

**Title 15- Development Regulations Ordinance
Town of Gay, Georgia**

CHAPTER 1. GENERAL

Sec. 15-1-1: Short-Title.

This document is entitled "The Development Regulations Ordinance of the Town of Gay, Georgia." It may also be known by and cited by the short title of "Town of Gay Development Regulations."

Sec. 15-1-2: Authority.

The power of a local government to enact an ordinance such as this, which is provided by the Home Rule provisions of the Constitution and Laws of the State of Georgia.

Sec. 15-1-3: Jurisdiction.

This Ordinance applies to all land within the Town of Gay, Georgia.

Sec. 15-1-4: Purposes.

The Development Regulations of the Town seek to encourage the development of desirable land use patterns within the Town accordance with the Zoning and Land Use Ordinance. The promotion of sound land use patterns is intended to reduce or eliminate the occurrence of certain conditions which can threaten the general health, safety, and welfare of the residents of Gay. This Ordinance should serve the following purposes:

- A. Encourage the development of economically sound and stable communities.
- B. Assure the provision of required streets, utilities, facilities, and services to new land development.
- C. Assure the adequate protection of safe and convenient traffic access and circulation both vehicular and pedestrian in new land development.
- D. Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
- E. Assure in general, the wise development of new areas, in harmony with the Zoning and Land Use Ordinance.

Sec. 15-1-5: Content.

This Ordinance provides for the following:

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

- E. Repeals conflicting ordinances.

CHAPTER 2. DEFINITION OF TERMS

Sec.. 15-2-1: Interpretation of Certain Common Terms.

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

Sec. 15-2-2: General Definitions

- A. Building Official: The person, officer, or official and his authorized representative, whom the Mayor and Council has designated as its agent for the administration of this Ordinance.
- B. Buffer: That portion of a lot established for open space purposes and intended to separate properties with different and possibly incompatible types of uses. A buffer must not be otherwise occupied with structures. A buffer must be at least ten (10) feet, wide and provide reasonable visual screening of the property through the provision of one of the following:
 - 1. Planted vegetative screen at least ten (10) feet wide and six (6) feet high.
 - 2. Fence or wall at least six (6) feet high which provides visual screening.
- C. Center Line: The line which represents the distance a building must be set back from the boundary line of a lot, measured at the foundation of the building.
- D. Building Line: That line surveyed and monumented by the governing authority as the center line of a street, on if such a center line has not been surveyed, it is the line running midway between the outside curbs or ditches of the street.
- E. Curb Cut: The point at which vehicular access is provided to an adjoining street from a lot.
- F. Easement: The right or privilege of using another's property, for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, pedestrian ways, and other purposes.
- G. Elevation, Front: The view of a building or group of buildings as seen from directly in front of the structure.
- H. Flood Boundary: That area in the Town threatened by possible flood under normal to severe circumstance; determined as shown on the Flood Hazard Boundary Map, published by the Federal Emergency Management Agency (FEMA), 1972.
- I. Building Setback Line: A line parallel to and a specified minimum distance from the front, side or rear property lines (as specified) beyond which no foundation wall or part of the structure of

any building projects with the exception of roof overhang, steps, and the subsurface projection of footings.

- J. Block: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.
- K. Zoning and Land Use Ordinance: Any part or element of the overall plan for development adopted by the Mayor and Council, as amended.
- L. Construction Plan: A plan based on the approved preliminary, plat, which shows all street design and profiles, topographic information, utility construction plans, sediment which and erosion control plans, and other information which may be required by the Building Official. It is submitted to the Building Official and requires only his/her approval.
- M. Crosswalk: A right-of-way within a block dedicated to public use, intended primarily for pedestrian use, and designed to provide access to adjacent roads and lots.
- N. Design Standards: The specifications to land owners or subdividers for the preparation of plats both preliminary and final indicating among other things the optimum, minimum, or maximum dimensions of such items as right-of- way, blocks, easements, and lots.
- O. Final Plat: A finished drawing or map of a subdivision, meeting all of the requirements of this Ordinance in the form required by this Ordinance, and showing completely and accurately all legal design and engineering information, and certified as required for recording.
- P. Hearing: An unadvertised but official session of the Planning Commission or the Mayor and Council held to afford a subdivider or his agent an opportunity to present and confer on a subdivision plat with the Planning Commission or the Mayor and Council.
- Q. Lot: A parcel of land occupied or capable of being occupied by one or more buildings and customarily incidental accessory buildings or uses, including such open spaces as are required by this Ordinance.
- R. Lot, Corner: A lot located at the intersection of two or more streets.
- S. Lot, Double Frontage: A lot, other than a corner lot, which has frontage on more than one street.
- T. Lot Width: The distance between side lot lines measured at the front building line. If a corner lot, the distance between lot lines measured along the front building line which parallels or more nearly parallels the rear lot line.
- U. Mayor and Council: The Mayor and Council of the Town of Gay, Georgia.
- V. Minor Subdivisions: Subdivisions which do not involve the platting, construction, or opening of new streets, sewers, or water facilities, and subdivisions which do not involve improvement to existing streets.
- W. Lot of Record: A lot which is part of, a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Meriwether County, Georgia; or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a parcel has been conveyed at the time of the adoption of this

Ordinance, the remaining portion of the lot or parcel will be considered a lot of record.

- X. Lot Remnant: Any portion or portions of a lot not suitable for building upon because of size of topography and remaining after the transfer of other portions of the lot to adjoining lots.
- Y. Owner(s) or Record: The owner(s) of property as specified on the deed of the lot of record.
- Z. Parks and Playgrounds: Public or community land, open spaces, or recreation areas represented on a subdivision plat as dedicated, reserved, or intended to be reserved, for recreational purposes.
- AA. Pedestrian Way: Crosswalk or other areas designed and marked specifically for pedestrian traffic.
- BB. Percentage of Grade: Measured down the street centerline, the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.
- CC. Planned Development: A coordinated large-scale or comprehensive group development designed and constructed according to a development plan.
- DD. Planning Commission: The Town of Gay Planning Commission. The Town Council shall serve as the Planning Commission until one is appointed.
- EE. Pre-application Review: An initial and informal stage of subdivision review at which the developer may make known preliminary plat proposals and the Planning Commission may respond and/or advise the developer concerning the subdivision regulations.
- FF. Preliminary Plat: A tentative drawing or map of a proposed, subdivision meeting requirements of this Ordinance and showing the proposed layout in sufficient detail, although not completely computed, to indicate unquestionably its workability.
- GG. Private Drive: A non-public, privately owned access way.
- HH. Private Street: Any street within a planned development which meets appropriate public street design standards, but, for purposes of controlled access or privacy, is not dedicated to the Town of Gay and is not public
- II. Protective Covenants: Contracts made between private parties, or conditions recorded with an approved plat and running with the title to the land, specifying the manner in which land may be used, developed, improved with the intent of protecting and preserving the physical and economic integrity of a given area.
- JJ. Public Hearing: An official session of the Planning Commission or the Mayor and Council, advertised according to law and called for purposes specified in the public notice.
- KK. Reserve Strip: A strip or parcel of land along, around, or between properties for the purpose of restricting access.
- LL. Review Agency: Any so designated agency other than the Planning commission or the Mayor and Council which may review appropriate parts of plat submissions by reason of technical capability, authority, or interest.

MM. Right-of-way: A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian access, vehicular access, or utility line installation.

