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ARTICLE I. TITLES**Section 34-101 Title**

An Ordinance regulating the subdivision of land in Maxeys, Georgia requiring and regulating the preparation and presentation of subdivision plats; establishing subdivision design standards; requiring improvements to be made by or guaranteed to be made by the subdivider; setting forth the procedure to be followed by the Planning Commission and the Mayor and Council in applying these rules, regulations, and standards; and prescribing penalties for the violation of its provisions.

Section 34-102 Short Title

This Ordinance shall be known and cited as the Subdivision Regulations of Maxeys, Georgia.

ARTICLE II. PREAMBLE AND ENACTMENT CLAUSE

Under the authority conferred by the Constitution of the State of Georgia, Article 9, Section 2, and its laws, and for the purposes of promoting the health, safety, convenience, order, prosperity and general welfare of the town; to assure adequate identification of property on the public records, to encourage economically sound and stable land development; to assure the provision of required streets, utilities, and other facilities and services; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land development; to assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational, and other public purposes, to insure that all development and construction plans will implement proper soil erosion controls, and to insure that land is developed in conformity with the Land Use and Major Thoroughfare Plan of the Town of Maxeys, the Mayor and Council, do ordain and enact into law the following articles and sections.

ARTICLE III. DEFINITIONS**Section 34-301 General**

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied." The word "temporary" shall mean a period of time not exceeding one hundred eighty (180) days.

Section 34-302 Specific Definitions

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

1. **Adjacent.** Sharing at least one common property line, or portion thereof, or located on the opposite side of a public right-of-way or private access drive or easement.
2. **Applicant.** Any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.
3. **Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, boundary lines or municipalities.
4. **Building.** Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals or goods.
5. **Building Setback Line.** The minimum required distance from the street right-of-way line, private access drive/easement line, or any other property line that the principal building must observe.
6. **Community Water System.** A private water system formed by a developer to serve a new subdivision in an outlying area. It includes approved water treatment and distribution facilities.
7. **Community Sewerage System.** A private sewerage system including approved collection and treatment facilities established by the developer to serve a new subdivision in an outlying area. **Comprehensive Plan**

(Comprehensive Land Use and Development Plan / Land Use and Major Thoroughfare Plan).

Any part or elements of the overall plan for development for Maxeys which has been duly adopted by the Mayor and Council.

8. **Corner Lot.** A lot situated at the intersection of two (2) streets, or bounded on two (2) or more adjacent sides by street right-of-way lines, as distinguished from a double frontage lot.
9. **Deed Restrictions/private Covenants.** Private stipulations, usually pertaining to residential subdivisions which govern lot size, minimum floor area, uses permitted and in some instances architectural design. These may be stricter than provisions included in the Subdivision Regulations Maxeys.
10. **Developer.** The owner of land proposed to be subdivided or his legal representative. Consent shall be required from the legal owner of the premises in order to undertake subdivision development.
11. **Double Frontage Lot.** A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.
12. **Drainage Easement.** An area set aside for the purpose of transporting storm water. Maintenance of these easements are the responsibility of the private owner unless dedicated and accepted by the Town for maintenance.
13. **Drainage Plan.** Any drainage plan or element thereof which has been approved by the Mayor and Council.
14. **Duplex.** (See Dwelling, Two-Family)
15. **Dwelling, Multi-family.** A residential building containing three (3) or more dwelling units designed for residential use by three (3) or more families living independently of each other.
16. **Dwelling, Single-family.** A structure containing not more than one residential dwelling unit designed for and occupied exclusively by one (1) family.
17. **Dwelling, Two-family.** A structure containing two (2) separate single-family dwelling units sharing a common roof, but separated from each other by a party wall (or ceiling/floor, in the case of a two-story building).
18. **Dwelling Unit.** One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment, containing independent cooking, sleeping, and toilet facilities, and which are physically separated from any other dwelling units which may be in the same structure.
19. **Easement.** A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.
20. **Individual On-site Sewage Disposal System.** A septic tank, seepage tile sewage disposal system, or any other individual on-site sewage treatment device and system approved by the Sanitarian as meeting the Town and Health Department Regulations.
21. **Interior Lot.** A lot other than a corner lot or a through or double frontage lot.
22. **Land Locked Lot.** A lot which is not recorded, and does not meet the minimum frontage requirements of the zone in which it is located, but which is defined by existing recorded lots on both sides.
23. **Lot.** A portion or parcel of land separated from other portions or parcels by description as on subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer or ownership or for building development. For the purpose of this Ordinance, the term does not include any portion of a dedicated right-of-way.
24. **Lot Frontage.** That portion of a lot adjacent to a street.
25. **Lot Line.** A boundary of a lot. Lot line is synonymous with property line.
26. **Lot Width.** The distance between side lot lines measured at the minimum building setback line as specified in Section 34-705.5 - Building Setback Line, herein.
27. **Outlot.** A lot which is either unsuitable for building, or not intended for development and is allocated to be used for aesthetic purposes, safety, or common public use.
28. **Owner.** Any person who has title to real property. In the case where equitable title is vested in more than one person, authorization by all parties claiming a title to the property in question shall be provided to the governing authority prior to any review and application of the provisions of these Regulations. The term "owners" does not include holders of security deeds or mortgages on the property.
29. **Planning Commission.** Oglethorpe County Planning Commission.
30. **Plat.** A map, plan, or layout of a city, town, section, or subdivision, indicating the location and boundaries of properties.

