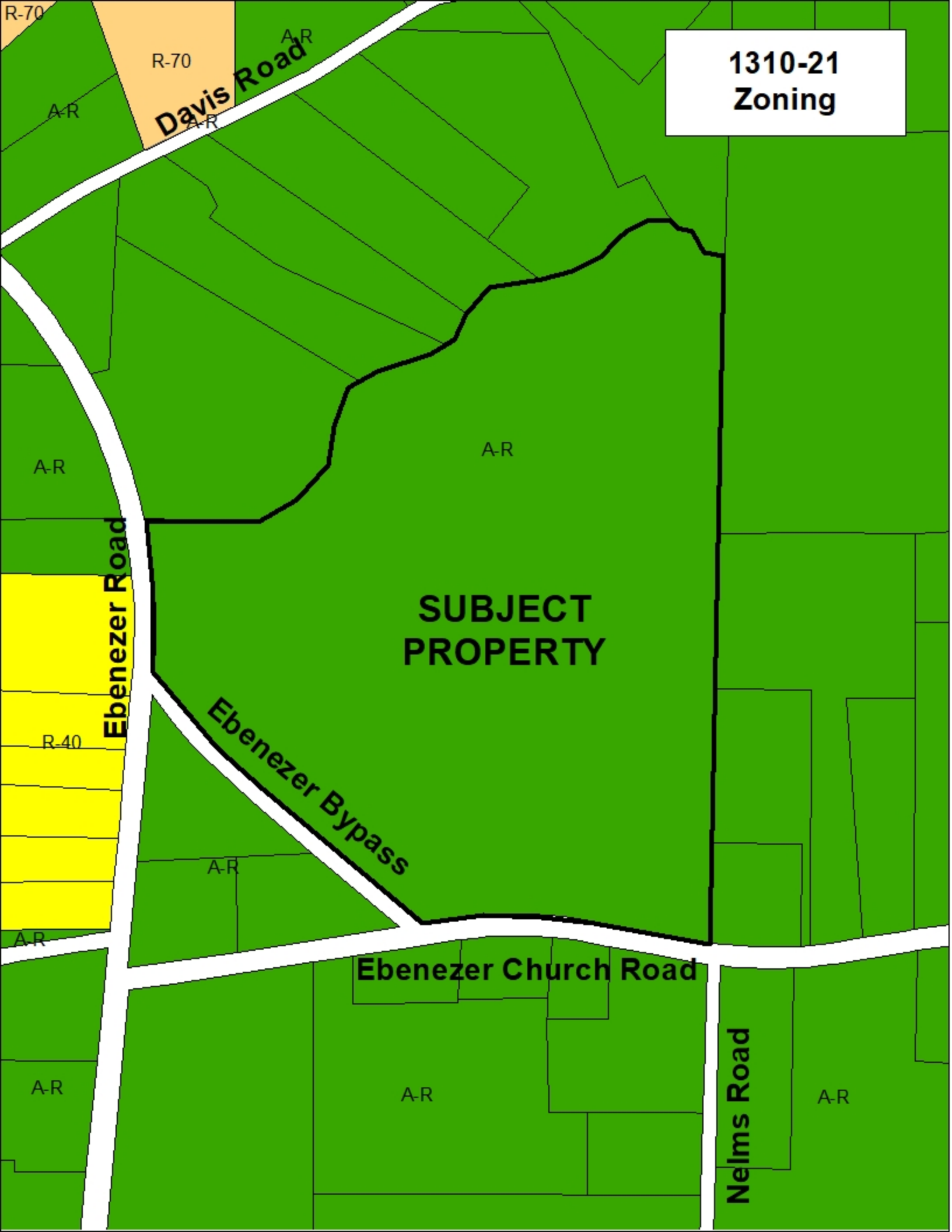
1. The subject property lies within an area designated for Rural Residential – 3 (1 Unit/3 Acres). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH TWO (2) CONDITIONS.**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **R-80 CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That the conceptual realignment of Ebenezer Bypass shall be considered and shown in the development's preliminary plat and construction plans. *(This condition will be enforced by the Engineering/Public Works Department.)*
2. That no lot shall have direct driveway access onto Ebenezer Road, Ebenezer Church Road, or Ebenezer Bypass. *(This condition will be enforced by the Engineering/Public Works Department.)*