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

a. Alley or Service Drive: A minor access way used for service access or property access under specified circumstances to the back or side of properties otherwise abutting a street.

b. Marginal Access Street: A residential street parallel and adjacent to a Major Street which provides access to abutting properties with protection from through traffic.

c. Cul-de-sac: A Local Street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

d. Half Street: A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

e. Road Width: The shortest distance between lines of lots delineating the road right-of-way.

f. Local Street: Street used primarily for access to the abutting properties and serves travel demands in the immediate area.

g. Collector Street: Street which usually serves to either provide direct access to lots or distribute traffic from individual lots to Major Streets. It should be designed to discourage excessive speeds and through traffic.

h. Arterial Street: Street used primarily to move traffic through the Town. Connecting roads and access to adjacent property should be kept to a minimum on an Arterial Street, as these interfere with traffic flow, adversely affecting the capacity and safety of the Arterial Street.

i. Tangent: A straight line that is perpendicular to the radius of a curve where the tangent meets the curve.

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

PP. Subdivision:

a. The division of a lot of record at the time of enactment of this Ordinance into two (2) or more lots, building sites, or other divisions for the purpose whether immediate or future of sale, legacy, or building development. This definition includes all of the following:

- i. All divisions of land involving a new street.
- ii. All divisions of land involving a change in existing streets.
- iii. The transfer of unsubdivided land or the transfer of a lot or parcel of land established by deed or plat recorded in the Office of the Clerk of the Superior Court of Meriwether County prior to the initial effective date of this Ordinance.
- iv. The division of land among heirs by judicial decree.
- v. The division of land into parcels of three (3) or more acres where no new street is involved.

QQ.Town: The Town of Gay, Georgia

CHAPTER 3. Fees.

Sec. 15-3-1: See Consolidated Fee Schedule

CHAPTER 4. GENERAL PROCEDURES.

Sec. 15-4-1: Initial Information.

- A. Chapter 4 outlines the procedures to be followed in order to comply with the requirements of this Ordinance. The subdivider (See definition of "subdivider" in CHAPTER 2), who initially may not be familiar with this Ordinance, first visits the office of the Building Official to get information concerning ordinances affecting his proposed development.
- B. The Building Official will show the subdivider a copy of this Ordinance. The subdivider may either review the document in the office or he may purchase a copy for his own use. A copy of this ordinance can also be found on the Town's website.

Sec. 15-4-2: Compliance with Development Regulations Required.

- A. Approval of Subdivision Plats: Any "person" proposing to subdivide land within the corporate limits of the Town of Gay must submit to the Town plats of the proposed subdivision which conform to all regulations set forth in this Ordinance. Application for approval of the plats must be made to the Building Official under procedures contained in this Chapter. Named Subdivisions or HOAs are not permitted in the Town of Gay. However, subdividing land complying with the requirements of the Zoning and Land Use Ordinance is permitted following this Development Regulations Ordinance.
- B. Platting Authority: The Planning Commission is the official platting authority of the Town of Gay. No subdivision plat may be recorded in the Office of the Clerk of the Superior Court of Meriwether County unless it has been approved by the Planning Commission. The filing or recording of a subdivision plat without the approval of the Planning Commission as required by this Ordinance is a violation of this Ordinance and is punishable as provided by this Chapter.
- C. Physical Development: No "subdivider" or "person" may proceed with any construction work on a proposed subdivision before obtaining Preliminary Plat Approval.
- D. Use of Plat: The transfer of, sale, agreement to sell, or negotiation to sell land by reference to, exhibition of, or other use of a subdivision plat that has not been given a Final Certificate of Approval by the Planning Commission and recorded in the Office of the Clerk of the Superior Court of Meriwether County is prohibited. The description by metes and bounds in the instrument of transfer or other documents does not exempt the transaction from this prohibition.
- E. Opening and Improving Streets: The Mayor and Council may locate, construct, and accept a street if the proposed street is first submitted to the Planning Commission for its review and recommendations. Land designated, reserved, proposed, or dedicated as a street by a subdivider on a subdivision

plat will be accepted, opened, or improved by the Town only if one (1) of the following conditions exists:

1. The street corresponds in its location and lines with a public or private street shown on a Final Plat approved by the Planning Commission.
 2. The street corresponds in its location and lines with a public or private street shown on a Final Plat made and adopted by the Planning Commission.
 3. The street has been accepted as, opened as, or otherwise received the legal status of a public street prior to the adoption of this Ordinance.
 4. The Mayor and Council accept the street after soliciting review and recommendation on the proposed street by the Planning Commission.
- F. Erection of Building: No building permit will be issued and no building maybe erected on any subdivided lot unless the street giving access to the lot has been approved by the Mayor and Council as meeting the standards of a public street in accordance with this Ordinance, or unless such a street has attained the status of a public street prior to the effective date of this Ordinance.

Sec. 15-4-3: General Overview of Subdivision Plat Review and Approval Procedures.

- A. Introduction: The procedure for the formal review and approval of a subdivision plat consists of one (1) recommended stage and six (6) required stages. These are as follows:
1. Preapplication Review (Recommended)
 2. Preliminary Plat acceptance by the Town Council (Required).
 3. Construction Plan approval by the Building Official (Required).
 4. Final Plat acceptance by the Town Council (Required).
 5. Recording and Dedication (Required).
- B. Exception for Minor Subdivisions: Subdivisions which do not involve the platting, construction, or opening of new streets, sewers, or water facilities, and subdivisions which do not involve improvement to existing streets are defined as minor subdivisions. They are subject only to the requirements of the Final Plat Stage and the Recording and Dedication Stage. Subdivisions so defined will be accepted by the Planning Commission and the Mayor in form of a Final Plat, and the Final Plat must comply in all respects to the requirements of this Ordinance.
- C. Preapplication Review Stage: Whenever the subdivision of a tract of land is proposed, the subdivider is urged to consult early and informally with the Planning Commission. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity, and the proposed development layout of the subdivision. The purpose of the preapplication review stage is to facilitate the clarifying matters relating to the proposed subdivision, and the Development Regulations.
- D. Preliminary Plat Stage: The subdivider must submit to the Planning Commission and Town Council for approval a Preliminary Plat of the proposed subdivision prepared in accordance with the provisions of this Ordinance. The subdivider must also furnish copies of such a Preliminary Plat to all utility companies serving the area. Approval of the Town Council will

be indicated on the face of the Preliminary Platt.

- E. Construction Plan Stage: Prior to making any street improvements or installing any utilities, or other improvements, the subdivider must submit to the Building Official construction plans of the proposed subdivision prepared in accordance with the provisions of this Ordinance, and the design presented in the Preliminary Plat that was approved by the Town Council. The construction plans must show all street design profiles, topographic information, utility construction plans, sediment and erosion control plans, and other information as may be requested by the Building Official. The Construction Plan Stage requires the review and approval of only the Building Official.
- F. Final Plat Stage: After completion of the physical development or arrangements for physical development acceptable to the Town Council, of all or part of the area shown on the Preliminary Plat as approved by the Town Council, and before selling any lots, a Final Plat together with the required certificates must be submitted to the Town Council for approval. The subdivider must also furnish copies of the approved Final Plat to all Utility Companies serving the area.
- G. Recording and Dedication: After the Final Plat is approved by the Town Council, the Final Plat and appropriate documents become the instrument to be recorded in the Office of the Clerk of the Superior Court of Meriwether County, Georgia. After recording, the appropriate deeds and documents must be presented to the appropriate local government agency for dedication and acceptance.

Sec. 15-4-4: Submission and Approval of Preliminary Plat.