31. **Plat (Final).** The final plan of the subdivision and any accompanying documents as required by these regulations that, once approved by the Mayor and Council, will constitute the plat of record that will be the basis for the authorization of building permits.
32. **Plat (Preliminary).** The preliminary drawing or drawings, described in these Regulations, indicating the proposed layout of the subdivision that is to be submitted to the Mayor and Council Commission for approval.
33. **Plat (Sketch).** A generalized representation of the proposed subdivision submitted prior to the preliminary plat that will enable the developer to reach general agreement with the commission as to the form of the plat and the objectives of these Regulations.
34. **Principal Building.** The primary building or structure in which the principal use is accommodated.
35. **Principal Use.** The primary purpose for which land or a building is used.
36. **Profile Grade.** The grade of the centerline of a street measured at any point along the street, expressed as a percent.
37. **Public Improvement.** Any drainage ditch, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Town may ultimately assume the responsibility or liability for maintenance or operation, or which may effect an improvement for which Town responsibility and liability is established.
38. **Public Utilities.** Water, gas, sanitary and storm sewers, electrical and communications lines and facilities.
39. **Resubdivision.** A change in an approved or recorded subdivision plat if such change affects any street layout, easement, area reserved for public use, or lot line.
40. **Right-of-way.** Access over or across particularly described property for a specific purpose or purposes.
41. **Right-of-way Line.** The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.
42. **Road Superintendent.** Oglethorpe County Road Superintendent.
43. **Sanitarian.** A professional sanitarian appointed by the Health Department and authorized to perform health services in Oglethorpe County, Georgia.
44. **Setback Line.** The minimum required distance from the street right-of-way line or any other property line that the principal building must observe.
45. **Shoulder.** The portion of a street or road from the outer edge of the paved surface or curb to the inside edge of the ditch, gutter or original ground surface.
46. **Street.** A right-of-way for vehicular traffic whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, alley, or otherwise. Various classifications of streets shall be defined as follows:
 - A. **Arterial Highways.** Thoroughfares which are used primarily for fast and heavy traffic flow; are of considerable continuity; and serve primarily as major traffic arteries for travel through and within the town.
 - B. **Major Collector.** Streets which carry traffic from industrial, commercial, and residential areas or activity centers, and minor collector streets to arterial streets and streets of higher classification.
 - C. **Minor Collector.** Streets of relatively short length which provide access to local areas, such as principal entrance streets to subdivisions or neighborhoods, and the main streets for circulation within a subdivision which serve a network of four or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets.
 - D. **Local.** Streets not generally designed for through traffic, used primarily in residential subdivisions or neighborhoods for access to abutting properties as opposed to the collection and dispersion of traffic.
 - E. **Cull-de-sac.** A local street with only one (1) outlet, closed and terminated by a vehicular turnaround or loop; a non-through street (single ingress/egress) as opposed to a through street (dual ingress/egress).
 - F. **Marginal Access.** A street which is parallel to and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.
 - G. **Alley.** A public or private right-of-way primarily designed to provide service access to the side or rear of those properties whose principal frontage is on some other street.
 - H. **Private Access Drive/Access Easement.** A drive or access easement serving as the exclusive access for not more than two (2) landlocked parcels of land, and which is not owned or maintained or intended to be owned or maintained by the Town. A private access drive/easement that serves

no more than one (1) lot containing a total area of less than three (3) acres shall have a minimum right-of-way or easement width of thirty feet (30'). A private access drive/easement that serves two or more lots, or that serves a single lot containing a total area of three (3) or more acres, shall have a minimum right-of-way or easement width of fifty feet (50').

47. **Street/road (Public).** A street or road which is owned or maintained by the Town of Maxeys, Oglethorpe County, Georgia, or the State of Georgia.
48. **Subdivider.** A person, firm, corporation, syndicate, or other legal entity having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this Ordinance, or the authorized agent of such person, firm or corporation for the purpose of undertaking activities covered by this Ordinance.
49. **Subdivision.** All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions, regardless of size, for the purpose, whether immediate or future, of sale or building development. All subdivision of property shall conform to the Comprehensive Land Use and Development Plan and this Ordinance, and shall be submitted to the Oglethorpe County Planning Commission or designated Planning Official(s) and the County Sanitarian for review. The plat(s) shall bear the certification of the County Sanitarian and of the Mayor and Council indicating compliance with all town regulations and Health Department requirements. The division of property by testamentary or intestate division is excluded from this definition.
50. **Subdivision (Major) [See Also Subdivision (Minor)].** Any division of a tract or parcel of land into lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale or building development, and involving one or more of the following:
 - A. Division of the tract or parcel into three (3) or more lots (see notation below).
 - B. Division of the tract or parcel into two (2) or more lots involving a new street or change in existing streets (see notation below).
 - C. Division of the tract or parcel into two (2) or more lots involving the extension of water, sewer, or gas lines (see notation below).
 - D. Further division of an original plat when combined with previous divisions of the same tract, into five (5) or more lots, if occurring within five (5) years of the date of the first recorded plat following adoption of these regulations (see notation below).

Note: Major subdivisions shall comply with all provisions of this Ordinance including installation of required improvements as specified herein, and with any other applicable standards and regulations duly adopted by the Mayor and Council.

The resulting lots must each meet the minimum lot size requirements as specified in Section 34-705.1 - Minimum Lot Sizes and Subsection 705.2 - Exceptions to Minimum Lot Sizes, herein, (substantiated by a copy of the existing recorded plat and the proposed new plat) and shall comply.

Major subdivisions shall be submitted to the Oglethorpe County Planning Commission and the County Sanitarian for review and the plat(s) shall bear the certification of the County Sanitarian and the Mayor and Council indicating compliance with all town and county regulations for lot requirements, road requirements, plat specifications, and Health Department requirements.

51. **Subdivision (Minor).** A Minor Subdivision is defined as one or more of the following:
 - A. The division of a tract of land into two (2) lots, building sites, or other divisions, that does not involve a planned development, town right-of-way dedication, new street or change in an existing street, or extension of water, sewer, or gas lines, and provided the resulting lots each meet the minimum lot size requirements and other requirements as specified herein, (see notation below).
 - B. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resulting lots each meet the minimum lot size requirements and other requirements as specified herein, (see notation below).
 - C. The division of land into parcels of twenty (20) acres or more, for individual single-family residence use or agricultural/farm use, where no town right-of-way dedication, new street or change in existing streets, or extension of water, sewer, or gas line is involved (see notation below).
 - D. The division of a tract of land into lots or parcels for the personal use of the owner's immediate family (parent, spouse, child, or grandchild) provided that such division does not involve a planned

development, town right-of-way dedication, new street or change in existing streets, or the extension of water, sewer, or gas lines, and provided the resulting lots each meet the minimum lot size requirements and other requirements as specified herein (see notation below). Any such family division of a tract of land into three (3) or more lots shall be submitted to the Planning Commission for review as a minor subdivision.

Note: Minor Subdivisions shall comply with all provisions of the Ordinance except that such subdivision shall be exempt from street construction and paving requirements, as specified in Section 34-801.2 - Roadway Construction and Paving Standards, in this Ordinance, and such subdivisions may be exempt from the preliminary and final plat review procedures required in Articles XII and XIII, in this Ordinance. Minor Subdivisions shall also comply with any other applicable standards and regulations duly adopted by the Mayor and Council.

The resulting lots must each meet the minimum lot size requirements as specified in Section 34-705.1 - Minimum Lot Sizes and Section 34-705.2 - Exceptions To Minimum Lot Sizes, herein, (substantiated by a copy of the existing recorded plat and the proposed new plat).