**1310-21
Zoning**

**SUBJECT
PROPERTY**

Davis Road

Ebenezer Road

Ebenezer Bypass

Ebenezer Church Road

Nelms Road

R-70

A-R

A-R

A-R

A-R

R-40

A-R

A-R

A-R

A-R

A-R

RURAL
RESIDENTIAL
-3

Davis Road

1310-21
Land Use Plan

RURAL
RESIDENTIAL
-3

RURAL
RESIDENTIAL
-3

**SUBJECT
PROPERTY**

ENVIRONMENTALLY
SENSITIVE AREAS

Ebenezer Road

Ebenezer Bypass

Ebenezer Church Road

Nelms Road

**1310-21
Aerials**

Davis Road

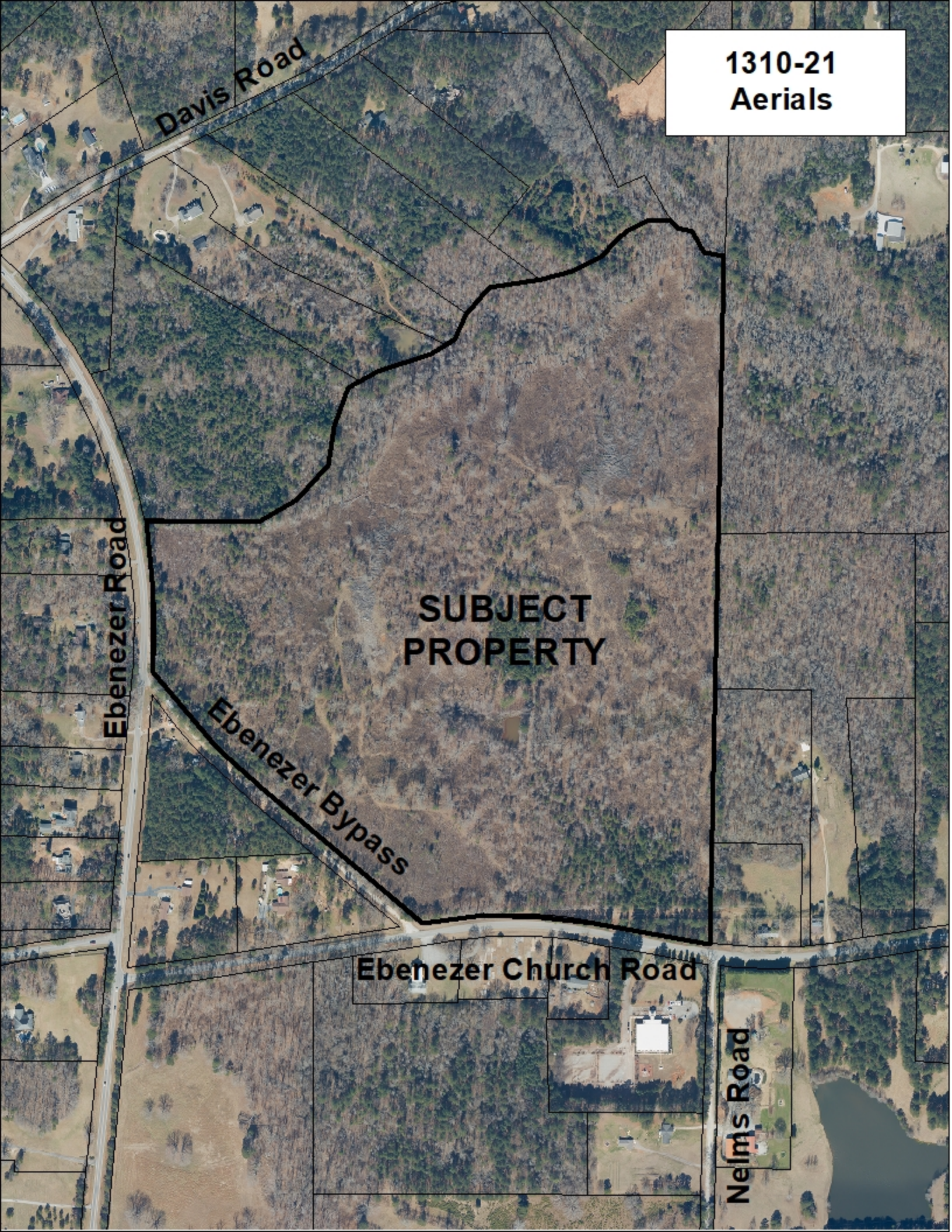
Ebenezer Road

**SUBJECT
PROPERTY**

Ebenezer Bypass

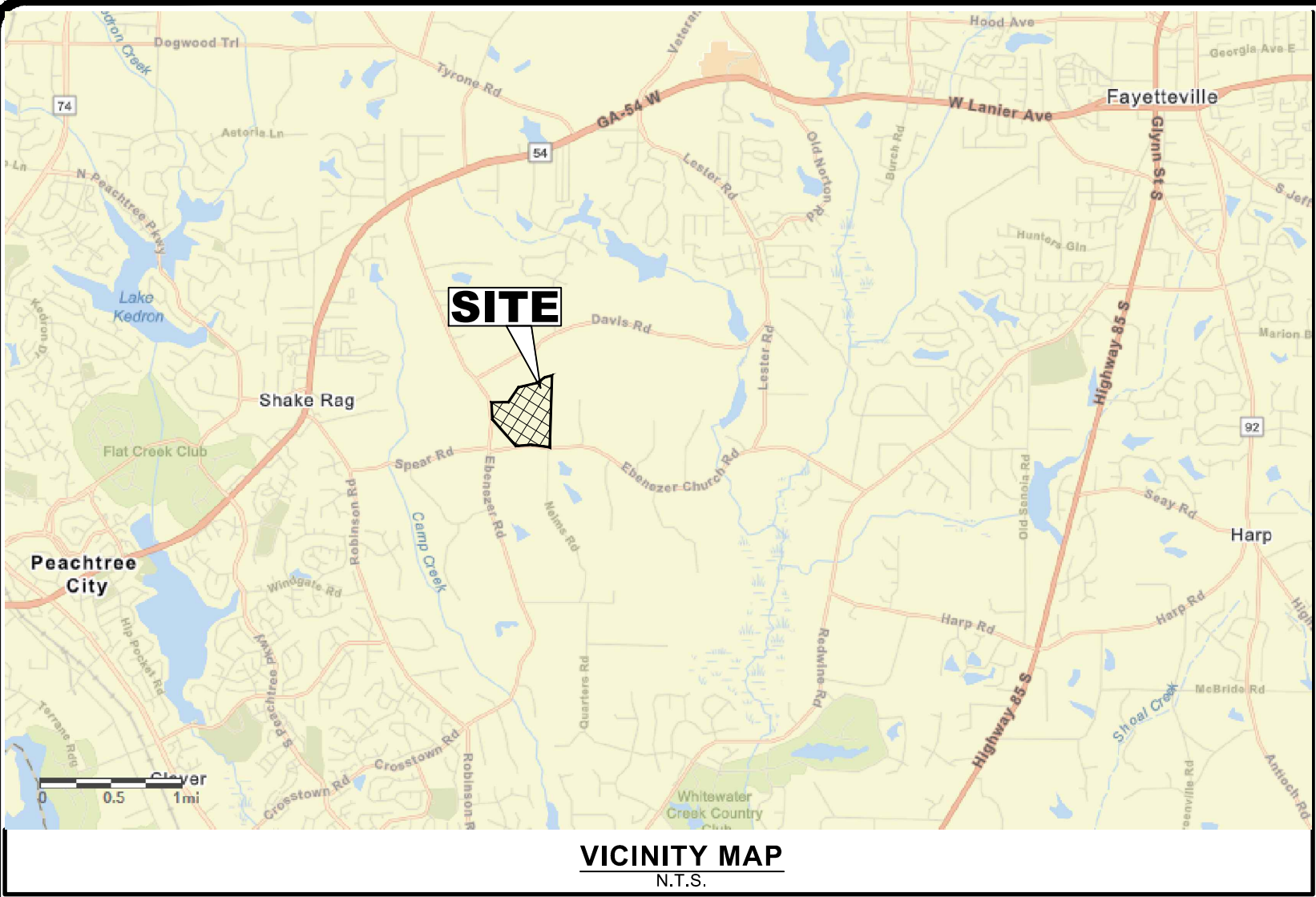
Ebenezer Church Road

Nelms Road



1310-21
County Proximity

**SUBJECT /
PROPERTY**



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	3087.89'	176.24'	176.21'	N81°06'10"W
C2	3087.89'	87.29'	87.29'	N78°39'28"W
C3	1585.37'	67.16'	67.16'	N80°40'56"W
C4	1585.37'	175.54'	175.45'	N85°04'05"W
C5	1585.37'	175.22'	175.13'	S88°35'37"W
C6	1585.37'	80.44'	80.44'	S83°58'28"W
C7	7412.04'	281.35'	281.33'	N49°57'08"W
C8	3984.60'	300.68'	300.61'	N47°06'34"W
C9	1343.53'	128.81'	128.76'	N41°45'01"W
C10	10859.09'	143.44'	143.44'	N38°13'24"W
C11	7524.72'	44.56'	44.56'	N04°33'21"E
C12	7524.72'	93.72'	93.72'	N04°01'46"E
C13	1979.85'	129.81'	129.79'	N00°15'24"E
C14	1979.85'	99.12'	99.11'	N03°03'22"W
C15	1979.85'	229.03'	228.90'	N07°48'15"W
C16	270.00'	80.96'	80.86'	N81°04'02"E
C17	25.00'	21.68'	21.00'	N47°38'14"E
C18	60.00'	80.69'	74.74'	N61°19'24"E
C19	60.00'	50.09'	48.65'	S56°13'55"E
C20	60.00'	161.76'	117.03'	S44°55'18"W
C21	25.00'	21.68'	21.00'	N82°40'59"W
C22	330.00'	98.95'	98.58'	S81°04'02"W
C23	20.00'	31.86'	28.60'	S44°01'04"W
C24	20.00'	29.97'	27.24'	S47°25'00"E
C25	7382.04'	307.68'	307.66'	N50°03'32"W
C26	3954.64'	114.13'	114.13'	N48°28'44"W
C27	3954.64'	184.26'	184.24'	N46°17'03"W
C28	1313.53'	125.71'	125.67'	N41°45'00"W
C29	10829.09'	175.85'	175.85'	N38°08'10"W

- GENERAL NOTES =**
- TOTAL SITE (TRACT) AREA = 84.75 ACRES
 - SITE TAX PARCEL = 0715 029
 - CURRENTLY ZONED = **A-R** (AGRICULTURAL RESIDENTIAL DISTRICT)
 - PROPOSED ZONING = **R-85** (SINGLE-FAMILY RESIDENTIAL DISTRICT)
- R-85 MINIMUM DIMENSIONAL REQUIREMENTS :**
- LOT AREA PER DWELLING UNIT = 130,680 SQ.F.T. (3 ACRES).
- LOT WIDTH = 175 FEET.
- FLOOR AREA = 3,000 SQ.F.T. 0
- FRONT YARD SETBACK :
- MAJOR THOROUGHFARE :
ARTERIAL = 100 FEET.
COLLECTOR = 75 FEET.
 - MINOR THOROUGHFARE = 50 FEET.
- REAR YARD SETBACK = 50 FEET.
- SIDE YARD SETBACK = 30 FEET.
- HEIGHT LIMIT = 35 FEET.
- NUMBER OF LOTS = 25
- WETLAND INFO TAKEN FROM "WETLANDS MAPPER" - Part Of The U.S. Fish & Wildlife Service's NATION WETLANDS INVENTORY

OWNER / DEVELOPER:
ROD WRIGHT CORP
116 CAMBRIDGE WOODS DRIVE
P.O. BOX 629
FAYETTEVILLE, GA 30214-0629
PHONE = (770) 480-5006
FAX = (404) 768-8576

24 HOUR CONTACT
ROD WRIGHT
PHONE = (770) 294-7990
thesubdivider@gmail.com

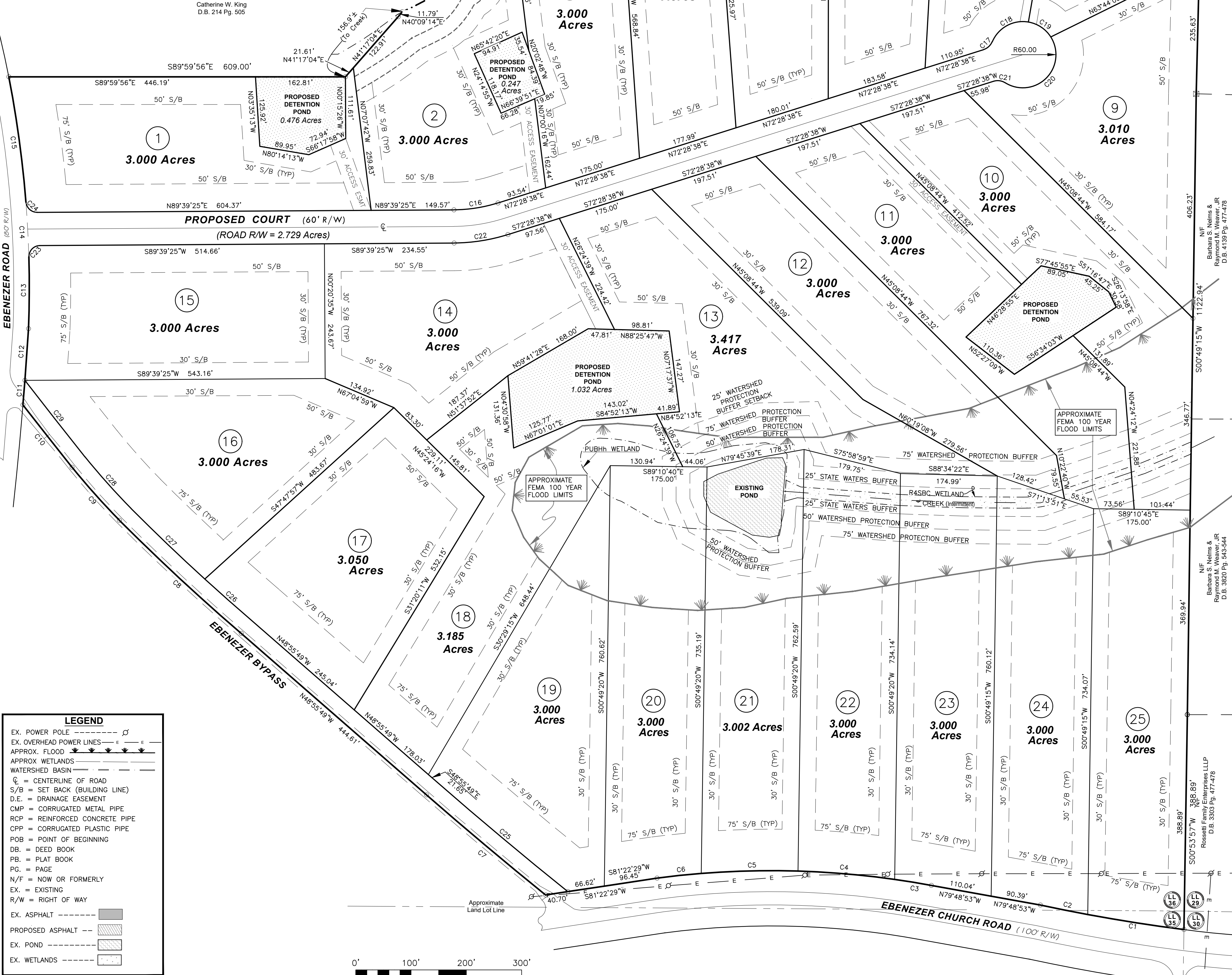
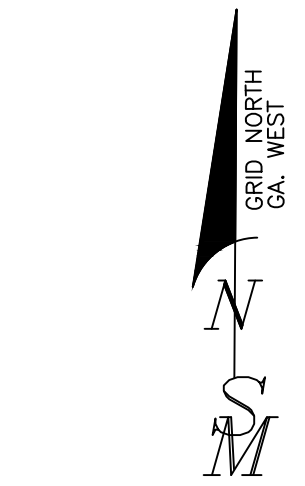
CENTERLINE OF CREEK IS
PROPERTY LINE
(2.287' +/- ALONG CREEK)
(Total Creek Boundary Dimension)

APPROXIMATE 100 YEAR
FLOOD LIMITS

FAYETTE COUNTY, CURRENT &
FUTURE FLOOD 100 YEAR
FLOOD LIMITS. (PER FG GIS)
(SEE CROSS SECTIONS)

PER FAYETTE GIS
APPROXIMATE
EXISTING 855.37'
APPROXIMATE
FUTURE 855.43'

CENTERLINE OF CREEK IS
PROPERTY LINE
(2.287' +/- ALONG CREEK)
(Total Creek Boundary Dimension)



LEGEND	
EX. POWER POLE	---
EX. OVERHEAD POWER LINES	---
APPROX. FLOOD	---
APPROX. WETLANDS	---
WATERSHED BASIN	---
C = CENTERLINE OF ROAD	---
S/B = SET BACK (BUILDING LINE)	---
D.E. = DRAINAGE EASEMENT	---
CMP = CORRUGATED METAL PIPE	---
RCP = REINFORCED CONCRETE PIPE	---
CPP = CORRUGATED PLASTIC PIPE	---
P.O.B. = POINT OF BEGINNING	---
DB. = DEED BOOK	---
P.B. = PLAT BOOK	---
P.G. = PAGE	---
N/F = NOW OR FORMERLY	---
EX. = EXISTING	---
R/W = RIGHT OF WAY	---
EX. ASPHALT	---
PROPOSED ASPHALT	---
EX. POND	---
EX. WETLANDS	---

0' 100' 200' 300'
GRAPHIC SCALE = 1" = 100'

NO.	DATE	REVISIONS
1	4/23/2021	INITIAL DESIGN
2	4/23/2021	REVISIONS
3	4/23/2021	REVISIONS
4	4/23/2021	REVISIONS
5	4/23/2021	REVISIONS
6	4/23/2021	REVISIONS
7	4/23/2021	REVISIONS
8	4/23/2021	REVISIONS
9	4/23/2021	REVISIONS
10	4/23/2021	REVISIONS
11	4/23/2021	REVISIONS
12	4/23/2021	REVISIONS
13	4/23/2021	REVISIONS
14	4/23/2021	REVISIONS
15	4/23/2021	REVISIONS
16	4/23/2021	REVISIONS
17	4/23/2021	REVISIONS
18	4/23/2021	REVISIONS
19	4/23/2021	REVISIONS
20	4/23/2021	REVISIONS
21	4/23/2021	REVISIONS
22	4/23/2021	REVISIONS
23	4/23/2021	REVISIONS
24	4/23/2021	REVISIONS
25	4/23/2021	REVISIONS

Concept / ZONING Plat of
**Proposed EBENEZER ROAD &
EBENEZER CHURCH ROAD S/D**
LAND LOTS 35 & 36 of the 7th. DISTRICT
FAYETTE COUNTY, GEORGIA

**SIBLEY-MILLER
SURVEYING & PLANNING INC.**
212 WEST CAMPGROUND RD.
McDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www.sibleysurveying.com

*LAND SURVEYING
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*TOPOGRAPHICAL SURVEYS
*LAND PLANNING
*CIVIL ENGINEERING