- A. Preliminary Plat Submission: At least fifteen (15) days before the regularly scheduled monthly meeting of the Town Council at which the subdivider desires Planning Commission action, the subdivider must submit the following:
 - 1. A letter requesting review and approval of a Preliminary Plat and giving the name and address of a person to whom the notice of hearing and action to Preliminary whom the Plat notice is to be sent.
 - 2. Six (6) copies of the Preliminary Plat and supporting data. At this time, the Planning Commission may direct the subdivider to furnish additional copies to the review agencies or proper authority for review and comment.
- B. Official Date of Submission: The official date of submission of the Preliminary Plat will be the date of the next regularly scheduled monthly meeting of the Town Council.
- C. Preliminary Plat Review: The Planning Commission will review the Preliminary Plat for conformance to this Ordinance, Zoning and Land Use Ordinance, and other relevant regulations and will consider the comments or suggestions of the appropriate review agencies requested to review the Preliminary Plat. The Planning Commission will indicate on the Preliminary Plat, or by a written memorandum attached to the Preliminary Plat any comments or suggested changes that are necessary to meet the intent of this Ordinance or to serve the best interests of the Town of Gay. A representative of the Planning Commission or designated person will present this information to the Town Council at the next regularly

scheduled meeting of the Town Council.

- D. Public Hearing: Before acting on the Preliminary Plat, the Town Council will schedule a public hearing on the Preliminary Plat. Notice of the time and place of the public hearing will be sent by first class mail at least five (5) days before the date of the public hearing.
- E. Action of the Town Council: No more than ninety (90) days after the official date of submission of the Preliminary Plat, the Town Council will either approve the plat, conditionally approve the plat (noting the conditions of approval on the plat), or not approve the plat. Action may be taken on the entire Preliminary Plat or any portion of it.
- F. Failure of Town Council to Take Action: If the Town Council fails to act within ninety (90) days of the official date of submission of the Preliminary Plat, the Preliminary Plat will be automatically approved by the Town Council.
- G. Approval of Preliminary Plat: Approval of a Preliminary Plat is only tentative, pending submission of the Final Plat, and is effective and binding upon the Town Council for a period of no more than two (2) years. After two (2) years, only the work on the subdivision that has been completed in conformance with the Preliminary Plat may be approved by the Town Council unless a request in writing for an extension of time is granted. If the Town Council grants such an extension, work on the remainder of the subdivision may continue within the limits of the extension.

Sec. 15-4-5: Specifications for Preliminary Plat.

The Preliminary Plat must meet the minimum standards of design set forth in this Ordinance and must include the following:

A. General:

- 1. Title Block including:
 - (a) Property Owner's Name (s), contact information and Address of the tract of land within the Town of Gay being subdivided.
- 2. Plat Key including:
 - (a) Name and address of person in charge of plat preparation.
 - (b) Date of plat preparation with space for revision dates.
 - (c) Graphic scale of one (1) inch equals 200 feet or larger.
 - (d) North point, identified as magnetic, true, or grid north.
 - (e) Area of subdivision in acres.
 - (f) Appropriate legend of symbols used on plat.
- 3. Location Sketch Map locating the tract of land being subdivided in relation to the immediately surrounding area and showing generally:
 - (a) Well known landmarks such as railroads, highways, bridges, creeks, etc.
 - (b) Zoning district classification(s) of land, to be subdivided and adjoining properties.
 - (c) Government jurisdictional boundaries and land lot lines, if applicable:
- 4. Entire Tract: The subdivider may and is encouraged to submit a Preliminary Plat of his

entire tract, even though his present plans may call for the actual development of only a small portion of the property. Regardless of the area covered, by the Preliminary Plat, any unit divisions or phasing of unit divisions intended in the preparation of the Final Plat must be represented on the Preliminary Plat.

5. Re-subdivision: In the case of re-subdivision a copy of the existing plat with the proposed re-subdivision superimposed on it must be provided.
6. Elevations: All elevations must refer to Mean Sea level Datum.
7. Sheet Size must be no larger than thirty-six (36) inches wide and twenty- four (24) inches long. A margin two (2) inches wide must be on the left side for binding purposes and margins of one-half (1/2) inch must be on the other three sides, the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

B. Features of Site to Be Shown on Plat:

1. Location and estimated dimensions of all property boundary lines of the subdivision.
2. Where requested by the Planning Commission, topography by contours at vertical intervals of no more than five (5) feet as determined by a field survey or accurate aerial survey (where deemed necessary).
3. Location of natural features including streams and water courses with direction of flow and acreage of the drainage area affecting the proposed subdivision, water bodies, swamps, flood plains, tree line of wooded areas, individual trees with a trunk diameter of twenty-four (24) inches or more, and orchards and other agricultural groves.
4. Location and size of existing cultural features on or adjacent to the proposed subdivision including:
 - (a) Right-of-ways, pavement widths, and names of existing and platted streets.
 - (b) Railroads and railroad right-of-ways.
 - (c) Bridges, buildings, and other structures.
 - (d) All surface utility lines within easements or right-of-ways on or adjoining the tract showing the location of towers or poles.
 - (e) Existing sewers/septic, water mains, drains, culverts, and other underground facilities or utilities within easements or right-of-ways on or adjoining the tract (grades and invert elevation of sewer must also be shown).
 - (f) All other easements and right-of-ways.

C. Proposed Conditions and Facilities:

1. Layout of all streets and other access ways with right-of-way and pavement widths, as well as proposed street names.
2. Such street cross-sections, grades, and centerline profiles as may be required.
3. Layout of all lots, including building setback lines; scaled dimensions on lots; utility easements with width and use; block numbers; and lot numbers.
4. Provisions for sewage disposal systems (individual, community, or public), with approval by Meriwether County Health Department shown by type of system proposed.
5. Provisions for water supply systems (individual, community, or public), with approval by Meriwether County Health Department shown by type of system proposed. Individual Properties must be attached to the Town's Water System
6. Provisions for proper drainage.
7. Such soil erosion and sediment control plans (or evidence of official approval of such plans) separately attached to the plat, as are required by local ordinances.
8. Designation of lands to be reserved or dedicated to public use.
9. All land uses, including areas to be used for uses other than single-family dwellings.
 - (a) Commercial.
 - (b) Historical/Commercial.
 - (c) Recreation, open space, and areas for other such uses.
- D. Certificate of Tentative Approval: A Certificate of Tentative Approval of the Preliminary Plat by the Town Council will be inscribed on the plat.

Sec. 15-4-6: Submission and Approval of Construction Plans

- A. Construction Plan Submission: After the Preliminary Plat of the proposed subdivision has been given approval by the Town Council, the sub-divider may within two (2) years of that approval, submit Construction Plans complying with Town of Gay Zoning and Land Use Ordinance to the Building Official.
- B. Format: Six (6) copies the Construction Plans must be submitted to the Building Official. The scale on the Construction Plans must be at least two hundred (200) feet to the inch.
- C. Approval of Construction Plans: Approval of Construction Plans constitutes authorization to proceed with the installation of any required improvements, subject to the approval of agencies having the proper authority over such individual improvements, and the preparation of the Final Plat, or unit division or phase of unit division.

Sec. 15-4-7: Specifications for Construction Plans.

The Construction Plans must conform to all specifications required for the Preliminary Plat, and include the following:

- A. Topography by contours at vertical intervals of no more than five (5) feet as determined by a field survey or accurate aerial survey.
- B. Provisions for proper drainage.
- C. Such soil erosion and sediment control plans (or evidence of official approval of such plans) separately attached to the plat, as are required by local ordinances.
- D. Such street profiles, cross-sections and details as may be necessary to illustrate proposed street construction standards.
- E. Any utility plans, as may be required.
- F. Any tree planting plans, storm water retention plans, or other landscaping plans.