Minor Subdivisions shall be reviewed by the County Sanitarian and the designated Planning Official(s) for compliance with all town regulations. The plat(s) shall bear the certification of the County Sanitarian and the Mayor and Council indicating that all town regulations and Health Department requirements have been met.

- 52. Surveyor.** A registered, practicing surveyor, licensed by the State of Georgia.
- 53. Town Council.** The Mayor and Council of Maxeys, Georgia.
- 54. Variance.** A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

ARTICLE IV. PLATTING JURISDICTION, ADMINISTRATION, AND ENFORCEMENT

Section 34-401 Platting Authority

From and after the passage of this Ordinance, the Mayor and Council shall be the official platting authority, and no plat of land subdivision subject to these regulations shall be entitled to be recorded in the office of the Clerk of the Superior Court of Oglethorpe County unless it shall have the approval of the Mayor and Council and the County Sanitarian inscribed thereon. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions, regardless of size, for the purpose, whether the immediate or future, of sale or building development shall conform to the Comprehensive Land Use and Development Plan and shall be submitted to the Oglethorpe County Planning Commission and the County Sanitarian for review. The subdivision of any parcel of land by the use of metes and bounds (excepting the division of property by testamentary or intestate division) shall not be permitted except as provided for by the requirements set forth in these regulations.

By the same authority, the Mayor and Council hereby possess and exercise the power and authority to review and approve or disapprove the development of a platted subdivision of land already recorded in the offices of the Clerk of the Superior Court of Oglethorpe County, if said plat was recorded after September 5, 1989 but before June 1, 1993, without prior approval of the Mayor and Council and if more than fifty percent (50%) of the platted lots have not been sold to individual owners for the purpose of providing residence for the owner, provided that any review, approval, or disapproval shall concern only the lots yet to be sold to individual owners. Subdivisions which are entirely developed or which received preliminary plat approval prior to the adoption of these Regulations shall be permitted to proceed in accordance with the design standards in effect at the time of approval of the preliminary plat.

Section 34-402 Resubdivision of Land

For any change in a map of an approved or recorded subdivision plat, including variation of part or all of any plat, or area reserved thereon for public use, or any lot line, or if it affects any plat legally recorded prior to the adoption of these regulations, such parcel shall be reviewed and approved or disapproved by the Mayor and Council.

Section 34-403 Negotiation and Sale of Plats Pending Approval

No owner, or agent of the owner, of any parcel of land located in a proposed or existing subdivision shall transfer or sell any such parcel before a final plat of the subdivision has been approved by the Mayor and Council in accordance with the provisions of this Ordinance, and filed with the Clerk of the Superior Court of Oglethorpe County.

An agreement to sell or negotiation to sell land for a subdivision may be entered into provided it is stipulated that the proposed sale is subject to approval of the final plat by the Mayor and Council.

Section 34-404 Non-compliance

After this Ordinance shall have been put into effect, any subdivision that fails to meet the requirements found herein shall receive a disapproval or variance recommendation from the Planning Commission.

Section 34-405 Variances

Where the Mayor and Council finds that extraordinary hardships or unnecessary difficulties may result from strict compliance with these regulations, or that the purpose of these regulations may be served to a greater extent by the alternative proposal, it may approve a variance to the subdivision regulations; however, such a variance shall not nullify the intent and purpose of these regulations. The Mayor and Council shall not approve a variance unless it shall find that the following conditions are met:

1. The granting of the variance shall not be detrimental to the public safety, health, or injurious to adjacent property.
2. The conditions upon which the request for the variance is based are unique to the property for which the variance is sought and are not generally applicable to the adjacent property.
3. The variance shall not in any manner vary the provisions of any town zoning ordinance, comprehensive land use plan, health and sanitation codes, building codes or any other state or town codes or regulations which might be in effect.
4. **Conditions.** In approving variances, the Mayor and Council may impose such conditions as in its judgment will substantially secure the objectives of the standards or requirements of these regulations.
5. **Procedures.** A petition for any variance shall be submitted in writing by the petitioner at the time when the preliminary plat is submitted for consideration by the Mayor and Council. The petition shall state fully the grounds for the request. The granting of any variance shall be made concurrent with the approval of the preliminary plat.

Section 34-406 Violations

No building permit, septic tank permit, or any other required permits shall be issued for the construction of any building or structure located on a lot or site subdivided or sold in violation of the provisions of these regulations.

Any building erected on property that is in violation of the provisions of this Ordinance is an unlawful structure and the Building Inspector, Town Attorney, or other agent of the Town shall enjoin such erection or cause the building to be vacated or moved.

Section 34-407 Enforcement and Penalties

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

Any person who violates any of the provision of this Ordinance is subject to trial and possible convictions, and shall upon conviction thereof be punished by a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a term not exceeding sixty (60) days or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall constitute a separate offense.

Section 34-408 Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Mayor and Council shall have the right to appeal to the Oglethorpe County Superior Court if such appeal is filed with the Clerk of the Court within thirty (30) days of the rendering of the decision by the Mayor and Council.

ARTICLE V. AMENDMENTS

For the purposes of protecting and providing for the public health, safety, and welfare, the Mayor and Council may, from time to time, amend the provisions of these Subdivision Regulations.

Any amendment to this Ordinance shall have been proposed by or shall have been submitted to the Oglethorpe County Planning Commission for review and recommendations, prior to enactment.

Before enacting any amendment to this Ordinance, the Mayor and Council shall hold a public hearing within ninety (90) days of the date of the submission of a request for an amendment. A public notice, giving the time and place, shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in Maxeys.

ARTICLE VI. GENERAL REQUIREMENTS

Section 34-601 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, regulations, and ordinances:

1. All applicable statutory provisions.
2. Any and all rules of the Oglethorpe County Health Department or appropriate State Agencies.
3. The rules of the State of Georgia Department of Transportation, if the subdivision or any lot contained therein, abuts a State highway.
4. Soil Erosion and Sedimentation Regulations of the State of Georgia.
5. The Comprehensive Land Use and Development Plan of Maxeys and any other applicable standards, ordinances or regulations duly adopted by the Mayor and Council.

Section 34-602 Conservation of Natural and Historic Features

Subdivisions shall be planned, designed, constructed and maintained to create a man-made environment for human use or occupancy compatible and harmonious with the natural environment and to avoid substantial probabilities of accelerated erosion; pollution, contamination, or siltation of lakes, rivers, streams, and other water bodies; damage to existing vegetation; or injury to wildlife and fish habitats.

Specific consideration shall be given to preservation of natural topography and the retention of major land forms, water courses and falls, and existing vegetation (particularly mature trees).