PROJECT#: **B2021024**
CONCEPT/ZONING
PLAT FOR
ROBRIGHTCORP
DRAWN BY: JWS/LGS
SCALE: 1" = 100'
PLAT DATE: 4/23/2021
SHEET 1 OF 2

1310-21

**APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA**

PROPERTY OWNERS: THOMAS JESSE BUSEY, JR., Trustee, or his Successors in Trust, under the Thomas Jesse Busey, Jr. Living Trust, dated March 11, 2010, and any amendments thereto; & a life estate in Thomas Jesse Busey & Joan Carlton Busey

MAILING ADDRESS: 622 Ebenezer Road, Fayetteville, Georgia 30215

PHONE: _____ **E-MAIL:** _____

AGENT FOR OWNERS: Wright Chancey Ebenezer Bypass, LLC

MAILING ADDRESS: P.O. Box 629, Fayetteville, Georgia 30214

PHONE: 770-294-7990 & 404-218-2756 **E-MAIL:** thesubdivider@gmail.com & sjones@boviskyle.com

PROPERTY LOCATION: LAND LOT 36 LAND DISTRICT 7th PARCEL 0715 029
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 86.00

EXISTING ZONING DISTRICT: A-R **PROPOSED ZONING DISTRICT:** R-80

ZONING OF SURROUNDING PROPERTIES: A-R, R-40, R-72, R-70, PUD

PRESENT USE OF SUBJECT PROPERTY: Undeveloped

PROPOSED USE OF SUBJECT PROPERTY: 2 single-family residential neighborhoods

LAND USE PLAN DESIGNATION: Rural Residential - 3 (1 Unit/3 Acres)

NAME AND TYPE OF ACCESS ROAD: Ebenezer Road, Ebenezer Bypass, Ebenezer Church Road

LOCATION OF NEAREST WATER LINE: Ebenezer Road & Ebenezer Church Road

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1310-21

☐ Application Insufficient due to lack of: _____

by Staff: _____

Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: Robert A. Busey

Date: 5/3/21

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

Received from _____ a check in the amount of \$ _____ for application filing fee, and \$ _____ for deposit on frame for public hearing sign(s).

Date Paid: _____

Receipt Number: _____

NAME: _____ PETITION NUMBER: 1310-21

ADDRESS: 622 Ebenezer Road, Fayetteville, Georgia 30215

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

The above-named owners of the property _____ affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) A-R Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 510 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-80.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or

☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 3rd day of JUNE, 20 21 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 24th day of JUNE, 20 21 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 3rd DAY OF May, 20 21.

Deborah M
NOTARY PUBLIC



[Signature]
APPLICANT'S SIGNATURE

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM 1310-21
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:
THOMAS JESSE BUSEY, JR., Trustee, or his Successors in Trust, under the Thomas Jesse Busey, Jr. Living Trust, dated March 11, 2010, and any amendments thereto; & a life estate in Thomas Jesse Busey & Joan Carlton Busey

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0715 029

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 36 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 86 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Wright Chancey Ebenezer Bypass, LLC to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Thomas Jesse Busey, III
P.O. A. for Thomas Jesse Busey
Signature of Property Owner 1

622 Ebenezer Road, Fayetteville, Georgia 30215

Address

Thomas Jesse Busey, III
P.O. A. for Joan Carlton Busey
Signature of Property Owner 2

622 Ebenezer Road, Fayetteville, Georgia 30215

Address

Signature of Property Owner 3

622 Ebenezer Road, Fayetteville, Georgia 30215

Address

[Signature]
Signature of Authorized Agent

P.O. Box 629, Fayetteville, Georgia 30214

Address

Signature of Property Owner 4

622 Ebenezer Road, Fayetteville, Georgia 30215 (ADDRESS)

[Signature]
Signature of Notary Public

5/3/2021
Date

[Signature]
Signature of Notary Public

5/3/2021
Date

Signature of Notary Public

[Signature]
Signature of Notary Public

5/3/2021
Date

Signature of Notary Public

Date

1310 21

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

THOMAS JESSE BUSEY, JR., Trustee, or his Successors in Trust,
under the Thomas Jesse Busey, Jr. Living Trust, dated March 11,
2010, and any amendments thereto; & a life estate in Thomas
Jesse Busey & Joan Carlton Busey

I/We, _____, said property owner(s) of subject property requested to be rezoned,
hereby agree to dedicate, at no cost to Fayette County, 100, 80, and 60 feet of right-of-way along
Ebenezer Road, Ebenezer Church Road, and Ebenezer Bypass, respectively, as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County
Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

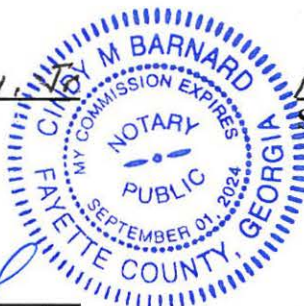
Sworn to and subscribed before me this 3rd day of May, 2021.

Thomas Jesse Busey, III

P.O.A. for Thomas Jesse Busey, III
SIGNATURE OF PROPERTY OWNER

Thomas Jesse Busey, III

P.O.A. for Joan Carlton Busey
SIGNATURE OF PROPERTY OWNER



Cindy M. Barnard
NOTARY PUBLIC

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

1310-21

DISCLOSURE STATEMENT

Please check one:

Campaign contributions - ☒ No ☐ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS
CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

1310-21

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- [☒] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- [☐] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 3 day of May, 20 21.

APPLICANT'S SIGNATURE

ARTICLE XV. - SUBDIVISION REGULATIONS^[12]

Footnotes:

--- (12) ---

Editor's note— Ord. No. 2020-01, § 1, adopted May 28, 2020, amended Art. XV in its entirety to read as herein set out. Former Art. XV, §§ 104-592—104-602, pertained to similar subject matter, and derived from Code 1992, § 8-500—8-510; Ord. No. 2000-03, 1-27-2000; Ord. of 3-23-2006; Ord. No. 2010-05, § 1, 6-24-2010.

Sec. 104-592. - Declaration of purpose.

- (a) The regulations, specifications and procedures for the subdivision and subsequent development of land and for the platting thereof, prescribed and adopted by the ordinance from which this article is derived are hereby deemed by the board of commissioners to be desirable and necessary in order to help ensure the public health, safety, morals, and general welfare by means of harmonious, orderly, and progressive development of land. The board of commissioners' desire to provide this development framework to enable the property owners' reasonable reliance upon the manner in which subdivisions are developed. Further, the purposes of the regulations of the subdivision of land are, among others:
- (1) To encourage and ensure the development of economically sound and stable neighborhoods;
 - (2) To ensure the adequate provision of required streets, utilities, and other facilities and services to new land developments;
 - (3) To ensure the provisions of reasonably safe and convenient vehicular and pedestrian traffic access and circulation;
 - (4) To ensure 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;
 - (5) To ensure land is developed with reasonable safeguards for environmental protection;
 - (6) To provide accurate, uniform records for identification and location of real estate boundaries; and
 - (7) To ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the county.
- (b) The harmonious, orderly, and progressive development of land is further facilitated by recognizing a hierarchy among the ordinances and regulations which govern the development of land. To the extent a conflict exists between these subdivision regulations and the zoning ordinance of Fayette County the subdivision regulations shall control.

([Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-593. - Definitions.

For the purpose of this article, the following words, terms, phrases, and their derivations shall have the meaning given in this section. Words and terms not explicitly defined in this article shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The following specific definitions shall apply:

Comprehensive plan means the comprehensive plan for the county, approved by the board of commissioners and maintained by the county planning and zoning department.

Construction plans means any plans required for the review, permitting and construction of a subdivision, including, but not limited to: site; grading; street profiles; stormwater management; floodplain management, utility; soil erosion, sediment, and pollution control; soil surveys; and construction details.

County engineer means the official to whom the responsibilities normally associated with this title have been delegated.

County thoroughfare plan means the thoroughfare plan for the County of Fayette, Georgia, approved by the board of commissioners, indicating the designation of street type, and is maintained by the county planning and zoning department.

Cul-de-sac means a street, or segment of a street, with only one way in or out and which terminates at a turnaround constructed in accordance with the county development regulations.

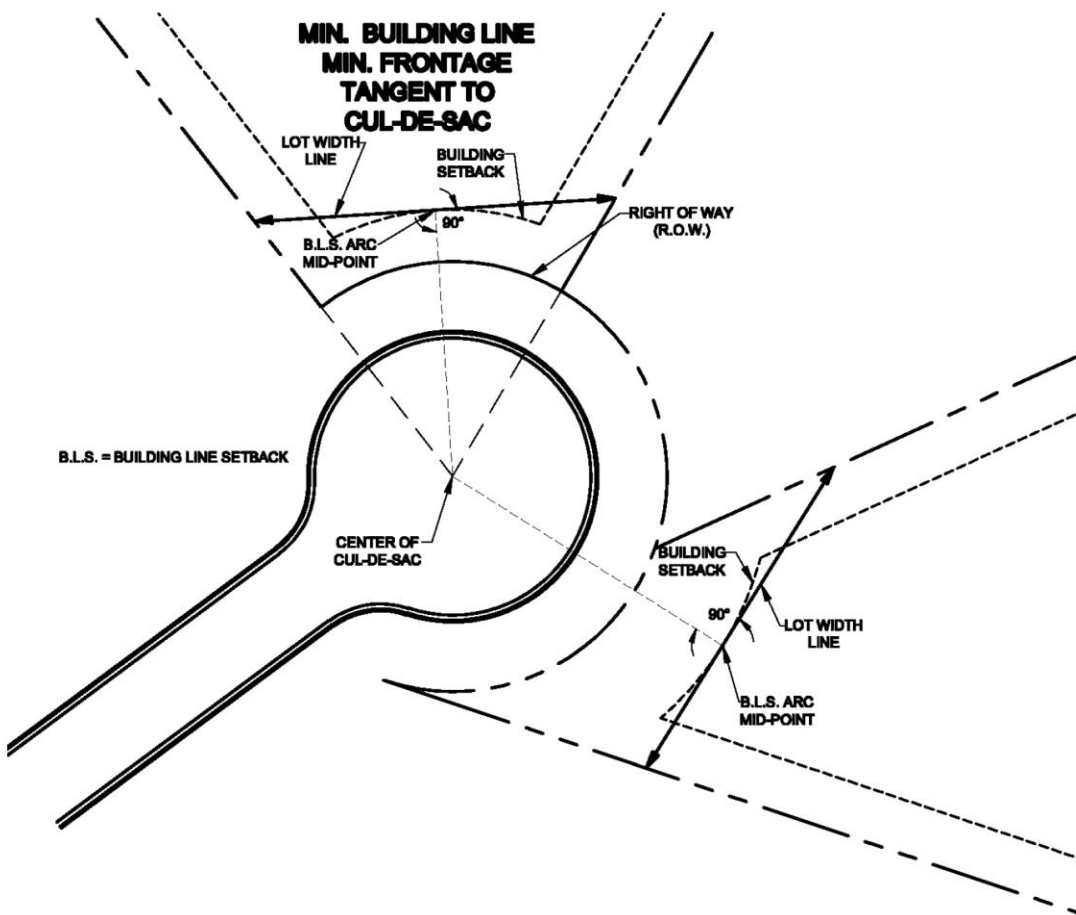
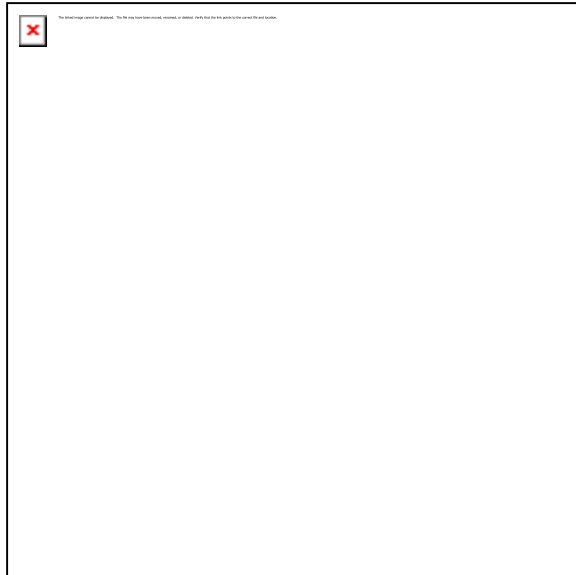
Development means a manmade change to improved or unimproved real estate, including, but not limited to any activity, action, or alteration that fundamentally alters the current use and/or density on the property and/or construction of buildings or other structures.