Sec. 15-4-8: Submission and Approval of Final Plat.

- A. Final Plat Submission: After the Preliminary Plat of the proposed property being divided has been given tentative approval by the Town Council, Construction Plans have been approved by the Building Official, and required improvements have been completed (or arrangements for required improvements acceptable to the Building Official have been made), the subdivider may, within two (2) years from the date of the Preliminary Plat approval, apply from for the Final date Plat of approval. The subdivider must submit to the Town Council at least fifteen (15) days prior to the Town Council regular monthly meeting at which the subdivider desires Town Council action, the following:
 - 1. A letter requesting review and approval of a Final Plat and giving the name and address of the person to be notified of the action of the Final Plat.
 - 2. Six (6) paper copies of the Final Plat and other documents, as may be specified, and the original tracing or reproducible print of the original print of the original tracing drawn in permanent ink or equivalent on drafting cloth or film. The scale of the plat must be at least 200 feet to the inch.
- B. Official Date of Submission: The official date of submission of the Final Plat will be the date of the next regularly scheduled monthly meeting of the Town Council.
- C. Final Plat Review: The Town Council will review the Final Plat for conformance with the tentatively approved Preliminary Plat as well as with this Ordinance, Zoning and Land Use Ordinance and other relevant regulations.
- D. Public Hearing Before acting on the Final Plat, the Town Council will schedule a public hearing on the Final Plat. Notice of the time and place of the public hearing will be sent by first class mail at least five (5) days before the date of the public hearing.
- E. Action of the Town Council: No more than forty-five (45) days after the official date of submission of the Final Plat, the Town Council will either issue a Certificate of Approval for Recording, conditionally approve the plat (noting the conditions of approval on the plat), or

disapprove the plat. If the Final Plat is disapproved, the Town Council will notify the subdivider in writing, stating the reasons for the disapproval. One (1) copy and the original of the plat will be returned to the subdivider, and one (1) copy will be made a part of the records of the Town Hall. Action may be taken on the entire Final Plat or any portion of it.

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

Sec. 15-4-9: Specifications for Final Plat.

The Final Plat must meet the minimum standards of design set forth in this Ordinance and must include the following:

- A. General: Sections 15-4-5: 1,2,3,6 and 7
- B. Features of Site to be shown on Plat:
 - 1. Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-tenth (0.1) foot and angles to the nearest minutes, which must be balanced and closed with an error of closure not to exceed one to five thousand (1:5,000). The error of closure must be stated.
 - 2. Topography by contour at vertical intervals of no more than five (5) feet as determined by a field survey or accurate aerial survey (where lots are less than 40,000 square feet in area).
 - 3. Location of natural features including streams and water courses with direction of flow and acreage of the drainage area affecting the proposed subdivision, water bodies, swamps, flood plains, tree line of wooded areas, individual trees with a trunk diameter of twenty-four (24) inches or more and orchards and other agricultural groves.
 - 4. Location of adjoining property lines and the names of owner(s) of record.
 - 5. All existing buildings and structures to be maintained within the proposed subdivision.
 - 6. Exact locations, widths, and names of all streets and public access ways within and immediately adjoining the platted property.
 - 7. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
 - 8. Lot lines with dimensions to the nearest one hundredth (0.01) foot area, necessary internal angles, arcs, chords, tangents, and radii or rounded corners.
 - 9. Building setback line with dimensions.

10. Lot: width at the building line, for each specific lot of which the side lot lines are at angles other than ninety (90) degrees.
11. Lots or sites numbered in numerical order and blocks lettered alphabetically.
12. Location, dimensions, and purpose of all drainage structures and of any easement including slope easements, if required and public service utility right-of-way lines; any areas to be reserved, donated, or dedicated to public use; any sites for other than single-family residential use, with designations stating purpose or proposed use, area, any use limitations; any areas to be reserved by deed covenants for common use of all property owners.
13. Any private covenants to be recorded with the plat attached.

C. Certifications:

1. The following certifications must be in form and substance approved by the Planning Commission and inscribed directly on the Final Plat:
 - (a) An Engineer's or Surveyor's Certification.
 - (b) An Owner's Certificate.
 - (c) A Certificate of Approval for Recording by the Planning Commission.
2. The following certificates or statements must be attached to the Final Plat when applicable:
 - (a) Certificate(s) or Statement(s) of Guaranty to Dedicate.
 - (b) Certificate or Statement of Approval of Streets, whether or not the streets are to be dedicated to the public.
 - (c) Certificates or statements of Approval of the Sewage Disposal System in the proposed subdivision obtained from the Town, the Meriwether County Health Department, and the Environmental Protection Division of the Georgia Department of Natural Resources, as applicable.
 - (d) Certificates or Statements of Approval of the Water System in the Proposed subdivision obtained from the Town, The Meriwether County Health Department, and the Environmental Protection Division of the Georgia Department of Natural Resources, as applicable.
 - (e) A Certificate or Statement of Approval of the Drainage Provisions with the proposed subdivision

- A. Recording of Final Plat: Upon approval of a Final Plat, the subdivider must have the Final Plat recorded in the Office of the Clerk of the Superior Court of Meriwether County. The subdivider will be responsible for the payment of the recording fee at the time of recording of the Final Plat.
- B. Dedication of Platted Streets, Other Public Spaces, and Utilities: Final Plat approval by the Town Council does not constitute acceptance of any dedications to the public. After Final Plat approval by the Town Council, the subdivider must prepare appropriate documents and plans as constructed, if required, and request the Town and other appropriate authorities to accept dedicated streets, other public spaces, and utilities.

Sec. 15-4-11: Appealing an Action of the Building Official or the Planning Commission.

- A. If the Building Official or Planning Commission executes an action which the developer or other aggrieved party believes to be contrary to law, that action may be appealed. Findings of fact, however, may not be appealed. Such an appeal must be filed within thirty (30) days of the date on which the action by the Building Official or Planning Commission was taken.
- B. The Town Council has jurisdiction for hearing appeals concerning actions of the Building Official or Planning Commission related to this Ordinance. Applications for appeal may be obtained from and submitted to the Building Official, who will transmit them to the Town Council for its consideration.
- C. When an action of the Building Official or Planning Commission is appealed, all construction or other activity authorized by the appealed action must be stopped immediately. In certain cases, however, the Building Official may feel that the stopping of such construction or other activity authorized by the appealed action will cause imminent peril to life or property. Then, the Building Official may certify to the Town Council that, by reason of facts stated in the certificate, the halting of construction or other activity authorized by the appealed action would in his/her opinion cause imminent peril to life or property. In such cases, the construction or other activity authorized by the appealed action is allowed to continue unless a restraining order is granted by either the Town Council or a court of appropriate jurisdiction.
- D. When an application of appeal of an action of the Building Official or Planning Commission is received, the Town Council will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in a newspaper of general circulation of the Town of Gay at least fifteen (15) days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the Town Council by First Class mail at least fifteen (15) days before the hearing. Any person may appear at the hearing, or have a representative attend instead.
- E. The Town Council will make a decision concerning the appeal and record the decision in the minutes for that meeting. Further appeal on points of law may be made to the Superior Court of Meriwether County.