Significant habitat areas of species listed as rare or endangered by the Department of Natural Resources, Freshwater Wetlands and Natural Heritage Inventory shall be protected.

Specific consideration shall also be given to the preservation of existing features such as significant historic sites, districts, and structures; significant scenic vista; and similar irreplaceable assets.

1. **Tree Protection.** All trees six inches (6") or greater in diameter (as measured at a point on such tree four and one-half feet (4.5') above the surface of the ground) that do not interfere with rights-of-way, utilities, or septic tank drainfields, or actual construction shall be preserved by the subdivider/developer. Clear-cutting of trees by the subdivider/developer shall be prohibited.
2. **Design Standards and Protection Criteria for Significant Historic Structures, Sites or Districts.** Any Subdivision or development of land located within or adjacent to a historic structure, site, or district which is listed on the National Register of Historic Places, or which has been identified in the Maxeys Comprehensive Plan as particularly significant and recommended for listing on the National Register of Historic Places, shall comply with the following design standards:
 - A. Where a proposed subdivision is located on or within a historic site or district which is listed on the National Register of Historic Places, or which has been identified in the Maxeys Comprehensive Plan as particularly significant and recommended for listing on the National Register of Historic Places, then the minimum lot size shall be five (5) acres.
 - B. Where a proposed subdivision involves a tract of land consisting of twenty (20) acres or more which is located on or within a historic site or district which is listed on the National Register of Historic Places, or which has been identified in the Maxeys Comprehensive Plan as particularly significant and recommended for listing on the National Register of Historic Places, then the Planning Commission or Mayor and Council may require the use of open space/conservation design development standards where deemed necessary to reduce adverse impacts, minimize conflicts between new development and the rural, natural, or historic environment, and increase visual compatibility with surrounding property.
 - C. The landscape shall be preserved in its natural state, minimizing tree and soil removal, insofar as practicable, provided that additional plantings or berms may be used to minimize the impact of the development on the surrounding area.
 - D. The orientation of individual building sites and uses shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
 - E. Streets, drives, and parking areas shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize the amount of site disruption caused by cut and fill and the associated grading required for roadway construction; and to preserve and enhance views and vistas on or off the subject parcel.
 - F. The removal or disruption of significant historic structures; or significant historic or cultural uses, structures or architectural elements; or identified significant archaeological sites shall be avoided.
 - G. Conflicts between new development and the rural, natural, or historic environment shall be minimized. The size, design, and materials, of buildings, accessory structures and uses, including signage and parking, shall be compatible with the surrounding area and the district in general. Exterior lighting, if required, shall be unobtrusive and compatible in design and intensity with the district. Existing natural vegetation and topography, or additional landscaping and/or berms shall be utilized where necessary to screen new development to mitigate any adverse impact on the surrounding property and the district.
 - H. Buffers designed to increase visual compatibility with surrounding property and reduce adverse impact shall be required, as deemed necessary by the Planning Commission or Mayor and Council. Such buffers may include a natural buffer strip along any lot line directly abutting the perimeter property lines or perimeter boundary of a protected site, district, or area, and/or a front yard buffer along any property line abutting a public street. Said buffers shall be properly installed and maintained.
 - I. Maintain unblocked or uninterrupted scenic views and vistas, particularly as seen from existing public roads or as designated in the Maxeys Comprehensive Plan. Alteration of views by removing trees

or placing buildings or other structures on highly visible hilltops and ridges, or blocking unique views by placing structures in inappropriate locations shall be avoided.

- J. The use of impervious surfaces for off-street parking areas and interior drives is discouraged as potentially harmful or incompatible with sensitive natural and historic areas. Pervious surfaces, constructed and maintained so as to be dust-free and to prevent erosion, siltation and movement of mud, soil or debris and excessive or detrimental stormwater runoff onto public or private lands are recommended.
- K. Underground utilities shall be utilized wherever feasible, provided it shall cause minimal site disruption or damage to sensitive natural, environmental, historic, or scenic areas.
- L. Appropriate deed restrictions or protective covenants shall be required, as necessary, to reinforce the design standards and protection criteria set out herein. Protective covenants must be submitted for approval by the Planning Commission and shall be included with and referenced on the final plat.

Section 34-603 Suitability of Land

Land which is unsuitable for development due to potential or flooding, poor/improper drainage, steep slopes, rock formations, potential for erosion, adverse topography or landforms, or other features which could be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision, or the public in general, shall not be platted or developed for residential use nor for any other use that will continue or increase the danger to health, safety, or property destruction, unless adequate methods to alleviate these problems are formulated by the subdivider/developer and approved by the Mayor and Council. The Mayor and Council may require a surety bond deposited by the subdivider/developer guaranteeing approved corrections prior to final plat approval.

Section 34-604 Principal Building

There shall be no more than one (1) principal or main building on any residential lot unless it has been approved for multi-family development or as a Manufactured Home Park.

Section 34-605 Access

All subdivisions shall be located so as to be accessible from a public street/road. Each lot within a subdivision, unless contiguous with property owned by purchaser, shall abut upon a public street/road except as specified under the provisions of Section 34-802.5M - Private Access Drives/Access Easements, in this Ordinance.

The transfer or final sale of land, lots, or property which does not abut a public street, or a street accepted as a public street, or a street or private access drive/access easement on an approved final plat, or a street which had attained the status of a public street prior to the effective date of this Ordinance is hereby prohibited.

An agreement to sell or negotiation to sell land for a subdivision may be entered into provided it is stipulated that the proposed sale is subject to the development of such a street.

Section 34-606 Access to Plats Straddling Governmental Boundaries

When access to a subdivision is required across land in another local governmental jurisdiction, the Mayor and Council may request assurance from the Town Attorney that access is legally established, and from the Road Superintendent that the access road is adequately improved, or that an improvement guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, individual lot lines should be laid out so as not to cross governmental boundary lines.

Section 34-607 Reserve Strips

Reserve strips which control access to streets, alleys, and public grounds shall not be permitted except where the control of such strips is officially placed with the Town under conditions approved by the Mayor and Council.

Section 34-608 Utility Easements

Easements having a minimum width of ten feet (10') shall be provided for utility lines, and underground mains and cables.

Section 34-609 Dedication and Acceptance of Land and Improvements

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by act of the Mayor and Council. The approval by the Mayor and Council of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown on said plat. (See also Section 34-803 - Acceptance of Streets; and Section 34-904 - Acceptance of Improvements.)

Section 34-610 Rejection of Land Dedication

Whenever a plat proposes the dedication of land to public use that the Planning Commission finds is not required or suitable for such public use, the Planning Commission shall refuse to recommend approval of the plat, and shall notify the governing body of the reasons for such action.