Easement means an interest in land granted by a land owner to another person or entity, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose, such as to cross for access to a public road.

Environmental health department county manager means the department official responsible for all matters within the subdivision regulations pertaining to health regulations. ~~and who is the director of the county environmental health department.~~

Lot means a tract of land of varying sizes which is designated as a single unit of property.

Lot width means the minimum distance between side property lines either measured in a straight line parallel to the street right-of-way or a tangent and perpendicular to the mid-point of the arc in the case of the turnaround portion of a cul-de-sac along the front minimum building line (see graphic below).



Phase means a portion or section of a larger development delineated on an approved, recorded major or minor final plat.

Plat, major final, means all divisions of a tract of land into two or more lots where new streets are created to access said lots.

Plat, minor final, means all divisions of a tract of land into two or more lots where no new streets are created.

Plat, preliminary, means a conceptual subdivision plan required prior to a major final plat.

Planning commission means the planning commission of the county.

Right-of-way means a strip of land, often of uniform width, that is owned by the county and used, or may be used for transportation, utilities, or similar purposes.

Street means a public or private thoroughfare or road used for vehicular access to other streets and/or properties. Streets may be:

- (1) Public owned and operated/maintained by the county (i.e., fee simple ownership or dedication through an instrument of conveyance);
- (2) Public owned and operated/maintained by the county (i.e., those within a prescriptive easement);
or
- (3) Private privately owned and maintained (i.e., a private road)

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

Subdivision means all divisions of a tract of land into a minimum of two or more lots.

Technical review committee (TRC) means a committee of county staff, in regards to the subdivision regulations, that performs the review of preliminary plats, major final plats, and minor final plats prior to approval by the planning commission.

Tract means a specified parcel of land.

Utility means any service available to the public by means of an overhead or underground distribution and/or collection systems such as electricity, telephone, water, wastewater, stormwater, cable, natural gas, etc.

Zoning administrator means the official to whom the responsibilities normally associated with this title have been delegated.

Zoning ordinance means the zoning ordinance enacted by the board of commissioners of the county, which is maintained and implemented by the county planning and zoning department.

([Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-594. - Generally.

- (a) *Zoning ordinance*. No subdivision shall be approved which does not conform with the zoning ordinance regulations applicable to the land for which it is proposed. The preliminary and/or final plat must indicate the setbacks and other dimensional requirements in such a way that the minimum requirements are met.
- (b) *Recordation of subdivision plats*. No subdivision plat shall be recorded with the clerk of superior court of the county 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.
- (c) Unless noted otherwise, the county engineer shall be responsible for the implementation of the subdivision regulations.

([Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-595. - Approval of subdivisions.

Subdivisions shall be reviewed and approved in stages as follows: preliminary plat (required for a major final plat), construction plans (required for a major final plat, see article III of this chapter), and major final plat or minor final plat, as applicable. The procedures of this section are administered by the county planning and zoning department, unless indicated otherwise.

(1) *Preliminary plat.*

- a. *Purpose.* The preliminary plat safeguards the subdivider from unnecessary loss of time and expense in preparation of a subdivision plat that does not conform with specifications of the subdivision regulations ordinance. The preliminary plat requires accuracy of scale and dimension. Public agencies having jurisdiction review the preliminary plat regarding matters within their jurisdiction. During the review process, the subdivider or his agent may be called upon for clarification. The subdivider is ultimately responsible for compliance with all applicable statutes, ordinances, regulations, and rules. Approval of a preliminary plat shall not constitute a variance or authorization to violate any statute, ordinance, regulation, and/or rule.
- b. *Preliminary plat.* The subdivider shall submit to the planning and zoning department for the planning commission a preliminary plat, with a completed application, of the entire tract which will show the future street system and lot layout for the entire tract. The plat must also show future recreation areas and pedestrian circulation patterns.
- c. *Street names and subdivision name approval.* Prior to approval of the preliminary plat, street names and subdivision names shall be submitted to the planning and zoning department. The planning and zoning department shall forward said names to 911 for approval. Approval by 911 is required. The planning and zoning department shall reserve the names with 911. The approved names shall be indicated on the preliminary plat.
- d. *Submittal of the preliminary plat and other requirements.* Preliminary plats shall be submitted to the planning and zoning department. The preliminary plat shall be prepared, signed, and sealed in accordance with these regulations and with applicable county specifications by a registered engineer, surveyor, and/or landscape architect who is licensed under the state. The zoning administrator shall have authority to reject the submittal of the preliminary plat, if after study, the zoning administrator finds that requirements have been omitted or misrepresented on the preliminary plat and shall return the plat to the applicant to be completed or revised. 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.
- e. *Approval by individual agencies.* Preliminary plats shall be reviewed and approved by the technical review committee (TRC) prior to consideration by the planning commission. Should the plat contain deficiencies and require corrections, said corrections shall be made by the design professional to satisfy all requirements of the preliminary plat, the corrected copies of the plat shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable department shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments. The applicable departments shall recommend approval with or without conditions or shall require modification of the preliminary plat to the extent that each has jurisdiction. No preliminary plat shall be placed on the planning commission agenda until it has been reviewed and approved by the TRC.
- f. *Approval by planning commission.*
 1. The preliminary plat shall be placed on the planning commission agenda for consideration when the preliminary plat has been reviewed by the TRC and approved **or approved with conditions** by the zoning administrator and all of the applicable departments.
 2. The planning commission shall take action on preliminary plats in their regularly scheduled meetings. For revisions to a recorded plat that requires approval of a revised

preliminary plat that substantially changes 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 of the newspaper in which is carried the legal advertisements of the county in such a manner as to give at least seven calendar days' notice of the public hearing from the date of issue.

3. The planning commission shall have 60 calendar days to act on a preliminary plat. The 60 calendar days begins upon approval by all of the appropriate departments. ~~The planning commission may consider a preliminary plat at a public hearing or a workshop/public meeting (a schedule of the planning commission's monthly meetings is available through the planning and zoning department).~~ If approval of the preliminary plat is not ~~recommended~~ granted, the reasons therefor shall be supplied to the subdivider. The approval of a preliminary plat by the planning commission shall not be deemed to constitute an acceptance by the county of any street or other real property shown upon the plat.
- g. *Approval of construction plans.* Upon approval of the preliminary plat by the planning commission, construction plans, ~~including a copy of the approved preliminary plat,~~ shall be submitted to the environmental management department for distribution to the appropriate departments for approval. The plans must be prepared in accordance with the requirements of the development regulations. Permits for grading, road construction, and/or any minimal improvements shall not be given until the county engineer, environmental management director, and the fire marshal have approved the construction plans as indicated by their signature and/or stamp. Construction plans and applicable permits shall expire upon expiration of the preliminary plat. Resubmitted construction plans, required as a result of an expired preliminary plat, shall be updated to comply with all applicable federal, state, and local regulations. Any plans requiring approval by a state and/or federal agency shall be submitted directly to said agency by the subdivider ~~and the approval from the state and/or federal agency shall be submitted to the Environmental Management Department.~~
- h. *Expiration.* Preliminary plats shall include the following statement: "Approval of this preliminary plat shall expire 24 months from the date of approval by the planning commission unless:
 1. A major final plat for at least one phase has been approved; or
 2. Street base construction for at least 50 percent of the total linear footage of all streets approved on the preliminary plat has been completed, ~~and~~ inspected and approved." ~~If at 24 months there is active construction on site, the subdivider may request in writing an extension not to exceed 12 months.~~

Upon expiration of the preliminary plat, a new preliminary plat shall be submitted in accordance with all current regulations and requirements.

(2) *Major final plat or minor final plat.*

- a. *Conformance.* The major final plat shall conform generally with the layout indicated on the preliminary plat. If desired by the subdivider, the major final plat may be developed and recorded in phases; provided that each phase conforms with all requirements of these regulations and the development regulations.
- b. *Filing the major final plat or minor final plat.* A final plat shall not be submitted for review until the minimum improvements are completed subject to the provisions herein. The number of copies required of the final plat is available in the planning and zoning department. The planning and zoning department shall distribute copies of the final plat to the appropriate departments for review. The final plat shall be deemed filed when it has been submitted to the planning and zoning department and approved by the project case coordinator.
- c. *Approval by appropriate departments.* A final plat shall be reviewed by the technical review committee (TRC). Should the final plat require corrections, the corrected copies of the plat

shall be submitted to the planning and zoning department for distribution to the applicable departments. The applicable departments shall have a maximum of 14 calendar days from each resubmittal date to review and submit the checklists/comments to the planning and zoning department.

- d. *Resubmittal.* When a corrected final plat is resubmitted, the applicable departments shall review the resubmitted final plat compliance with all applicable statutes, codes, ordinances, and rules. The review of a resubmitted final plat shall not be limited to only those reasons identified from a previous review.
- e. *Approval by the planning commission.*
 - 1. The final plat shall be placed on the planning commission agenda for consideration when the final plat is approved **or approved with conditions** by all of the appropriate departments. No final plat shall be recorded with the clerk of superior court of the county without said plat having first been submitted to and approved by the planning commission in a public meeting.
 - 2. The planning commission shall have 60 calendar days to approve, **approve with conditions** or deny a final plat. The 60 calendar days begins upon approval by all of the appropriate departments. **~~The planning commission may consider a final plat at a public hearing.~~** If approval of the final plat is not **recommended granted**, the reasons therefore shall be supplied to the subdivider.
 - 3. The secretary to the planning commission shall endorse the final plat upon approval by the planning commission.
- f. *Additional requirements for final plat (if applicable) for approval prior to recordations.* In addition to the above requirements, all documents, including, but not limited to: reports, environmental permits and/or variances (required for subdivision construction), bonds, irrevocable letters of credit, as-built drawings, and stormwater operation and maintenance plans and agreements, referenced in the development regulations shall be submitted to the applicable departments. One digital copy of the approved final plat in a format that is compatible with the county's geographic information system must be submitted to the **~~planning and zoning~~ Environmental Management** Department for distribution to the appropriate departments.
- g. *Final plat expiration.* A final plat shall expire 90 calendar days after the date of approval by the planning commission if the final plat has not been recorded by the subdivider into the county clerk of superior court records. Once a final plat has expired, it and any maintenance bond and/or irrevocable letter-of-credit (see section 104-600) are void and a new final plat and maintenance bond and/or irrevocable letter of credit shall be submitted.
- h. *Revision to a recorded final plat.*
 - 1. A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See section 104-596 for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section.
 - 2. Proposed revisions to a recorded major final plat of any existing residential or agricultural-residential subdivisions which adds property to, increases the number of platted lots, or changes the principal use on a lot shall be considered in public hearings before the planning commission and the board of commissioners and public notification shall comply with section 110-301, Public notification. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing these requests:

- (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
 - (ii) *Lot size character.* Whether the request will result in a lot that will be out of character with the size of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lots sizes, the number of lots within a size range, the average lot size and the degree proposed lots will be smaller than existing lots.
 - (iii) *Lot width character.* Whether the request will result in a lot that will be out of character with the width of existing lots. Aspects to consider are the lot width required by the zoning district, the minimum and maximum range of lot widths, the lot widths within a range, the average lot width and the degree proposed lots will be more narrow than existing lots.
 - (iv) *Change of principal use.* Whether the change of use will adversely affect the existing use or usability of adjacent or nearby property, will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, or utilities, or other conditions which give supporting grounds for either approval or disapproval of the change of use proposal.
3. *Amend setbacks increased by a condition of rezoning.* This will be administered as a rezoning under article IX, Policies, Procedures and Standards Governing Amendments. The following additional factors shall be considered in these requests:
- (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
 - (ii) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
4. Amend setbacks increased by a developer on a major or minor final plat. Proposed revisions to a recorded final plat which reduce a setback increased by the developer shall be considered in public hearings before the planning commission. Notice of a scheduled public hearing shall be published at least 15 calendar days prior to the public hearing before the planning commission. One sign is required to be posted for each street frontage of the subject property at least 15 calendar days prior to the public hearing before the planning commission. A refundable sign deposit shall be required for each sign at the time of application. The following factors shall be considered by the planning commission when reviewing these requests:
- (i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the

degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.