Sec. 15-4-12: Variances:

- A. A variance is a permit which allows development of a parcel of land in a way that does not meet certain requirements of this Ordinance. A variance may be granted only in an individual case where an extreme hardship would result if all of the requirements of this Ordinance were applied stringently to a particular piece of property. The hardship must be proven by showing beyond a doubt that reasonable use of the land is not possible if all of the requirements of this ordinance are to be met. The hardship cannot be self-created such as:
 - 1. A lot purchased with knowledge of an existing restriction.
 - 2. A claim of hardship in terms of prospective sales.
 - 3. An expressed economic need requiring a variance, when such a need can be met in other ways which would not require a variance.
- B. Relief from the hardship - the variance - must not cause substantial detriment to the public good or impair the purpose of this Ordinance.
- C. When a variance is issued, the spirit of this Ordinance must be observed and the public safety and welfare secured.
- D. Application for a variance may be made, with the Building Official. The Building Official will receive the required information and transmit it to the Planning Commission and Town Council.
- E. When an application for a variance is received Town Council will set a time and place for a public hearing on the variance. Notice of the hearing must be published in a newspaper of general circulation in Gay at least thirty (30) days before the hearing. In addition, the parties to the application for variance will be notified of the date of the hearing by the Town Council by a First-Class letter at least thirty (30) days before the hearing. Any person may appear at the hearing, or have a representative attend instead
- F. The Town Council will make a decision concerning the variance and record the decision in the minutes for that meeting. The Town Council may or may not use the Planning Commission's recommendations.
- G. The variance issued by the Town Council must specify which requirements are to be varied from. It must specify alternative requirements to be met, replacing the requirements varied from.
- H. The Town Council may establish performance bonds to assure compliance with any requirements it has set for granting a variance. Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained and construction must begin within six (6) months of the issuance of the variance. Otherwise, the variance expires after six (6) months.
- I. The decision of the Town Council on the application for variance may be appealed on points of law to the Meriwether County Superior Court.

Sec. 15-4-13: Amendments.

- A. If a developer finds that a proposed new subdivision of his land does not meet the requirements

of this Ordinance, he may request that this Ordinance be amended to permit his proposed use. The Planning Commission or the Mayor and Council may also propose an amendment, but final approval rests with the Mayor and Council.

- B. All applications for amendment must first be reviewed by the Planning Commission. The Planning Commission will send its recommendations in writing to the Mayor and Council within thirty (30) days stating reasons for its recommendation. If the Planning Commission fails to send its recommendations to the Mayor and Council within thirty (30) days, the Mayor and Council will assume that the Planning Commission approves.
- C. Before enacting an amendment to this Ordinance, the Mayor and Council must conduct a public hearing. Notice of the public hearing must be published in a newspaper of general circulation at least thirty (30) days but not more than forty-five (45) days before the public hearing and posted on the Town's website
 - 1. The public hearing will be held in the Town Community Building.
 - 2. Written comments on the subject of the public hearing may be submitted by any citizen or property owner at any time prior to the adjournment of the hearing.
 - 3. Persons desiring to be heard orally may present their views at the public hearing. The length of time of each presentation will be governed by the Mayor and Council, depending upon the number of persons present and desiring to speak, however a minimum of 10 minutes per side is required per OCGA 36-66-5. Personal remarks will not be tolerated.
 - 4. Any person desiring a transcript of the public hearing must arrange for court reporter at their own expense.
 - 5. Cross-examination of persons making oral presentations will not be permitted.
 - 6. All questions will be addressed to the Mayor or Council member then presiding.
 - 7. "Standing" to challenge a decision is not conferred by being permitted to speak orally at a public hearing, nor by being permitted to file statement or pleadings.
- D. After conducting the public hearing and considering recommendations from the Planning Commission and building official, the Mayor and Council will then make an official decision on the proposed amendment. The decision may or may not concur with the recommendations of the Planning Commission or building official. The Town Council shall derive their decision upon standards listed in Appendix C of the Zoning and Land Use Ordinance.
- E. If the Mayor and Council denies a proposed amendment, a minimum period of six (6) months must pass before the same amendment proposal is again submitted for consideration.

Sec. 15-4-14: Appealing an Action of the Mayor and Council.

If the Mayor and Council execute an action which the developer or other aggrieved party believes to be contrary to law, that action may be appealed to the Meriwether County Superior Court. Findings of fact, however, may not be appealed. Such an appeal must be filed within thirty (30) days of the date on which the action of the Mayor and Council was taken.

Sec. 15-4-15: Penalties.

Any person who violates any of the provisions of this Ordinance must face penalties. If a developer or landowner exhausts the decision and appeals procedures contained in Chapter 4 and is still dissatisfied with the decision, he must then comply with the final decision or face penalties. Anyone who violates any of the provisions of this Ordinance, upon conviction, will be fined no more than one thousand (1,000) dollars for each offense. In addition, he must pay all costs and expenses involved in the case. Each day such a violation continues constitutes a separate offense.

- A. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assist in, or maintains such a violation may each be found guilty of a separate offense and suffer the penalties provided here.

Sec. 15-4-16: Remedies.

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

CHAPTER 5. REQUIRED DEVELOPMENT STANDARDS.

Sec. 15-5-1: Development Standards in General.

- A. Suitability of Land: Land on which there is a danger to health, safety, or property must not be platted for residential use or other use that will continue or increase such danger, unless such hazards can be and are corrected. Examples of such conditions are as follows:
 - 1. Land subject to flooding, improper drainage, or erosion.
 - 2. Land with excessive slope or other physical constraints which make it unsuitable for development.
- B. Access: Access to every subdivision must be provided a public street, and every lot within a subdivision must be served by a publicly dedicated street or private street meeting the standards of a public street and approved by the Planning Commission.

- C. Conformance with Adopted Zoning and Land Use Ordinance: Proposed subdivisions must conform with the adopted Town of Gay Zoning and Land Use Ordinance and development policies in effect at the time of submission to the Planning Commission and Town Council.
- D. Reservation or Dedication of Public Use Areas:
 - 1. Reservation of Plan Features: Where the features of the Town of Gay Zoning and Land Use Ordinance such as sites for schools, public buildings, parks, major streets, or other public uses are located in whole or in part in a proposed subdivision, such features must be reserved by the subdivider.
- E. Planned Developments: A Planned Development – including large scale construction of housing units, streets, and off-street parking facilities are not permitted.
- F. Community Assets: In all subdivisions, due regard must be shown for all natural features such as large trees, water courses, historical sites, and similar community assets which will add attractiveness and value to the property if preserved.

Sec. 15-5-2: Development Standards for Streets.

All streets established in the Town of Gay after the effective date of this Ordinance must comply with the following development standards:

- A. Continuation of Existing Streets: Wherever slope will permit, the arrangement of streets in a subdivision must provide for the alignment and continuation or projection of existing streets into adjoining areas. Existing streets must be continued at the same or greater width, but in no case less than the required width.
- B. Street Names: Streets or roads that are extensions of or obviously in alignment with existing streets shall retain the name of the street extended or aligned. The names of new streets and roads are subject to the approval of the Town Council and must not duplicate or be similar in sound to existing names- even if the suffix street, avenue, drive, etc. is different.
- C. Development Along Arterial Streets: Where a subdivision abuts or contains an Arterial Street, the Planning Commission may require a street approximately parallel to and on either side of the right-of-way of the Arterial Street to provide access to lots along the Arterial Street while avoiding direct driveway curb cuts on the Arterial Street. Such a street may either abut the Arterial Street or railroad right-of-way or be located a suitable distance away to allow an appropriate use of the intervening land with a non-access reservation along the Arterial Street and a buffer. In such cases, lots must have access only from the access street.
- D. Intersections: The centerlines of no more than two (2) streets may intersect at any one point. Streets must be laid out so as to intersect as nearly as possible at right angles. No street may intersect any other street at an angle of less than sixty (60) degrees. The angle of intersection is to be measured at the intersection of the street centerlines.
- E. Offset Intersections (Street Jogs): Offset intersections with centerline offsets of less than 125 feet are not permitted.
- F. Dead-End Streets (Cul-de-sacs): Local Streets designed to have one end permanently closed must be provided with a turnaround at the closed end having a right-of-way of at least 100 feet in diameter and a pavement of at least 70 feet in diameter.