Section 34-611 Name of Subdivision

The name of the subdivision must have the approval of the Mayor and Council. The name shall not duplicate nor closely approximate the name of an existing subdivision.

Section 34-612 Large-scale Developments

The requirements of this Ordinance may be modified in the case of a large-scale community or neighborhood unit, such as a housing project or shopping center, which is not subdivided into customary lots, blocks and streets, if the development is approved by the Mayor and Council and if it is in conformity with the purpose and intent of these regulations.

ARTICLE VII. DESIGN STANDARDS - BLOCKS AND LOTS

Section 34-701 Intentionally Blank

Section 34-702 Lot Lines

In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless not practicable because of topographic or other features not of the subdivider's own making, or unless the Planning Commission determines that a variation from this rule will give a better street or lot plan.

Section 34-703 Flag Lots

Flag lots shall be prohibited except in connection with approved private access drives as specified in Section 34-802.5M - Private Access Drives/Access Easements.

Section 34-704 Double and Reverse Frontage Lots

Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Section 34-705 Lot Requirements

- 1. Minimum Lot Sizes.** The following are the minimum lot size requirements for single family residential use except as specified in Section 34-705.2 - Exceptions to Minimum Lot Sizes, below.

- A. Where served by individual well and approved individual on-site sewage disposal system, the minimum single family residential lot size shall be one and one-half (1.5) acres of suitable soil area.
 - B. Where served by city, county, or approved community water system and approved individual on-site sewage disposal system, the minimum single family residential lot size shall be one and one-half (1.5) acres of suitable soil area.
 - C. Where served by both city, county, or approved community water system and city, county, or approved community sewage system, the minimum single family residential lot size shall be one-half (.5) acre of suitable soil area.
 - D. The minimum lot size requirements for property which will be used for multi-family, commercial, or industrial purposes shall be determined on an individual basis, based on type of use, intensity of use, proposed density, in addition to all of the conditions listed above. In general, the depth and width of properties reserved or laid out for multi-family, business, commercial, or industrial purposes shall be adequate to provide for the intended use, the required water and sewerage system, as well as the specified yards, buffer areas, and off-street parking and loading requirements.
- 2. Exceptions to Minimum Lot Sizes.** The following exceptions to the minimum lot size requirements, as specified in Section 34-705.1 - Minimum Lot Sizes, above, shall apply:
- A. Where a proposed subdivision is located so as to be accessible only from an unpaved road/street, the required minimum single-family or two-family lot size shall be five (5) acres.
 - B. Where a proposed subdivision is located on or within a historic site or district which is listed on the National Register of Historic Places, or which has been identified in the Maxeys Comprehensive Plan as particularly significant and recommended for listing on the National Register or Historic Places, then the minimum lot size shall be five (5) acres.
 - C. The minimum lot size requirements for properties used for two-family residential (duplexes) purposes shall be three (3) acres, except as specified in paragraph #1 above.
 - D. The minimum lot size requirements for property which will be used for multi-family, commercial, or industrial purposes shall be determined on an individual basis, based on type of use, intensity of use, proposed density, in addition to all of the conditions listed below. In general, the depth and width of properties reserved or laid out for multi-family, business, commercial, or industrial purposes shall be adequate to provide for the intended use, the required water and sewerage system, as well as the specified yards, buffer areas, and off-street parking and loading requirements.
 - E. Lot sizes larger than those specified in Section 34-705.1 - Minimum Lot Sizes, above, may be required in cases where property or portions of property contain unusual or problematic topographical or soil conditions; where a portion of the property lies within the one hundred (100) year flood plain; where utility lines or other dedicated easements cross a lot in such a way as might interfere with adequate septic tank and drain field placement; or where any other such situations exist that would make compliance with this Ordinance, Building and Safety Codes, or Health Department and Sanitation Regulations difficult or impossible.
 - F. The minimum lot size requirements may be reduced for subdivision plans utilizing conservation/open space design incorporating dedicated open space and/or public use areas, provided the plan has been reviewed by the Oglethorpe County Planning Commission and approved by the Mayor and Council, and further provided that, in no case, shall the minimum allowed lot sizes be less than the requirements specified by the Oglethorpe County Board of Health.
 - G. Where minimum lot size requirements as specified herein differ from those specified in any other duly adopted ordinance, regulation, or rule of Maxeys, then the stricter requirements shall apply.
- 3. Minimum Lot Width.** The minimum lot width at the building setback line shall be two hundred feet (200'). Lots served by a city, county, or approved community water system shall have a minimum lot width at the building setback line of one hundred twenty-five feet (125').
- 4. Minimum Street Frontage.** The required minimum street frontage for any lot shall equal the required minimum lot width, as specified in Subsection 7.33 - Minimum Lot Width, above, with the exception of lots fronting on a vehicular turnaround at the termination of a Cull-de-sac, which shall have a required minimum street frontage of one hundred feet (100'), and certain specifically permitted flag lots as specified in Section 34-703 - Flag Lots, herein.
- 5. Building Line Setback.** The minimum building setback line shall be:

- A. **On Arterial Streets and Highways.** One hundred feet (100') from the street right-of-way. For streets without an established right-of-way the setback line will be one hundred fifty feet (150') from the centerline of the street.
 - B. **On Major Collector Streets.** Fifty feet (50') from any property line or street right-of-way. For streets without an established right-of-way the setback line will be eighty feet (80') from the centerline of the street.
 - C. **On Minor Collector and Local Streets.** Twenty feet (20') from any property line or street right-of-way. For streets without an established right-of-way the setback line will be fifty feet (50') from the centerline of the street.
6. **Corner Lots and Reverse Frontage/Double Frontage Lots.** Dimensions of corner lots and reverse frontage/double frontage lots shall be large enough to allow for construction of buildings observing the minimum front-yard setbacks on all sides of the lot with street frontage.

ARTICLE VIII. DESIGN STANDARDS FOR STREETS

Section 34-801 General Requirements

- 1. **Conformance To Adopted Major Thoroughfare and Other Plans.** Existing streets adjacent to the subdivision shall be continued at the same or greater pavement and right-of-way width.
- 2. **Roadway Construction and Paving Standards.** All streets, thoroughfares, bridges, and other roadway features within subdivisions covered by this Ordinance must be constructed and paved in accordance with and meet the specifications of the Town Road Ordinance.
- 3. **Street Names.** Street names shall require the approval of the Mayor and Council. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate nor closely approximate those of existing streets.