- (ii) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening.
- i. *Minor revisions to a recorded final plat (major or minor).* A minor revision to a recorded final plat such as the combination of lots, minor shifts to lot lines, corrections of errors and/or establishment or modification of an easement that does not increase the number of lots, change the use, alter the road or utility layout, or change the outer boundary of the final plat will be reviewed by the zoning administrator. Based on the nature of the minor revision, the zoning administrator shall contact the applicable departments for their input. **Provide signature blocks for county approval: Environmental Health, Environmental Management, and Zoning Administrator/designee. ~~The signature of the zoning administrator and environmental health specialist shall be required for approval of the minor revision prior to recording.~~** See section 104-596 for requirements to be indicated on the minor revision of a final plat, as applicable.
- j. *Dimensional requirements increased by a developer on a final plat (major or minor).* Any dimensional requirements, e.g., setback, etc., specifically indicated on an approved final plat approved prior to May 28, 2020 (the effective date of this amendment) which is greater than a minimum zoning dimensional requirement shall control over the minimum zoning dimensional requirement. For example, a front yard setback indicated on an approved final plat that is greater than the requirement of the zoning district shall control. To the extent any future lot is sought to be added to the subdivision by subdividing an existing lot or adding property to the subdivision, the future lot(s) must comply with all requirements originally set out in the final plat. No consideration will be given for any dimensional requirement, or other issue, which is more lenient in the zoning district as compared to the final plat. All final plats (major or minor), which are not applicable to the regulation above, shall not be approved after May 28, 2020 (the effective date of this amendment) with a setback that is greater than the minimum setback of the applicable zoning district unless the setback was increased by a condition of rezoning. In addition, no final plats (major or minor) shall be amended to establish a setback that is greater than the minimum setback of the applicable zoning district originally indicated on the final plat.
- k. *Requirements after the recordation of an approved final plat (major or minor).* After the final plat has been recorded, the subdivider shall submit to the county the required number of recorded copies of the final plat, a digital media copy of the approved final plat, and a recorded deed for any right-of-way being donated to the county
- l. *Building permit.* No permit for the construction of any building on any lot of a proposed subdivision or phase thereof shall be issued unless the final plat has been recorded in the office of the clerk of superior court of the county, and unless the minimum site improvements, as prescribed in this article, have been made and such improvements have been inspected and approved by the applicable departments. Lots within a nonresidential subdivision shall also require an approved site plan, as applicable, for the issuance of a building permit.

([Ord. No. 2020-01](#) , § 1, 5-28-2020)

Sec. 104-596. - The subdivision plat.

- (a) *The preliminary plat.* The preliminary plat shall contain all the following requirements and certification statements, and any additional information required to address any state and/or federal requirements. The following shall be indicated on the preliminary plat:
- (1) The title block shall state: "Preliminary Plat of _____ Subdivision," and within the title block include county, state, land lot(s), and district(s).
 - (2) Indicate date of plat preparation; provide scale of drawing (not to exceed one inch = 100 feet, stated and shown graphically).
 - (3) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.
 - (4) Provide legend of all abbreviations.
 - (5) Provide an index of sheets if more than one sheet is provided.
 - (6) Provide name, address, and telephone number of the owner and/or developer.
 - (7) Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design professional must be licensed in the State of Georgia.
 - (8) Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
 - (9) Show exterior property lines with bearings and distances of subject property.
 - (10) Provide zoning district and ~~property owner(s) name and/or~~ subdivision name of all adjacent properties.
 - (11) Show location, purpose, and width of any easement of record or provide a note if there are no existing easements associated with the property.
 - (12) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum lot width at the building line and minimum floor area.
 - (13) Provide total acreage of tract, total number of lots, acreage in lots, acreage in right-of-way (R/W) and acreage used for stormwater management.
 - (14) Provide rezoning information, including petition number, date of approval, and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable.).
 - (15) All applicable zoning regulations shall be indicated on the preliminary plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see section 110-77 of the zoning ordinance).
 - (16) Provide the square footage area and the acreage to the 1/100 th acre on each lot; label the lot numbers; show the ~~bearings &~~ distances of all ~~lots~~ lines.
 - (17) Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
 - (18) Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.
 - (19) The plat shall show all parcels of land to be dedicated to the County for public use – including right of way.
 - (20) Indicate the boundaries and area to 1/100 th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot."

- (21) Indicate the boundaries, the square footage area and area to 1/100th acre for any proposed developed residential recreational/amenity areas (see section 100-169 of the zoning ordinance as applicable). Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."
- (22) Contiguous areas. Provide the contiguous area of each lot to the 1/100 th acre on each lot or in a table. (See section 104-597(3))
- (23) Statements and/or certifications. Provide the following statements and/or certifications, as applicable:
- "Approval of this Preliminary Plat shall expire 24 months from the date of approval by the Planning Commission unless a Final Plat for at least one phase has been approved; or street base construction for at least 50 percent of the total linear footage of all street(s) approved on the Preliminary Plat."
 - "This Preliminary Plat has been reviewed and approved by the Planning Commission on ___/___/___."
- ~~(24) Soils. The plat shall delineate the soil classifications in the areas of the property proposed for the placement of on-site sewage management systems. 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 requirements for a Soil Classifier are located in said manual~~
- (25) Label street(s) with approved street names.
- ~~(26) Soil classification delineation. Include the following statement:~~
- ~~I, ___(name)___ do hereby certify that the Level III soil name survey information provided on this plat was performed by ___(company name)___ in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

<p>_____ Signature of Soil Classifier</p>	
<p>_____ Georgia Department of Public Health, Professional Geologist, or Professional Engineer Registration No. Registration Numbers/License Numbers</p>	
<p>_____ Company Address & Telephone</p>	

- (27) Show all existing and/or proposed streets on and/or adjacent to property. Label road names (as available), right-of-way widths. Provide right-of-way dedication, as needed.
- (28) Street length. Indicate the length of each street in the subdivision.
- (29) Corner lots. Fillet (20 foot radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections including existing road intersections forming a portion of the parcel boundary being subdivided.

- (30) Entrances subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development regulations—article III.)
- (31) Any new residential lots created on existing roadways, driveways must be shown to have required sight distance.
- (32) Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
- (33) Show existing (dashed) contours at ten **and** two-foot intervals of elevation and be based upon North American Datum NAD 1983 State Plane Georgia West.
- (34) Traffic calming. Maximum tangent length between horizontal curves is 750 feet. (Development regulations—article III, section 8-82.1.6)
- (35) Road intersections. All new roadways shall intersect as nearly to 90 degrees as possible. Not less than 80 degrees. (Development regulations—article III, section 8-52.1.7)
- (36) Minimum roadway centerline radius—175 feet for internal local roads. (Development regulations—article III, section 8-52.1.6)
- (37) Delineate and label all state waters requiring watershed protection buffers and setbacks on the property and adjacent to the property where any watershed buffers and/or setbacks extend onto the property. Provide a note if there are no state waters requiring a watershed buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."
- (38) Show location of all specimen trees within 100 feet of the centerline of all right-of ways, stormwater management structures **and facilities**, and utility and/or drainage easements.
- (39) Identify any specimen trees designated for removal. Include the tree size (DBH), species (common name) and justification for removal. Tree protection plan (TTP) must be submitted in accordance with the tree retention, protection, and replacement ordinance.
- (40) Delineate and label each drainage basin within the project boundaries. For each basin, provide drainage areas and existing and proposed CN values. Show offsite area and peak flows (Q_{10} and Q_{100}) for drainage passing through the site.
- (41) Delineate and label areas to be used for stormwater management consistent with the hydrologic data provided above. **All stormwater management facilities must be located on commonly owned lots.** For each drainage basin, provide a narrative description of how water quality, stream channel protection, and flood protection criteria as referenced in the GA Stormwater Management Manual will be satisfied or why any exemptions may apply.
- (42) Delineate any areas of special flood hazards on or adjacent to the property as required in the floodplain management ordinance. ~~For any streams with 100 acres or greater drainage area provide the future conditions flood elevation. (Some future conditions flood elevations are available at the stormwater management department.)~~ Provide a note if there are not areas of special flood hazards on or adjacent to the property. Reference the FIRM panel number and date.
- (43) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there are no groundwater recharge areas on the property.
- (44) Indicate the location of a cemetery (if applicable, see Fayette County Code, chapter 12, article VII. Cemeteries, burial grounds, human remains, and burial objects.).
- (45) Delineate all jurisdictional wetlands and provide the source of the wetland determination or provide a note if there are no wetlands on the property. The wetland delineation shall be made following the procedures established by the U.S. Army Corps of Engineers.
- (46) **If required by the Environmental Management Department** include the following statement:
Wetland Delineation

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

Signature of Wetland Delineator	
Company Address & Telephone	

Or, if approved by the Environmental Management Department include the following statement:
 "Per the nation wetlands inventory the site (does/does not) contain wetlands. Any wetland on the site 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."

- (47) Delineate any adjacent drainage easements, lake, ponds or stormwater management facilities, structure, and streams within 100 feet of boundary which may be impacted by development.
- (48) Indicate and label the location of fire hydrants on all proposed streets and all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
- (49) Indicate the proposed layout of waterlines and sewer lines (if applicable.)
- (b) *The major final plat.* The major final plat shall contain all of the following requirements and certification statements and any additional information required to address any state and/or federal requirements. Sheet design: The major final plat and/or a revision to a recorded major final plat shall conform in general with the preliminary plat and shall be formatted so when printed the maximum sheet size shall be no more than 24 inches by 36 inches. The following shall be indicated on the final plat:
 - (1) The title block shall state: "Major Final Plat of _____" A revision to a major final plat must state "Revised Major Final Plat of _____" and also purpose of revision and date of revision. Within the title block include county, state, land district(s) and land lot(s).
 - (2) Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).
 - (3) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the county.
 - (4) Provide a legend for all abbreviations.
 - (5) Provide an index of sheets if more than one sheet is provided.
 - (6) Provide signature blocks for county approval: Environmental Health, Environmental Management, County Engineer/*designee*, Planning Commission Secretary/*designee*, Zoning Administrator/*designee*, and Fire Marshal/*designee* (~~§ 5-2.3 of Subdivision Regulations~~).
 - (7) Provide name, address, and telephone number of owner and/or developer.
 - (8) Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.
 - (9) Show all land lot lines; land district lines; land section lines; and city and county boundaries intersecting or adjacent to the property.
 - (10) Show exterior property lines with bearings and distances of subject property.