- G. Private Streets: Private streets may be permitted by the Planning Commission in Planned Developments where controlled access or privacy is desired by the developer. Such streets must meet the development standards for a public street.
- H. Half Streets: Half Streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way must be platted within the proposed subdivision.
- I. Split-Level Streets: Streets which are constructed so as to have two traffic ways - each at a different level within the same right-of-way must provide any additional right-of-way required by this Ordinance when cut and fill techniques have been used in the construction of the street.
- J. Alleys: Alleys or service drives may be required at the rear of all lots used for commercial, historical/commercial, or mixed-use developments, but must not be provided in residential developments unless the alley or service drive is to provide secondary access to a lot(s) whose natural grade is more than six (6) feet above the finished street grade, or unless the subdivider shows the need -for an alley or service drive to the satisfaction of the Planning Commission.
- K. Marginal Access Streets: These are streets which are constructed so as to provide secondary access only. No more than six (6) lots may abut any such street, and no such street may exceed 1000 feet in length. Such streets may not be used as through streets and should be permitted only when lots abut an arterial or collector street.
- L. Minimum Required Street Right-of-way Width: The right-of-way is the perpendicular distance across a street from property line to property line. Minimum required street right-of-way is as follows:
 - 1. Arterial Street: ¹ n
 - 2. Collector Street: ¹ 60 feet.
 - 3. Local Street: ¹ 50 feet.
 - 4. Marginal Access: 24 feet.
 - 5. Alley/Service: 24 feet.
 - 6. Cul-de-sac: 100 feet diameter.
- M. Minimum Required Street Pavement Width Without Curb and Gutters Streets without curb and gutter must be graded to provide at least a six (6) foot shoulder on each side of the pavement where cut and fill requirements will reasonably permit. Such shoulders must have at least two (2) percent slope away from the edge of the pavement. Minimum required street pavement width without curb and gutter is as follows.
 - 1. Arterial Street: ¹ n
 - 2. Collector Street: ¹ 24 feet.
 - 3. Local Street: ¹ 20 feet.
 - 4. Marginal Access: 12 feet.
 - 5. Alley/Service: 12 feet.
 - 6. Cul-de-sac: 70 feet diameter

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

1. Arterial Street: ¹ n
2. Collector Street: ¹ 28 feet.
3. Local Street: ¹ 24 feet.
4. Marginal Access: 16 feet.
5. Alley/Service: 16 feet.
6. Cul-de-sac: 74 feet diameter.

¹ As shown in the Zoning and Land Use Ordinance; the Official Land Use Map, Town of Gay; or as defined by the appropriate local government authority.

O. Additional Right-of-Way for Cut and Fill: Where cut and fill techniques are to be use in the construction of a street, the right-of-way width must be increased above the required minimum two (2) feet for each one (1) foot of material removed for the cut or added for the fill. This additional right-of-way must be added to the side or sides where the cut or fill takes place. The maximum allowable degree of slope on a back slope is 1.5 to 1 (1.5:1), and on a fill slope the maximum allowable degree of slope is 2 to 1 (2:1).

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

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

Q. Construction Standards for Streets: All streets, alleys, and service drives must be prepared and paved according to the following methods or by equivalent methods that are acceptable to the Planning Commission:

1. Base: The base must consist either of select topsoil, sand clay, or other approved material having a minimum thickness of five (5) inches after being thoroughly compacted: The base must be constructed on a prepared subgrade in accordance with these specifications and in conformity with the lines, grades, and typical cross section as shown in the approved Construction Plans. Specific standards for the Base are as follows:
 - a) All materials must be of an approved type.
 - b) All materials must be mixed to the extent necessary to produce a thoroughly pulverized and homogeneous mixture.
 - c) As soon as the base material has been spread and mixed, the base must be brought to the approximate line, grade, and cross section, and then rolled with a sheepsfoot

roller until the roller "walks out." Then the base material must be rolled with a pneumatic tire or general-purpose roller until full thickness of the base course has been compacted thoroughly. Defects must be remedied as soon as they are discovered.

- d) The base course must be maintained under traffic and kept free from ruts, ridges, and dustings. It must be kept true to the approved cross section until it is primed.
 - e) Base material must not be deposited or shaped when subgrade conditions are freezing, thawing, or otherwise unfavorable for stability.
2. Pavement: Wearing surface must conform to mixes found suitable by the Georgia Department of Transportation or an independent testing laboratory. Wearing surface must be applied after a prime coat. Unless otherwise approved by the Building Official, pavement must be constructed as follows:
- a) The prime coat must be cut-back asphalt or cut-back asphalt emulsion applied on a clean, slightly damp surface in an amount of from 0.10 to 0.30 gallons per square yard, depending upon the nature and condition of the surface.
 - b) The wearing surface must consist of either an approved plant mix prepared in a central plant and composed of aggregate and bituminous materials having an in-place minimum compacted thickness of 1.5 inches; or a triple surface treatment consisting of the following materials: A first application of AC-15 (0.30 to 0.40 gallons), second spreading of aggregate (0.45 to 0.55 cubic feet, size M 5), second application of AC-15 (0.35 to 0.40 gallons), second spreading of aggregate (0.13 cubic feet, size 7), third application of AC-15 (0.15 to 0.20 gallons), and third spreading of aggregate (0.14 cubic feet, size 8).
3. Seals: Care and caution must be taken that all points between such structures as manholes and curbs, and the surface mixture are well sealed.
- R. Reserve Strips: Reserve strips designed as non-access reservations to control access to streets or other areas must be at least five (5) feet wide and must be dedicated to the Town.
- S. Buffers: Buffers designed to separate incompatible land uses, as required in certain cases by the Zoning and Land Use Ordinance, and be dedicated to the Town.
- T. Grades: All street grades must conform to the Georgia Department of Transportation Geometric Design Standards for each class of street as follows:
- 1. Arterial Streets: Must conform to standards for Class IV roads.
 - 2. Collector Streets: Must conform to standards for Class V roads.
 - 3. Local Streets and others: Must conform to standards for Class VI roads.