Section 34-802 Street Design Requirements

- 1. **Intentionally Blank.**
- 2. **Street Jogs.** Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall not be permitted.
- 3. **Street Intersections.** Street intersections shall be as nearly at right angles as possible. No street intersection shall be at an angle of less than sixty (60°) degrees.
- 4. **Vertical Alignment.** Vertical alignment shall be such that collector streets shall have a sight distance of at least two hundred feet (200') at six feet (6') above ground level.
- 5. **Street Right-Of-Way Widths.** The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:
 - A. **Arterial Streets.** Eighty feet (80').
 - B. **Major Collector Streets.** Eighty feet (80') for shoulders and ditches, fifty feet (50') for curbs and gutters.
 - C. **Minor Collector Streets.** Eighty feet (80') for shoulders and ditches, fifty feet (50') for curbs and gutters.
 - D. **Local Streets.** - Seventy feet (70') for shoulders and ditches, forty feet (40') for curbs and gutters.
 - E. **Private Access Drives/Access Easements and Alleys.** Fifty feet (50'). Thirty feet (30') if only one lot of less than three (3) acres served.
 - F. **Street Pavement Widths.** Street pavement widths shall be as follows:
 - (1) **Arterial Streets.** Twenty-four feet (24').
 - (2) **Major/Minor Collector Streets.** Twenty-four feet (24') or twenty feet (20') of pavement with curb and gutter. Yield twenty-four feet (24') of driving surface.
 - (3) **Local Streets.** Twenty feet (20') or eighteen feet (18') of pavement with curb and gutter. Yield twenty feet (20') of driving surface.
 - (4) **Alleys.** Twenty feet (20').
 - G. **Street Grades.** Maximum and minimum profile grades shall be as follows:
 - (1) **Arterial Streets.** Not more than six percent (6%).

- (2) **Major/Minor Collector Streets.** Not more than ten percent (10%).
- (3) **Local Streets and Alleys.** Not more than twelve percent (12%).
- H. Horizontal Curvature.** The minimum radii of centerline curvature shall be as follows:
 - (1) **Arterial Streets.** Three hundred feet (300').
 - (2) **Major/Minor Collector Streets.** Two hundred fifty feet (250').
 - (3) **Local Streets and Alleys.** Two hundred feet (200').
- I. Tangents.** On Major/Minor Collector Streets, there shall be tangents having a length of not less than two hundred feet (200') between reverse curves. On Local Streets there shall be tangents having a length of not less than one hundred feet (100') between reverse curves.
- J. Cull-de-Sacs.** Cull-de-sacs shall not be greater in length than twelve hundred and fifty feet (1,250'), except where topographic or other conditions make a greater length unavoidable. It is recommended that they not be greater than five hundred feet (500') in multi-family areas. Where topographic or other conditions require a Cull-de-sac to exceed five hundred feet (500'), the street right-of-way width, street pavement width, street grades, horizontal curvature, tangents and vertical alignment shall meet the minimum requirements for a minor collector street.

All Cull-de-sacs shall be provided at the closed end with either a road loop or with a turnaround having a property line radius of at least fifty-five feet (55'), with an outside pavement radius of at least forty-five feet (45'), and separated by the depth of at least one lot from the outside boundary of the subdivision. Temporary turnarounds shall be provided for dead-end streets which are scheduled to be extended at a later date as part of a phased development.

The length of a Cull-de-sac shall be determined by measuring the distance from the center point of its turnaround, along the centerline of its right-of-way and that of any intervening non-through roads (single ingress/egress), to the intersection point with the centerline of the nearest through road (dual ingress/egress); or in the case of a looped Cull-de-sac, by measuring the distance from a point located on the centerline of its right-of-way and exactly halfway around the looped section, along the centerline of its right-of-way and that of any intervening non-through roads (single ingress/egress), to the intersection point with the centerline of the nearest through road (dual ingress/egress road).

- K. Development Along Major Street, Limited Access Highway, or Railroad Right-Of-Way.** Where a subdivision abuts or contains a major street, a limited access highway, or a railroad right-of-way, the Mayor and Council may require a street approximately parallel to and on each side of such right-of way either as a marginal access street, or at a distance suitable for an appropriate use of the intervening land, with a non-access reservation. Due regard would be given requirements for approach grades and future grade separations in determining distances. Such lots shall have no access to a Major Street or limited access highway, but only to the access street.
- L. Alleys.** Alleys may be required at the rear of all lots used for multi-family, commercial, or industrial developments. Alleys in residential subdivisions shall not be permitted, unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys. Alleys that are provided in residential subdivisions will be owned by residents of the subdivision jointly, and maintained by a homeowners association. They will not be the responsibility of the Town .
- M. Private Access Drives/Access Easements.** A private access drive/access easement shall be permitted to serve no more than two (2) land-locked residential lots where, due to special problems created as a result of necessary unusual platting configuration, or as a result of special physical features, the property could not otherwise be developed. The private access drive/access easement must be located entirely within the boundaries of the subdivision. The length of a private access drive/access easement shall not exceed one thousand two hundred fifty feet (1,250'). Private access drives/access easements are exempt from paving requirements. No more than one such drive shall be approved per subdivision development and it must be approved and recorded as part of the original plat. Private access drives/access easements are not owned or maintained nor intended to be owned or maintained by Maxeys.

Section 34-803 Acceptance of Streets

No public authority shall accept, improve or maintain any street not shown on an approved and recorded final plat unless such street shall have received the legal status of a public street prior to the adoption of these Regulations.

ARTICLE IX. REQUIRED IMPROVEMENTS

Section 34-901 General

In every major subdivision the following street improvements and utilities shall be planned for and provided by the subdivider, by installation and/or payment prior to the approval of the Final Plat:

1. **Streets.** All street shall be named and marked with signs, as specified in Section 34-801.3 - Street Names, of this Ordinance.
2. All streets shall be designed, graded and paved as specified in Article VIII-Design Standards For Streets, of this Ordinance.

Section 34-902 Utilities

All utilities except telephone and power lines shall be installed underground in the shoulders of the road. The underground installation of telephone and power lines is encouraged, though not required. Easements having a minimum width of ten feet (10') shall be provided for utility lines, and underground mains and cables.

1. **Sanitary Sewer Lines/Septic Tanks.** Sanitary sewer lines shall be provided where feasible. If a sanitary sewer line cannot be connected to a trunk line sewer at the time of development of the subdivision, septic tanks or other approved disposal devices can be specified for use in conformity with the requirements of the Oglethorpe County Health Department. Percolation tests and test holes shall be made as directed by the County Sanitarian and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the County Sanitarian.
2. **Water Supply System.** Public water shall be provided where feasible. If a public water main is not available at the time of development of the subdivision, the subdivider shall provide a water supply system for use in conformity with the requirements of the Oglethorpe County Health Department or specify water development is the responsibility of the individual purchaser. Water samples shall be submitted by the developer to the Health Department for its approval and individual wells and central water systems shall be approved by the appropriate health authorities.