- (11) Provide zoning and property owner name and/or subdivision name of all adjacent properties.
- (12) Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
- (13) Within the general notes, indicate the zoning district; minimum lot size; front, side, and rear setbacks; minimum lot width at the building line and minimum floor area.
- (14) Provide total acreage of tract, total number of lots, acreage in lots, acreage in right-of-way (R/W) and acreage used for stormwater management.
- (15) Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
- (16) Provide information regarding the preliminary plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval.
- (17) All applicable zoning regulations shall be indicated on the final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see section 110-77).
- (18) Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
- (19) Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
- (20) Indicate all existing structures and buildings and label as "to remain" or "to be removed." Structures and buildings that will remain must be shown on individual lots and meet all applicable zoning requirements. Also indicate any improvements such as existing railroads, sewers, bridges, culverts, drain pipes, water mains, water wells, parks, public open spaces, etc. Provide a note if there are no existing structures, buildings, or improvements on the subject property.
- (21) The plat shall show all parcels of land to be dedicated to the County for public use.
- (22) Indicate the boundaries and area to 1/100th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot."
- (23) Indicate the boundaries and area to 1/100th acre for any proposed developed residential recreational/amenity areas (see section 100-169 of the zoning ordinance as applicable). Label recreation areas "Not a Residential Building Lot, For Recreational Purposes Only."
- (24) Contiguous areas. Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See section 104-597(3))
- (25) Provide the following statements on the face of the plat.

OWNER'S CERTIFICATE

We, the undersigned owner(s) and/or mortgagee(s) of the _____ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the right-of-way of all new streets and within the required right-of-way of all existing streets adjacent to the subdivision as indicated hereon, shall be dedicated and conveyed at no cost to Fayette County, a political subdivision of the State of Georgia, upon recordation of said Final Plat with the Fayette County Clerk of Superior Court.

Owner	Date	Mortgagee	Date
_____	_____	_____	_____

_____	_____	_____	_____
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~~LEVEL III SOIL SURVEY~~

~~I, _____ (name) _____ do hereby certify that the Level III Soil Survey information provided on the Soil Map was performed by (company name) in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.~~

~~Signature of Soil Classifier _____~~

~~Company Address & Telephone _____~~

~~Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer~~

~~Registration No.~~

~~Registration Numbers/License Numbers~~

- (26) Georgia Rule. Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.
- (27) Plat Act. The date(s) of field work, plat preparation and all subsequent revisions including a brief explanation of each revision.
- (28) Georgia Rule. Show the closure precision of the field survey. This may be stated as follows: "The field data upon which this map or 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."

If the surveyor determines that a closure precision statement is not appropriate for the survey because a substantial portion of the field measurements were obtained using Global Positioning Systems, then a note of precision or positional accuracy may be placed in compliance with rule 180-7-.09; or if the surveyor feels that a closure precision statement is not appropriate for the survey because redundant linear measurements were used to verify accuracy, the calculated positional tolerance shall be stated and shall comply with rule 180-7-.03.
- (29) Georgia Rule. Show the closure precision of the data shown on the plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet."
- (30) Georgia Rule. For Traditional Survey Equipment, state the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.

When GPS equipment is used in performing the survey.

A note stating what portion (or all) of the survey was performed using GPS equipment.

Note the type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used.

Note the type of GPS survey that was performed, such as static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.

A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the Land Surveyor.

- (31) Surveying provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length and chord bearing.
- (32) Surveying street centerline curve data shall include the deflection angle (delta), radius, length and tangent.
- (33) Surveying lengths shall be expressed to the nearest one-hundredth (1/100 th) of a foot. Angles shall be shown to the nearest second. The error of closure shall not exceed one foot in ten thousand feet.
- (34) Corner lots. Fillet (20-ft radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections including existing road intersections forming a portion of the parcel boundary being subdivided.
- (35) Entrances subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the plat (Development regulations—article III.)
- (36) Any new residential lots created on existing roadways, driveways must be shown to have required sight distance. Provide appropriate data on the plat (Development regulations—article III.)
- (37) Show all existing and proposed streets on and adjacent to property. Label road names, R/W widths; provide R/W dedication, as needed.
- (38) Street length. Indicate the length of each street in the subdivision.
- (39) Indicate any proposed golf cart, bicycle, or pedestrian circulation systems, including sidewalks, crosswalks, multi-use paths, etc.
- (40) Provide the following statements on the face of the plat.

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 License 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

Plat Act.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel.

Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

- (41) Monuments show the location, material and description of all monuments.
- (42) Monuments provide a permanent benchmark on site, per ~~§ 5-2-5~~ Sec. 104-598 of the Subdivision Regulations.
- (43) Easements show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.
- (44) State waters. Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters.
- (45) Watershed protection. Delineate watershed protection buffers and setbacks per article VII of the development regulations. Label as "Watershed Protection Buffer" and "Watershed Protection Setback." Show the 1,000-ft watershed protection impact boundary, if applicable.
- (46) Floodplain provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated 9/26/2008)
- (47) Floodplain delineate and label all flood hazard areas (natural and manmade, including cross drains). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat.
- (48) Floodplain indicate the minimum finish floor elevation (MFFE) at least three ft above the 100-year flood elevation or one ft above the future flood plain conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: "Lot(s) (Lot No.) either contain or are adjacent to a Special Flood Hazard Area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the Development Regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study."
- (49) Wetlands delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. "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."
- (50) Stormwater identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used for the project's inspection and maintenance agreement for stormwater management controls. Stormwater controls shall be on commonly owned property.
- (51) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.
- (52) Indicate the location of a cemetery (if applicable, see Fayette County Code, chapter 12, article VII. Cemeteries, burial grounds, human remains, and burial objects) and provide a 20' access/maintenance easement to and around the cemetery.

- (53) Include 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."
- (54) Include the following statements on the face of the plat:

STORMWATER MANAGEMENT INSPECTION & MAINTENANCE

The property conveyed herein is subject to the restrictive covenants of the _____ Homeowners Association and an Inspection and Maintenance Agreement for Stormwater Management Controls recorded in Deed Book ____, page _____. Failure to satisfy the inspection and maintenance requirements of the above-referenced agreement may result in enforcement action by the County, including but not limited to, judgment liens against the property owners and/or Homeowners Association. The inspection and maintenance agreement is recorded with the Clerk of Courts. A copy of the agreement is available at the Fayette County Environmental Management Department.

If required by the Environmental Management Department include the following statement:

WETLAND DELINEATION

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

Signature of Wetland Delineator _____

Company Address & Telephone _____

Or, if approved by the Environmental Management Department include the following statement:
"Per the nation wetlands inventory the site (does/does not) contain wetlands. Any wetland on the site 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."

- (55) Delineate any adjacent drainage easements, lake, ponds or stormwater management facilities, structure, and streams within 100 feet of boundary which may be impacted by development.
- (56) Label proposed street names and address numbers on each lot for each street frontage(s).
- (57) Indicate and label the location of fire hydrants on all proposed streets and all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
- (58) Indicate and label the location of all water lines in the right-of way. (NOTICE: Any changes to property lines that differ from approved Construction Plans which results in a water meter on an adjacent lot will require the developer to relocate the water meter at their expense.)
- (59) Submittals. The following submittals and checks shall be satisfied prior to final plat approval, as applicable.
- Core sample report (development regulations, article III of this chapter).
 - Soil density tests (development regulations, article III of this chapter).
 - Utilities-power, gas, and water installed (development regulations, article III of this chapter).
 - Stormwater management plan (development regulations, article XIII of this chapter).
 - Stormwater operations and management plan (development regulations, article XIV of this chapter).
 - Storm sewer installation report (development regulations, article III of this chapter).

- g. Stormwater management inspection and maintenance agreement (development regulations, article XIII of this chapter).
- h. Stormwater as-built plan (development regulations, article XIV of this chapter).
- i. Performance bond/irrevocable letter-of-credit (Subdivision regulations, section 104-600). Amount _____.
- j. Maintenance bond/irrevocable letter-of-credit (Subdivision regulations, section 104-600). Amount _____.
- k. ~~Engineering~~ Environmental Management Department final inspection. (Call department to schedule.)
- l. ~~Master Erosion and Sedimentation Control plan. Submit a soil map indicating the classification of soils in the areas of the property proposed for the placement of on-site sewage management systems. The soil classification work shall be done following the procedures for level III soil surveys established in the state department of human resources' current Manual for On-Site Sewage Management Systems. The requirements for a soil classifier are located in said manual.~~

(59) Other considerations.

- a. An application may be submitted to the planning and zoning department for the board of commissioners' authorization of motorized cart use in the subdivision after recordation of the final plat (see chapter 26, motor vehicles and traffic and the home page www.fayettecountyga.gov for application).
 - b. A petition may be submitted to the environmental management department for the board of commissioners' authorization for the subdivision to become a street light district after recordation of the final plat (chapter 20, article II, pertaining to street lights).
- (c) *The minor final plat.* The minor final plat shall contain all of the following requirements and certification statements and any additional information required to address any state and/or federal requirements. Sheet design: The minor final plat and/or a revision to a recorded minor final plat shall be formatted so when printed the maximum sheet size shall be no more than 24 inches by 36 inches. The following shall be indicated on the minor final plat:
- (1) The title block shall state: "Minor Final Plat of _____" A revision to a minor final plat must state "Revised Minor Final Plat of _____" and also purpose of revision and date of revision. Within the title block include County, State, land district(s) and land lot(s).
 - (2) Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).
 - (3) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
 - (4) Provide a legend for all abbreviations.
 - (5) Provide an index of sheets if more than one sheet is provided.
 - (6) Provide signature blocks for county approval: Environmental Health, Environmental Management, County Engineer/~~designee~~, Planning Commission Secretary/~~designee~~, Zoning Administrator/~~designee~~, and Fire Marshal/~~designee~~ (~~§ 5-2.3 of Subdivision Regulations~~).
 - (7) Provide name, address, and telephone number of owner and/or developer.
 - (8) Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.
 - (9) Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.

- (10) Show exterior property lines with bearings and distances of subject property.
- (11) Provide zoning and property owner name and/or subdivision name of all adjacent properties.
- (12) Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
- (13) Within the general notes, indicate the zoning district; minimum lot sizes; front, side and rear setbacks; and minimum house size.
- (14) Provide total acreage of tract and total number of lots.
- (15) Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
- (16) All applicable zoning regulations shall be indicated on the minor final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see section 110-77 of the zoning ordinance).
- (17) Provide the square footage area and the acreage to the 1/100th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.
- (18) Indicate in notes how subdivision lots will be served (i.e. public water, individual well, septic tank or public sewer).
- (19) Identify all existing structures and features and label as "to remain" or "to be removed." Structures to remain must be shown on individual lots and meet all applicable zoning requirements. "Features" include railroads, sewers, bridges, culverts, drain pipes, water mains, cemeteries, etc. Provide a note if there are no existing structures or features on the property.
- (20) Indicate the boundaries and area to 1/100 th acre for any common areas (i.e. signage, landscaping, cluster mailbox, open space, etc.) Label as "Common Area—Not a Building Lot."
- (21) Contiguous Areas—Provide the contiguous area of each lot to the 1/100 th acre on each lot or in a table. (See section 104-597(3))
- (22) Provide the following statement on the face of the plat.

OWNER'S CERTIFICATE

We, the undersigned owner(s) and/or mortgagee(s) of the _____ Subdivision, hereby offer to dedicate, deed and/or reserve for public use the rights-of-way, easements and other ground shown on this plat. All property contained within the required right-of-way of all existing streets adjacent to the subdivision as indicated hereon, shall be dedicated and conveyed at no cost to Fayette County, a political subdivision of the State of Georgia, upon recordation of said Final Plat with the Fayette County Clerk of Superior Court.