- U. Tangents: All tangents between reverse curves must conform to the Georgia Department of Transportation Geometric Design Standards for each class of street as follows:
 - 1. Arterial Streets: Must conform to standards for Class IV roads.
 - 2. Collector Streets: Must conform to standards for Class V roads.
 - 3. Local Streets and others: Must conform to standards for Class VI roads.
- V. Vertical Alignment: Vertical Alignment (shopping sight distance), measured between points four and one-half (4 1/2) feet above the centerline of the street, must conform to the Georgia Department of Transportation Geometric Design Standards for each class of streets as follows:
 - 1. Arterial Streets: Must conform to standards for Class IV roads.
 - 2. Collector Streets: Must - conform to standards for Class V roads.
 - 3. Local Streets and others: Must conform to standards for Class VI roads.
- W. Curb-line Radii: At street intersections, property lines must be rounded with a curb radius of twenty (20) feet. However, in situations where the angle of intersection of two streets is less than 90 degrees, the Planning Commission may permit comparable cut-offs or chords in place of rounded corners.
- X. Right-of-Way Radius: The right-of-way radius at street intersections must parallel the curb line radius.
- Y. Steep Slope Development: Street design and construction in areas of steep slopes are subject to variance from the development standards contained in this Ordinance if deemed by the Planning Commission to be necessary to carry out the intent and purpose of this Ordinance and if so ordered by the Planning Commission. If such a variance is ordered, the Building Official will establish appropriate design and construction standards on an individual basis.
- Z. Grading: All streets, roads, and alleys must be graded by the developer in such a manner that pavements and other improvements (sidewalks and curb and gutter, if provided or required) can be constructed to the required cross section. The minimum width of grading must be the pavement width as specified in this Ordinance, plus six (6) feet on each side measured from the back of curb or pavement edge. Deviation from the above will be allowed only when due to special topographical (slope) conditions.
 - 1. Preparation: Before grading is started the entire right-of-way area must be first cleared of all stumps, roots, brush, other objectionable materials, and trees not intended for preservation.
 - 2. Cuts: All tree stumps, boulders, and other obstructions must be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, must be scarified (broken up and loosened) to a depth of twelve (12) inches below the subgrade.

3. Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clay, etc., must be removed from the roadway. The fill must be spread in layers no more than twelve (12) inches thick, and compacted. The filling of utility trenches and other places not accessible to the roller must be mechanically tamped.
 4. Subgrade: The subgrade must be properly shaped, rolled, and uniformly compacted to conform with the lines, grades, and typical cross sections as shown on required drawings and approved by the Building Official. Unsuitable material must be excavated and replaced with acceptable compacted material.
- AA. Sidewalks: Sidewalks may be required by the Planning Commission where it is determined that safe and convenient pedestrian movement are essential. Common examples of such situations are school sites, commercial areas, places of public assembly, or across unusually long blocks. Required sidewalks or those installed at the option of the subdivider must meet the following development standards:
1. They must be at least three (3) feet wide.
 2. They must not be placed immediately adjacent to street curbs.
 3. They must otherwise be installed according to required construction plans as approved by the Building Official.
- BB. Street Name Signs: Street name signs must be installed at intersections within a subdivision. The location and design of such signs must be approved by the Building Official.
- CC. Street Trees: The planting of street trees is not required. However, the subdivider is encouraged to plant trees along the street to enhance the appearance of the subdivision. Such trees, if planted on a street right-of-way, must be planted in a manner to ensure that there will be no conflict with utility lines either above or below the ground surface.

Sec. 15-5-3: Development Standards for Lots.

All lots established in the Town of Gay after the effective date of this Ordinance must comply with the development standards contained in this paragraph. However, where provisions of the Zoning and Land Use Ordinance apply and are more stringent, those provisions take precedence. Development standards for lots are as follows:

- A. Lot lines: As far as practical, side lot lines must be perpendicular or radial to street lines.
- B. Jurisdictional Limits and Lot Lines: Lots must not be divided by Town or county boundary lines.
- C. Lot frontage Arrangements: Land must be subdivided in a manner that provides each lot in the subdivision with direct abutting access to an existing public street or to an approved street contained within the proposed subdivision. Each lot must front for at least thirty (30) feet upon an approved street or road. {See (E) Panhandle or Flag Lots}.

- D. Adequate Building Sites: Each lot must contain an adequate building site not subject to flooding and outside the limits of existing easements or building setback lines required by this Ordinance or any existing ordinance as is appropriate and must be a minimum of ½ acre in residential zone. See Town of Gay Zoning and Land Use Ordinance for other zone requirements.
- E. Panhandle or Flag Lots: "Panhandle" or "Flag" Lots, of required width and area are allowed where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access must be at least thirty (30) feet wide and the panhandle access must be no more than 300 feet long. No more than two (2) such panhandle access points may abut each other.
- F. Double or Reverse Frontage Lots: Double and reverse frontage, unless required by the Planning Commission, are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of slope, orientation, or property size. A Reserve Strip planted with a vegetative screen across which there is no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.
- G. Commercial and Historical/Commercial Lots: Size, shape, and arrangement of commercial lots are subject to the approval of the Planning Commission. Where public water and/or sewage are not available, minimum lot size and minimum coverage will be based on a lot area needed for proper sewage disposal and/or water supply. See Zoning and Land Use Ordinance for setbacks.
- H. Lot Remnants: Lot remnants are prohibited. Such remnant areas must be added to adjacent lots, rather than remain as unusable parcels.
- I. Monuments: Solid steel rods inch at least one-half (1/2) inch in diameter or square and two (2) feet long, must be set at all street corners, at all points where street lines intersect, the exterior boundaries of the subdivision, at angle points in streets, at points of curve in streets, and at points of change of direction in the exterior boundaries of the subdivision. The top of the monument must have an indented cross to identify the finished grade. All other lot corners must be marked with solid steel rods no less than 1/2 inch in diameter, and at least two (2) feet long, driven so as to be flush with the finished grade.
- J. Development Standards for Downtown: In order to preserve the history and esthetics of the downtown area, all future constructed residential, historical/commercial, and commercial buildings built on downtown lots must match the present décor of the Town. See Zoning and Land Use Ordinance.

Sec. 15-5-4: Development Standards for Utility Installations.

- A. Utility Easements: When it is found to be necessary and desirable to locate public utility lines in other than street right-of-ways, easements must be shown on the plat for such purposes. Such easements must not be less than twelve (12) feet wide and, where possible, must be centered on rear or side lot lines.

- B. Installation of Utilities: After grading is completed and approved and before any base is applied, all of the underground work within the street right-of-way water mains, gas mains, etc. must be installed completely and approved throughout the length of the road and across the flat section, At the same time, all service connections must be stubbed out to each lot.
- C. Water Supply Systems:
 - 1. Public Water System: If a public water supply is available to a proposed subdivision and connection to it is permitted, water mains, fire hydrants, and stub connections to each lot within the subdivision must be provided as shown on approved construction plans.
 - 2. Community Water Supply System: If a public water supply is not available, the subdivider may install a community water system developed according to plans and specifications shown on the approved construction plans and approved by the Environmental Protection Division of the Georgia Department of Natural Resources.
 - 3. Individual Water Supply: When a public water supply is not available and a community water system is not proposed by the subdivider, the subdivider must carefully consider the capability and suitability of the general area of the subdivision to support individual water supplies. Such proposed water supplies must be approved by the Meriwether County Health Department. The Town Council must consider the recommendation of the Meriwether County Health Department regarding any proposed private water supplies in considering approval of a plat.
- D. Sanitary Sewer Disposal Systems:
 - 1. Public Sewage System: If a public sewage system is available to a proposed subdivision and connection to it is permitted, sewage mains, and stub connections to each lot within the subdivision must be provided as shown on approved construction plans.
 - 2. Community Sewage Supply System: If a public sewage system is not available, the subdivider may install a community sewage system developed according to plans and specifications shown on the approved construction plans and approved by the Environmental Protection Division of the Georgia Department of Natural Resources and Meriwether County Health Department.
 - 3. Individual Sewage Supply: When a public system is not available and a community sewage system is not proposed by the subdivider, the subdivider must carefully consider the capability and suitability of the general area of the subdivision to support individual sewage systems (septic tanks). Such proposed sewage system must be approved by the Meriwether County Health Department. The Town Council must consider the recommendation of the Meriwether County Health Department regarding any proposed private sewage systems in considering approval of a plat.

Sec. 15-5-5: Development Standards for Drainage Facilities.