Subdividers proposing the use of municipal water supply systems for subdivision developments or portions thereof located in the town, must submit written authorization for such use from the appropriate municipal government official(s).

Section 34-903 Storm Drainage Facilities

1. If a storm drainage sewer system exists in the town, then the proposed subdivision must contain an underground storm drainage system which will be connected to the existing area system. Such system shall be indicated on the plat.
2. If a storm drainage sewer system does not exist in the town, then adequate surface drainage facilities, as certified by an engineer, shall be included in the subdivision and so indicated on the plat.
3. When a proposed drainage system will carry water across private land outside this subdivision and outside a natural drain, appropriate drainage rights must be secured and indicated on the plat.
4. Where a proposed subdivision is traversed by a water course, drainage way, channel, or stream there shall be provided a storm water easement or drainage right-of-way along each side of the channel or course conforming substantially to the lines of such watercourse, for the purpose of widening, deepening, relocating, improving or protecting such drainage easement. Whenever possible, it is desirable that drainage be maintained by appropriate means of adequate width for maximum potential volume or flow.
5. Low-lying land along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

Section 34-904 Acceptance of Improvements

The Mayor and Council shall not accept dedication of required improvements, nor release, nor reduce an improvement guarantee, until there is a determination that all required improvements have been satisfactorily completed and a deed submitted. Upon such satisfactory completion, the Mayor and Council shall consider acceptance of the improvements for dedication in accordance with the established procedure.

ARTICLE X. SURETY FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Section 34-1001 General

In lieu of the completion of the required improvements in a subdivision, the subdivider may deposit surety for the completion of such improvements and present a Final Plat for approval.

Section 34-1002 Requirements

To assure the construction and installation of required improvements the subdivider shall deliver to the Mayor and Council, a certified check, surety bond, or other acceptable security in such aggregate amount as is estimated by the governing authority to be the total cost of the construction and installation of all required improvements, including roads which are the responsibility of the subdivider and, if applicable, road maintenance for a period of twelve (12) months.

Section 34-1003 Conditions

Bonds or other surety posted shall run to Maxeys, and provide that the subdivider/ developer his heirs or successors and assigns, and their agents and servants, will comply with all applicable terms, conditions, provisions, and requirements of this Ordinance and any other applicable regulations or requirements, will faithfully perform and complete the work of constructing and installing said facilities or improvements as specified on the final plat and in accordance with this Ordinance and any other applicable requirements; and that the subdivider shall be responsible to Maxeys, for any unnecessary expense incurred through the failure of his heirs, successors and assigns, or their agents or servants, to complete the work of said installation and construction in an acceptable manner, and from any damages growing out of negligence in performing or failing to perform said construction and installation. Before acceptance, any surety shall be approved by Maxeys. If a bond is offered it shall be executed by a surety or guaranty company qualified to transact business in the State of Georgia.

Section 34-1004 Duration and Release

Bonds and/or other surety posted pursuant to this Ordinance shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted. Acceptances shall be in writing accurately identifying the improvements covered. Facilities shall not be accepted unless they conform to the applicable town specifications and requirements.

Section 34-1005 Default

If the construction or installation of any improvements or facilities for which a bond or other surety is posted is not completed within three (3) months after substantial completion of any buildings or structures which said improvements or facilities are designed to serve, or within two (2) years after the date of recording of the Final Plat, whichever is sooner, or if said construction or installation is not in accordance with the applicable specifications and requirements, such work may be done under contract or by town personnel using the proceeds from such surety deposits to pay for such work. To the extent that any portion of a cash deposit is not required or used, said excess cash shall be repaid to the person making the deposit.

Section 34-1006 Certification of Receipt of Surety for Required Improvements

The following form shall be printed directly on the Final Plat as follows:

I hereby certify that a security bond or certified check in the amount of \$_____ has been received to assure completion of all required improvements in the subdivision plat attached hereto in the event of default by the developer.

_____, 20____
Date

Signature, Chairman of the Board of Commissioners

Section 34-1007 Maintenance of Improvements

The applicant shall be required to maintain all public improvements on the individual subdivided lots until acceptance of said improvements by the Mayor and Council. If there are any certificates of Occupancy issued on a street not dedicated to the Town, the Town may, on twelve (12) hours notice, effect emergency repairs and charge the same of applicant. Prior to dedication of improvements, the applicant shall be required to file with the Mayor and Council a maintenance bond in an amount equal to one-third (1/3) of the total cost of improvements in order to assure the satisfactory condition of all lot improvements. The bond shall be maintained for a period of one (1) year after the date of their acceptance by the Mayor and Council and dedication of same to the Town.

ARTICLE XI. PREAPPLICATION

Section 34-1101 Review Procedure

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 its vicinity and the proposed development layout of the subdivision. The subdivider shall comply with the procedures set forth in these regulations. The purpose of the preapplication review is to facilitate the subsequent preparation of plans, and no fees are charged for this review.

ARTICLE XII. PRELIMINARY PLAT PROCEDURE - MAJOR SUBDIVISION

Section 34-1201 Procedure for Preliminary Plat Approval for Major Subdivision

Following the preapplication review of a proposed major subdivision and the payment of a non-refundable fee, the subdivider shall submit to the Planning Commission, with the Environmental Health Specialist Certificate of Approval, at least fifteen (15) working days prior to their next regular meeting, the following:

1. **Application.** A letter requesting review and approval of a Preliminary Plat and giving the name, address and phone number of a person to contact, accompanied by a receipt signed by the Clerk of the Oglethorpe County Planning and Zoning Office stating that a non-refundable fee has been paid by the applicant for major subdivision plat review, the fee being as follows:
 - Subdivision and Preliminary Plats.** Two hundred fifty (\$250.00) plus twenty-five dollars (\$25.00) per lot over ten (10) lots.
2. **Preliminary Plat.** Ten (10) copies of the preliminary Plat and any other related documents to be utilized as follows:
 - A. **Zoning Official(s);**
 - B. **Planning Commission;**
 - C. **County Sanitarian;**
 - D. **Board of Commissioners;**
 - E. **Engineering Review;**

The original copy shall be returned to the subdivider or his agent with a notation of the action taken by the Mayor and Council.