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

~~LEVEL III SOIL SURVEY~~

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

~~Signature of Soil Classifier _____~~

~~Company Address & Telephone _____~~

~~Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer~~

~~Registration No. _____~~

~~Registration Numbers/License Numbers _____~~

- _____
- (23) Georgia Rule. Show the direction and distance from a point of reference to a point on the boundary of the survey. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.
- (24) Georgia Rule. Show the closure precision of the field survey. This may be stated as follows: "The field data upon which this map or 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."
- If the surveyor determines that a closure precision statement is not appropriate for the survey because a substantial portion of the field measurements were obtained using Global Positioning Systems, then a note of precision or positional accuracy may be placed in compliance with rule 180-7-.09; or if the surveyor feels that a closure precision statement is not appropriate for the survey because redundant linear measurements were used to verify accuracy, the calculated positional tolerance shall be stated and shall comply with rule 180-7-.03.
- (25) Georgia rule. Show the closure precision of the data shown on the plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in _____ feet."
- (26) Georgia rule. For traditional survey equipment, state the type of equipment used to obtain the linear and angular measurements used in preparation of the plat.
- When GPS equipment is used in performing the survey.
- A note stating what portion (or all) of the survey was performed using GPS equipment.
- Note the type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used. Note the type of GPS survey that was performed, such as static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.
- A note that discloses the precision of the GPS work done, either in relative positional accuracy, vector closure, or other mathematical expression chosen by the land surveyor.
- (27) Surveying provide line and curve data for all right-of-way, parcel/lot boundaries, and easements. Line data shall include bearing and length. Curve data shall include the arc length, radius, chord length and chord bearing.
- (28) Surveying street centerline curve data shall include the deflection angle (delta), radius, length and tangent.
- (29) Surveying lengths shall be expressed to the nearest one-hundredth (1/100th) of a foot. Angles shall be shown to the nearest second. The error of closure shall not exceed one foot in ten thousand feet.

- (30) Corner lots. Fillet (20-ft radius) or chamfer (20 feet along tangent legs) corner property lines at street intersections, including existing road intersections forming a portion of the parcel boundary being subdivided.
- (31) Any new residential lots created on existing roadways, driveways must be shown to have required sight distance. Provide appropriate data on the plat (Development regulations—article III.)
- (32) Show all existing streets adjacent to property. Label road names, R/W widths; provide R/W dedication, as needed.
- (33) Provide the following statements on the face of the plat.

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 License 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

Plat Act.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel.

Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

- (34) Monuments show the location, material and description of all monuments.
- (35) Monuments provide a permanent benchmark on site, per ~~§-5-2-5~~ **Sec. 104-598** of the Subdivision Regulations.
- (36) Easements show location, purpose, width and/or dimensions of any easement of record and/or easements within the subdivision. Provide a note if there are no recorded easements found associated with the property.
- (37) State waters. Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters.

- (38) Watershed protection. Delineate watershed protection buffers and setbacks per Article VII of the development regulations. Label as "Watershed Protection Buffer" and "Watershed Protection Setback." Show the 1,000-ft watershed protection impact boundary, if applicable.
- (39) Floodplain provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated September 26, 2008)
- (40) Floodplain delineate and label all flood hazard areas (natural and manmade, **including cross drains**). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat.
- (41) Floodplain indicate the minimum finish floor elevation (MFFE) at least three feet above the 100-year flood elevation or one foot about the Future Flood Plain Conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: "Lot(s) (Lot No.) either contain or are adjacent to a special flood hazard area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the development regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study.
- (42) Wetlands delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. "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."
- (43) Stormwater Identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.).
- (44) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.
- (45) Indicate the location of a cemetery (if applicable, see Fayette County Code, Chapter 12, Article VII. Cemeteries, Burial Grounds, Human Remains, and Burial Objects.)
- (46) Include 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."
- (47) **If required by the Environmental Management Department** include the following statement on the face of the plat:

WETLAND DELINEATION

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

_____ Signature of Wetland Delineator	
_____ Company Address & Telephone	

Or, if approved by the Environmental Management Department include the following statement:
"Per the nation wetlands inventory the site (does/does not) contain wetlands. Any wetland on the site 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."

- (48) Master Erosion and Sedimentation Control plan.
 - (49) Indicate and label the location of all fire hydrants (existing or proposed) on existing streets adjacent to the subdivision. 01.06 Fire Hydrant placement required at 600 feet intervals for residential subdivision development. 01.05 Fire Hydrant placement required at 400 feet intervals for non-residential subdivision development.
 - (50) Indicate and label the location of all water lines in the right-of way. (NOTICE: Any changes to property lines that differ from approved construction plans which results in a water meter on an adjacent lot will require the developer to relocate the water meter at their expense.)
- (d) *A minor revision to a final plat.* The minor revision to a final plat shall contain all the following requirements and certification statements, and any additional information required to address any state and/or federal requirements. The following shall be indicated on the minor revision to a final plat:
- (1) The title block shall state: "Minor Revision to the (Major or Minor) Final Plat of _____".and also purpose of revision and date of revision. Within the title block include County, State, land district(s) and land lot(s).
 - (2) Indicate date of plat preparation; provide scale of drawing, stated and shown graphically (Georgia Plat Act).
 - (3) Provide a north arrow (to state plane grid north) and vicinity map of such a scale that the subdivision may be readily located and identified within the County.
 - (4) Provide a legend for all abbreviations.
 - (5) Provide an index of sheets if more than one sheet is provided.
 - (6) Provide signature blocks for County approval: Environmental Health, Environmental Management and Zoning Administrator/designee.
 - (7) Provide name, address, and telephone number of owner and/or developer.
 - (8) Provide name, address, and telephone number of the engineer, surveyor, and/or landscape architect including seal, signature, and Georgia registration number. The design profession must be licensed in the State of Georgia.
 - (9) Show all land lot lines; land district lines; city and/or county boundaries intersecting or adjacent to the subject property.
 - (10) Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
 - (11) Within the general notes, indicate the zoning district; minimum lot sizes; front, side and rear setbacks; and minimum house size.
 - (12) Provide rezoning information, including petition number, date of approval and exact wording of any rezoning conditions (if applicable); and any approved variances including petition number and date of approval (if applicable).
 - (13) Provide information regarding the preliminary plat, including date of approval by the Planning Commission and exact wording of any related conditions of approval.
 - (14) All applicable zoning regulations shall be indicated on the final plat. Show front, side, and rear setback lines as dashed lines. Indicate minimum lot width at the front building line on each lot (see Section 110-77). Show original property line as a dashed line and label "Original Property Line", as applicable.
 - (15) Provide the square footage area and the acreage to the 1/100 th acre on each lot; label the lot numbers; show the bearings & distances of all lots; and identify the parent tract, if applicable.

- (16) Identify all existing structures and features and label as "to remain" or "to be removed." Structures to remain must be shown on individual lots and meet all applicable zoning requirements. "Features" include railroads, sewers, bridges, culverts, drain pipes, water mains, cemeteries, etc. Provide a note if there are no existing structures or features on the property.
- (17) Contiguous Areas—Provide the contiguous area of each lot to the 1/100th acre on each lot or in a table. (See section 104-597(3))
- (18) Provide the following on the face of the plat:

Owner	Date
_____	_____
_____	_____

- (19) Monuments – Show the location, material and description of all monuments.
- (20) Monuments – Provide a permanent benchmark on site, per Sec. 104-598 of the Subdivision Regulations.
- (21) State waters. Delineate and label all state waters within the subdivision and all state waters around the property that have floodplain, wetlands, or watershed protection buffers and setbacks that extend into the subdivision property. Provide a note if there are no state waters.
- (22) Watershed protection. Delineate watershed protection buffers and setbacks per article VII of the development regulations. Label as "Watershed Protection Buffer" and "Watershed Protection Setback." Show the 1,000-ft watershed protection impact boundary, if applicable.
- (23) Floodplain provide a flood hazard certification statement. Reference the FIRM panel number and date. (Current FEMA maps are dated 9/26/2008)
- (24) Floodplain delineate and label all flood hazard areas (natural and manmade). Provide 100-year flood elevations for each hazard area. Reference the source(s) of any flood hazard data shown on the final plat.
- (25) Floodplain indicate the minimum finish floor elevation (MFFE) at least three ft above the 100-year flood elevation or one ft above the future flood plain conditions, whichever is greater, for each lot containing a flood hazard area. Provide the following note if applicable: "Lot(s) (Lot No.) either contain or are adjacent to a Special Flood Hazard Area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Art. IV of the Development Regulations a minimum finished floor elevation is established for the lowest floor elevation including a basement by this study."
- (26) Wetlands delineate all jurisdictional wetlands. Identify the source of the wetland delineation. Include the following statement, if applicable, or provide a note if there are no wetlands on the property. "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."
- (27) Stormwater identify and label all stormwater management control structures (inlets, pipes, headwalls, BMPs, etc.) within the project. The nomenclature should match that used for the project's inspection and maintenance agreement for stormwater management controls. Stormwater controls shall be on common property.

- (28) Delineate any groundwater recharge areas as required in the groundwater area protection ordinance. Provide a note if there is no groundwater recharge areas on the property.
- (29) Indicate the location of a cemetery (if applicable, see Fayette County Code, chapter 12, article VII. Cemeteries, burial grounds, human remains, and burial objects.)
- (30) Include 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."
- (31) Include the following statements on the face of the plat:

STORMWATER MANAGEMENT INSPECTION & MAINTENANCE

The property conveyed herein is subject to the restrictive covenants of the _____ Homeowners Association and an Inspection and Maintenance Agreement for Stormwater Management Controls recorded in Deed Book ____, page _____. Failure to satisfy the inspection and maintenance requirements of the above-referenced agreement may result in enforcement action by the County, including but not limited to, judgment liens against the property owners and/or Homeowners Association. The inspection and maintenance agreement is recorded with the Clerk of Courts. A copy of the agreement is available at the Fayette County Environmental Management Department.

If required by the Environmental Management Department include the following statement on the face of the plat:

WETLAND DELINEATION

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

Signature of Wetland Delineator _____

Company Address & Telephone _____

Or, if approved by the Environmental Management Department include the following statement: "Per the nation wetlands inventory the site (does/does not) contain wetlands. Any wetland on the site 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."

([Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-597. - Minimum standards.

The following design standards are in addition to applicable federal, state, and local ordinances, including, but not limited to: the county zoning ordinance, the county development regulations, and the county sign ordinance.

- (1) *Subdivision access.* Where the subdivision does not immediately access an existing public street (county or state owned and/or maintained), the subdivider shall provide access via a new public street or private street which complies with the minimum county standards to an existing public street. Any upgrades to existing public streets 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 necessary upgrades to the existing public streets are required prior to approving construction of the subdivision.
- (2) *Easements.* All easements shall be shown on the final plat and meet the following standards where applicable.

- a. 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;
 - b. 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 20 feet. The water system may require a greater width if determined necessary for maintenance or construction;
 - c. Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they shall be platted within said subdivision or phase thereof; and
 - d. Drainage easements shall be provided as required in article XIV of this chapter.
- (3) *Contiguous areas for residential development.* Each residential building lot shall have a minimum contiguous area that is free and clear of zoning setbacks, floodplain, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.

Zoning District	Minimum Contiguous Area (ac)
A-R	0.6
EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, DR-15, & C-S	0.3

- (4) *Corporate limits.* Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in the same manner as a property line.
- (5) *Street layout and design.*
- a. *Subdivision entrances and street length.* No street or portion of a street may provide access to more than 75 lots unless 1) a second means of access to the lots is provided by another street; or 2) a two-way divided road is used at the entrance and extended to all points within the subdivision until the number of lots being served is 75 or less. Amenity and common areas (e.g., green space) are excluded from the 75-lot limit. Of the two options, use of a second means of access is preferred and shall be provided unless it is determined not feasible by the county engineer due to the lack of adequate road frontage, limited sight distance, or significant environmental constraints.
 - b. *Right-of-way.* Any two-way divided entrance/road shall have a minimum 80-foot right-of-way, two 16-foot travel lanes, curb and gutter, and an 18-foot wide landscape island. Additional specifications for the divided entrance may be found in the development regulations.
 - c. *Corner lots.* Corner property lines at street intersections shall have chamfer corners with minimum chamfer distances of 20 feet in each direction (chamfering means to connect two, non-parallel property lines with a third beveled line). The purpose of the chamfer is to allow sufficient room within the right-of-way for utility placement and maintenance.
 - d. *Curb radius.* The curb radius at street intersections within subdivisions shall be no less than 25 feet. Curb radius requirements for intersections with collectors or arterial streets are dictated by the county development regulations and/or the state department of transportation.