- A. Watercourse and Drainage Easements: Where a proposed subdivision is traversed by a

watercourse, drainage way, or stream, appropriate provisions must be made to accommodate stormwater and drainage through and from the proposed subdivision. Such an easement must conform substantially with the lines of the watercourse and be wide enough and of adequate construction to be satisfactory for the purpose.

- B. Storm Drainage: An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., must be provided for the proper drainage of all surface water according to required curb and gutter plans as approved by the Building Official. Cross-drains must be provided to accommodate all natural waterflow and must be long required enough to traverse the full width of the roadway and required slopes. The size of the pipe to be provided will be determined and approved by the Building Official.

Sec. 15-5-6: Surety for Completion of Improvements.

- A. When Allowed: Instead of completing required improvements in a subdivision before seeking approval of the Final Plat, the subdivider may provide surety for completion of such improvements and proceed with submitting a Final Plat to the Planning Commission and Town Council. He must then complete the required improvements within the period of performance specified by the government authority or forfeit the surety.
- B. Requirements: To assure the construction and installation of required improvements, the subdivider must deliver to the appropriate government authority a certified check, letter of credit, cash escrow, bond, or other acceptable surety - whichever is specified by the government authority - in the amount estimated by the government authority to be the total cost of the construction and installation of the required improvements which are the responsibility of the subdivider.
- C. Conditions: Bonds posted or other surety provided must run to the government authority having jurisdiction over the required improvements for which surety is made. The surety must provide that the subdivider, his heirs, successors, agents, and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, and with other laws, regulations, and requirements as specified by the appropriate government authority. If bond is offered, it must be executed by a surety and guaranty company qualified to transact business in the State of Georgia.
- D. Duration and Release: Bonds posted or other surety provided pursuant to these regulations must be released, returned, or otherwise disposed of by the holder at the time facilities guaranteed have been installed and approved. Approval will be in writing and accurately described the improvements covered. Facilities will not be accepted or approved unless they conform to the specifications and requirements of these regulations and the government authority.
- E. Default: The subdivider will be in default of the surety if the construction or installation of any improvements or facilities by the subdivider, for which a bond is posted or other surety is provided, is not completed within the period of performance specified by the public authority at the time the surety is provided or is not completed in accordance with applicable specifications and requirements of the appropriate authority. In such situations, the government authority may complete the construction or installation using the proceeds from the surety deposits to pay for the work. Such work may be done under contract or by

the local government authority. It will be completed within six (6) months after the date that the offending construction or installation was determined to be in violation of this Ordinance. Any portion of the surety deposit not used by the government authority will be returned to the person making the deposit.

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

CHAPTER 6. POWERS AND DUTIES OF VARIOUS OFFICIAL CONCERNING THIS ORDINANCE.

(removed Board of Adjustment and put those powers with the Mayor and Council)

Sec. 15-6-1: Purpose.

This Chapter formalizes the powers and duties of the Building Official, the Planning Commission, and the Mayor and Council where this Ordinance is concerned. It should also provide a convenient list of services provided by each official to aid in complying with the requirements of this Ordinance.

Sec. 15-6-2: Powers and Duties of the Building Official.

The Building Official has the power and duty to provide the following services related to this Ordinance:

- A. Provide initial information about this Ordinance upon request.
- B. Advise how to contact members of the Planning Commission, the Mayor and Council for services provided by those bodies.
- C. Offer practical suggestions on how to comply with the requirements of this Ordinance.
- D. Maintain complete records concerning this Ordinance and related matters, and make such records available to the public upon request.
- E. Propose amendments to this Ordinance.

Sec. 15-6-3: Powers and Duties of the Planning Commission.

The Planning Commission has the power and duty to provide the following services related to this Ordinance:

- A. Advise the Mayor and Council on applications for amendment to this Ordinance by examining amendment applications and providing written recommendations with reasons for the recommendations to the Mayor and Council as specified in Section 15-4-13.
- B. Dispense general information about this Ordinance to the public upon request.
- C. Propose amendments to this Ordinance.
- D. Carry out recommendations regarding this Ordinance based on sound planning principles found in the Zoning and Land Use Ordinance.

Sec. 15-6-4: Powers and Duties of the Mayor and Council.

The Mayor and Council have the power and duty to provide the following services related to this Ordinance:

- A. Accept applications for subdivision(s) according to this Ordinance and render official decisions for review, recommendations, and records according to the procedures specified in this ordinance.
- B. Accept applications for appeal of an action of the Building Official, of the Planning Commission and render official decisions on them according to procedures specified in Sec. 15-4-11.
- C. Authorize variances according to procedures specified in Sec. 15-4-12.
- D. Accept applications for amendment of this Ordinance and render official decisions on them after referring them to the Planning Commission for review and recommendations as specified in Sec. 15-4-13.
- E. Propose amendments to this Ordinance.
- F. Carry out the duties of the Planning Commission and Building Official as needed.

CHAPTER 7. LEGAL STATUS PROVISIONS.

Sec. 15-7-1: Conflict with Other Ordinances.

Portions of other ordinances that conflict with portions of this Ordinance are repealed, however, the Zoning and Land Use Ordinance holds precedence. Non-conflicting parts of those ordinances remain in effect.

Sec. 15-7-2: Validity.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, that declaration will not affect the validity of the Ordinance as a whole nor any part of it other than the part that was declared to be unconstitutional or invalid.

APPLICATION FOR SUBDIVISION TOWN OF GAY, GEORGIA

Application

_____

1. Check the one that applies: _____ Major Subdivision _____ Minor Subdivision
(For description of Minor Subdivision see *definitions in Development Regulation Ordinance.*)
2. Application Fee \$ _____ Date Application is filed _____
3. Sign Deposit Fee \$ 50.00 (will refund once sign is removed from property).
4. Owner's Name _____ Phone # _____
Address _____
5. Application submitted by/on behalf of owner _____
6. Location of property _____
Tax map _____ Block _____ Lot _____
7. THE APPLICANT SHALL ATTACH THE FOLLOWING DOCUMENTS:
 - A. Submit sketch plans and data showing existing conditions within the site and in its vicinity, and the proposed development layout of the subdivision including lot size.
 - B. Preliminary Plat Submission: At least fifteen (15) days before the scheduled meeting of the Planning Commission at which the subdivider desires Planning Commission action, the subdivider must submit the following:
 1. A letter requesting review and approval of a Preliminary Plat and giving the name and address of a person to whom the notice of hearing and action to Preliminary whom the Plat notice is to be sent.
 2. Six (6) copies of the Preliminary Plat and supporting data. At this time, the Planning Commission may direct the subdivider to furnish additional copies to the review agencies or proper authority for review and comment.

Signature of Applicant

Official date of submission of the preliminary plat will be the date of the scheduled meeting of the Town Council. It is strongly recommended applicant acquire copies of *Town of Gay Zoning and Land Use Ordinance*.

APPLICATION FOR SUBDIVISION TOWN OF GAY, GEORGIA

AMENDMENT TO
Application # _____

1. Check the one that applies: _____ Major Subdivision _____ Minor Subdivision

(For description of Minor Subdivision see *definitions in Development Regulation Ordinance*.)

2. Application Fee \$ _____ Date Application is filed _____

3. Sign Deposit Fee \$ 50.00 (will refund once sign is removed from property).

4. Owner's Name _____ Phone # _____

Address _____

5. Application submitted by/on behalf of owner _____

6. Location of property _____

Tax map _____ Block _____ Lot _____

7. THE APPLICANT SHALL ATTACH THE FOLLOWING DOCUMENTS:

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