- e. *Dead-end streets, half-street and alleys.* Dead-end streets, half-streets and alleys are prohibited. Temporary dead-end streets resulting from phased developments shall be constructed with a temporary turn-around.
 - f. *Elbows.* Elbows (i.e., a circular bump-out of the paved road) may be used in lieu of a horizontal curve for road alignment when the centerline tangents have an intersection angle between 90 and 120 degrees. The "elbow" portion of the intersection shall be designed with a paved radius of 42 feet (to back-of-curb) and a 60-foot right-of-way radius. Elbows are not considered cul-de-sacs with respect to required road frontage for subdivision lots.
 - g. *Intersections.* The center lines of no more than two 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 than 80 degrees. A tangent section no less than 50-feet long shall be placed between a centerline curve and the nearest right-of-way line of the street with which it intersects.
 - h. *Stub street.* Where it is necessary to provide a street for future connection to an adjacent property, such street shall be constructed in conjunction with the subdivision up to the property line creating a stub street. Said stub street shall be indicated on the preliminary plat and final plat and labeled "Temporary Stub Street." Connecting stub streets shall maintain the same name and be terminated with a temporary turnaround as necessary.
- (6) *Subdivision names.* A proposed subdivision name shall not duplicate the name of another subdivision unless such property is contiguous and internally connected by a street to the subdivision bearing the proposed name and with the same or more restrictive zoning. 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 appropriate Roman Numerals (e.g., II). Any subsequent subdivisions approved by the planning commission under these provisions shall be numbered in sequence with Roman Numerals.
- (7) *Additional right-of-way.* If the subdivision boundary lies adjacent to the right-of-way line of an existing public street of less than minimum needed right-of-way width, as determined by the county thoroughfare plan, a minimum of one-half the required extra width shall be dedicated, at no cost, to the county by the subdivider.
- (8) *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.

([Ord. No. 2020-01](#) , § 1, 5-28-2020)

Sec. 104-598. - Minimum requirements.

- (a) *General.* The subdivider shall provide public improvements as required by all applicable county regulations, specifications, and requirements.
- (b) *Curbs and gutter.* The subdivider shall install curb and gutter and proper drainage as required by county specifications.
- (c) *Monuments.* The subdivider shall provide and set iron monuments at all property corners. The monuments shall be an iron rod or pipe of not less than one-half inch in diameter and not less than 18 inches long and driven to a minimum depth of 12 inches.
- (d) *Water supply and sanitary sewerage.* Every lot within a proposed subdivision shall have an approved supply of adequate water and an approved sewage disposal system, as determined by the county water system and the environmental health county manager.

- (e) *Public water facilities.* Where public 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 feet
For each additional lot after six, an additional 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.

- (f) *Fire hydrants.* Standard fire hydrants will be provided at the spacing specified by chapter 12, Fire Prevention and Protection. Design standards shall be as specified by the American Water Works Association.
- (g) *Sanitary sewer.* When a public sewage disposal system is not available, the county environmental health department shall review the preliminary and final plat ~~(major or minor) of a subdivision~~ to determine the feasibility for individual on-site sewage disposal systems. After approval of the final plat ~~(major or minor) of the subdivision~~, on-site sewage disposal system permit applications must be submitted to the county environmental health department for each individual lot for review and approval. ~~If the lots of a subdivision are to be served by individual subsurface wells, the on-site sewage disposal permit application must indicate the location of the well and on-site sewage disposal system. The subsurface well must be setback at least 100 feet from any on-site sewage disposal system and drainfields.~~
- (h) *Stormwater drainage.* The subdivider shall provide adequate stormwater drainage in accordance with all applicable county regulations and specifications.
- (i) *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.
- (j) *Approval of permits.* Building permits may be issued for a phase of a subdivision prior to the completion of the improvements in the entire subdivision, provided that the applicable departments approves the improvements in said phase and it is determined that the lots to be built upon are completely served by the improvements in the completed phase as if it were a separate subdivision.
- (k) *Utilities.* The subdivider shall provide all applicable utilities to the subdivision in accordance with all applicable county requirements. The utilities shall be located as specified by the development regulations. Power and water utilities must be installed, if available in the area, prior to final plat approval. All of the minimum improvements listed in this section of the article must be completed and inspected prior to final plat approval with the exceptions of the installation of utilities in nonresidential subdivisions.

([Ord. No. 2020-01](#) , § 1, 5-28-2020)

Sec. 104-599. - Provisions for recording of final plats prior to completion of minimum improvements.

- (a) *Performance bond or irrevocable letter of credit.* The following improvements shall be made after the recordation of a major final plat if a performance bond or irrevocable letter-of-credit is provided that meets the standards set hereafter.

- (1) Paving the top layer (top course) of asphalt on one or more roads within the subdivision; and/or
- (2) Meeting permanent stabilization requirements within the proposed right-of-way.

Other than those items listed above, all minimum improvements within the subdivision shall be completed and accepted in accordance with the approved construction plans, the county development regulations, and the subdivision regulations prior to the recordation of a final plat, acceptance shall be determined by the county engineer, the director of utilities, and the environmental management director based on a field inspection of the project and/or review of required submittals. Work to be completed after the recordation of a major final plat shall be guaranteed by either a performance bond or an irrevocable letter of credit and the documents shall be filed with the county engineer prior to his signature on the major final plat.

- (b) *Criteria for performance bonds or irrevocable letter of credit for paving.* The amount of the bond or irrevocable letter-of-credit needed for paving shall be the sum of material, labor, equipment, and repair estimates, as determined by the county engineer, using the following guidelines:

- (1) Material costs equal 150 percent of current cost estimate for tack and asphalt;
- (2) Labor and equipment equals 20 percent of material costs; and
- (3) Repairs to binder and base equals 20 percent of material cost.

Additional costs shall be included for unusual circumstances. Performance bonds/irrevocable letters of credit for paving shall be considered only if coring of the asphalt binder and base, as required by the development regulations, demonstrate the work was completed per the approved construction plans and county standards. Paving work shall be completed within two years of recording the major final plat unless an extension is provided by the county engineer. The bonds/irrevocable letters of credit shall not be released until all repairs and paving work are done in accordance with the approved construction plans and the work is accepted by the county engineer.

- (c) *Criteria for performance bonds for permanent stabilization.* The amount of the performance bond or irrevocable letter of credit needed for permanent stabilization shall be the sum of material, labor, equipment, and repair estimates, as determined by the environmental management department. At a minimum, the cost estimate shall include all best management practices required to bring the project into compliance with the approved soil erosion and sediment control plan. Additional costs may be included for unusual circumstances. Performance bonds/irrevocable letters of credit for stabilization will be considered only if the environmental management director determines that current weather patterns and the season make permanent stabilization infeasible at this time. Stabilization work shall be completed within one year of recording the major final plat. The performance bonds/irrevocable letters of credit shall not be released until all areas of concern are stabilized in accordance with the approved construction plans and the work is accepted by the environmental management director.

- (d) *Conditions thereof.*

- (1) Performance bonds or irrevocable letters of credit delivered for the purpose of guaranteeing construction of minimum improvements pursuant to this section, shall be accepted by the county engineer provided 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. 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. Before acceptance of any performance bond or irrevocable letter-of-credit for paving, the county engineer may, at his direction, have the county attorney review said instrument. A bond shall be executed by a surety

or guaranty company qualified to transact business in the state. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the state.

- (2) Duration and release. Performance bonds and/or irrevocable letters of credit 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.
- (3) 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 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 an irrevocable 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, shall not apply when the governing body acts to permit the subdivider to remove his subdivision from the land records of the county in accordance with the provisions of these regulations.

([Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-600. - Acceptance and guarantee of completed minimum improvements; completion.

The following requirements shall be satisfied prior to approval of the final plat by the applicable departments:

- (1) *Submittals.* The subdivider shall provide to the county all applicable submittals as required in the county's development regulations. A detailed list of the specific submittals and contact information for the applicable departments responsible for review and approval of each submittal is available from the county environmental management department.
- (2) *Final inspections.* Upon completion of all minimum improvements, the subdivider shall notify the departments listed on the final plat checklist and request a field inspection. The subdivider is responsible for correcting all deficiencies identified during the final inspections. Improvements shall not be accepted unless they conform to the approved construction plans and all applicable federal, state and local requirements (see forms for final plat checklist at www.fayettecountyga.gov).
- (3) *Maintenance bond/irrevocable letter of credit.* The subdivider shall provide to the county engineer, a maintenance bond or an irrevocable letter of credit for the purpose of guaranteeing the materials and workmanship of the minimum improvements for a period of two years. For purposes of bond/irrevocable letter of credit determination, "minimum improvements" includes all materials and work within the proposed right-of-way plus any part of the storm sewer infrastructure serving the subdivision. This includes, but is not limited to: storm pipe, open ditches, headwalls, stormwater management ponds, etc. The subdivider shall be responsible for making any needed repairs to the road or other "minimum improvements" as defined above within the two-year bonding period. Notification of needed repairs may be provided by the county to the subdivider at any time during the bonding period. If the subdivider does not make the necessary repairs within 90 calendar days of said notification, the county engineer shall claim funds from the bond or irrevocable letter of credit to adequately reimburse the county for its cost associated with having the repairs made by a contractor or the appropriate county department. Regardless of project size, the minimum maintenance bond/irrevocable letter of credit is \$5,000.00. If a final plat becomes void, as may happen if not recorded into the county clerk of superior court records within 90 calendar days of approval by the planning commission, the existing maintenance bond/irrevocable letter of credit is also void and a new maintenance bond/irrevocable letter of credit will be required prior to approval of the new final plat.

- (4) *Ownership.* Upon recordation of the final plat, subsequent to approval by the planning commission, the county shall accept ownership of any street right-of-way or other real property shown upon the final plat.
- (5) *Attorney review.* Before acceptance of any maintenance 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. If an irrevocable letter of credit is offered, it shall be written by a financial institution licensed to do business in the state.

([Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-601. - Violations and penalties.

(a) *Violations.*

- (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.
- (2) It shall be unlawful to record a subdivision plat, or once recorded, to make any changes, with the exception of minor revisions to a recorded final plat, thereon whatsoever which have not been approved by the planning commission in accordance with the provisions of all applicable regulations.

- (b) *Penalties.* Any person or persons, firm or corporation or association of persons who shall knowingly divide and offer for sale any real estate in violation of the terms or provisions of this article shall, upon conviction therefore in state court, be punished as provided by this Code.

([Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-602. - 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 the county at least 15 calendar days prior to such meeting.

([Ord. No. 2020-01](#), § 1, 5-28-2020)

Sec. 104-603. - Variance or appeal.

- (a) *Variance.* In cases of undue hardship under this chapter, the property owner may petition the planning commission for a variance to the subdivision regulations. A variance may be granted in an individual case upon a finding by the planning commission that all of the following criteria as applicable to the request exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, environmental impact or topography; and
 - (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
 - (3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; and
 - (4) A literal interpretation of these regulations would deprive the applicant of any rights that others are allowed.

- (b) *Appeal*. A property owner may petition the planning commission for an appeal from the decision of any of the aforementioned appropriate departments with regard to interpretation, administration, and enforcement of the subdivision regulations.
- (c) *Writ of certiorari (appeal)*. An appellant/petitioner has 30 calendar days from the date of the decision of the planning commission and/or board of commissioners to seek a "writ of certiorari" (appeal) with the superior court of the county.

([Ord. No. 2020-01](#), § 1, 5-28-2020)