Section 34-1202 Review

At its regular meeting, the Planning Commission shall review the Preliminary Plat for conformance to this Ordinance. Following the meeting, the Planning Commission Chairman shall report the recommendations to the Mayor and Council for approval or disapproval of the plat. Thereafter, the Mayor and Council shall at their regular meeting approve, approve subject to modifications, table, or disapprove the Preliminary Plat.

If approval is given subject to modifications, the required modifications shall be provided to the applicant in writing. All modifications shall be made on the Plat prior to final approval of the Preliminary Plat and issuance of any necessary permits.

If the preliminary Plat is disapproved, the Mayor and Council shall notify the applicant, citing the reasons for disapproval.

The action of the Mayor and Council shall be noted on the copies of the Preliminary Plat, and one copy shall be returned to the subdivider or his agent, one copy added to the records of the Planning Commission, and one copy kept and made part of the records of the Zoning Official(s).

If action on the Preliminary Plat is not taken by the Mayor and Council within two consecutive meetings or sixty (60) days, whichever is greater, from the date the plat is submitted to the Mayor and Council, the Preliminary Plat shall be considered approved and a certificate of approval shall be issued on demand. However, the applicant for approval may waive this requirement, and request an extension in writing.

Approval of a Preliminary Plat does not constitute approval of the Final Plat. It indicates only approval of the layout as a guide to the preparation of the Final Plat.

Preliminary Plat approval shall expire and be null and void after a period of one (1) year unless prior to expiration, a request for an extension of time, giving the reasons for such, is made in writing by the subdivider/developer or his representatives and is approved by the Mayor and Council.

Section 34-1203 Preliminary Plat Specification for Major Subdivisions

Preliminary Plats for major subdivisions shall meet the following specifications:

- 1. Scale.** The Preliminary Plat shall be clearly and legibly drawn at a scale not smaller than one hundred feet to one inch (100':1").
- 2. Sheet Size.** Sheet size shall be seventeen inches by twenty-two inches (17" x 22") and printed on paper consistent with current engineering practices. If 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.
- 3. Ground Elevations.** The Preliminary Plat shall show ground elevations, based on the datum plane of the U.S. Geological Survey (or other approved datum plane) with contour lines at intervals of not more than twenty feet (20').
- 4. Information To Be Provided On Preliminary Plat.** The Preliminary Plat shall contain the following information:
 - A.** Date, name and address of owner of record and of subdivider.
 - B.** Tax Parcel identification number of property to be subdivided.
 - C.** Proposed name of subdivision and proposed use of property to be subdivided.
 - D.** Vicinity map showing location of the subdivision with respect to surrounding streets/roads, adjoining developments, and the names of owners of record of adjoining lands.
 - E.** North point, numeric and graphic scale.
 - F.** Exact boundary lines of the tract with bearings and distances.
 - G.** Total acreage, outlot acreage, if applicable, and the acreage of the smallest lot.

- H.** Block letters, lot numbers and sizes. Unit divisions or staged development, if proposed by subdivider/developer.
- I.** Existing streets (with street names), easements, and utilities on and adjacent to the tract, including sewers, water mains, drainage pipes and easements and other underground structures within or immediately adjacent to the subject property.
- J.** Proposed layout, including streets and alleys, to be reviewed by Mayor and Council or their representative (Engineering Review), with proposed street names, right-of-ways, paving width, radii and tangents, cross-section and centerline profile of each street; lot lines with approximate dimensions; minimum building setback lines; easements, land to be reserved or dedicated for public uses, and any lands to be used for purposes other than single-family dwellings, including total number of units.
- K.** Location, dimensions, and acreage of all property proposed to be dedicated for park, playground, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- L.** Location of existing buildings/structures or cemeteries on the tract.
- M.** Location of any significant historic sites/structures, distinctive natural features, significant stands of trees, important scenic views, rock outcrops, streams, lakes, drainage ways, swamps, or land subject to flood as determined from past history of flooding by surveyor of tract or from flood plain maps of the U. S. Geological Survey.
- N.** Station numbers along the centerline beginning with the Sta. 0+00 at the southernmost or westernmost intersection of an existing town road and denoted by upward ticks every one hundred feet (100') and cross ticks with the corresponding Sta. No.'s every five hundred feet (500'). A Sta. No. to the nearest one foot (1') at the intersection of each street or alley. That Sta. No. will be equal to Sta. 0+00 of the street or alley. The terminating Sta. No. of a Cull-de-sac will be the radius point.

Cross-section, profile grade and finish grade profile in critical areas as determined by the engineering review. Angles of deflection and radii for curves, angles of intersections, radii and lengths of tangents.

- O.** Provisions for water supply, sewerage and drainage, to be reviewed by the County Sanitarian. If use of municipal water supply and/or municipal sewage system are proposed for a subdivision located in the town, the subdivider shall include signed authorization for such use from the appropriate municipal governing body.
- P.** Inscription stating "NOT FOR FINAL RECORDING."
- Q.** The following certification:
 - (1) An Engineer's or Surveyor's Certification, directly on the Preliminary Plat as follows:

It is hereby certified 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 shown hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown; and that all engineering, requirements of the Subdivision Regulations of Maxeys, Georgia, have been fully complied with.

By: _____

Registered C.E. No. _____

Registered GA. Land Surveyor, No. _____

- (2) A Certificate of Approval by the Oglethorpe County Health Department, signed and dated by the County Sanitarian, shall be inscribed on the Plat.
- (3) A Certificate of Approval of the Preliminary Plat by the Mayor and Council shall be inscribed on the plat as follows:

Pursuant to the Land Subdivision Regulation of Maxeys, Georgia, all the requirements of Preliminary Approval having been fulfilled, this Preliminary Plat was given Preliminary Approval by the Mayor and Council on _____, 20____.

This Preliminary Approval does not constitute approval of Final Plat. This certificate of Preliminary Approval shall expire and be null and void on:

Date (One (1) year from preliminary approval)

Chairman, Oglethorpe County
Planning Commission

Mayor
Town of Maxeys

Section 34-1204 Soil Erosion and Sedimentation Plan

A Soil Erosion and Sedimentation Plan, as required, must be submitted after the Preliminary Plat review by the Planning Commission.

ARTICLE XIII. FINAL SUBDIVISION - PLAT PROCEDURE

Section 34-1301 Application for Final Plat Approval

The subdivider/developer shall submit an application for Final Plat Approval within one (1) year from the date of tentative approval of the Preliminary Plat by the Mayor and Council. Failure to submit a Final Plat within the one (1) year period following approval of the preliminary Plat shall void the plat. An extension for a period not to exceed six (6) months may be granted by the Mayor and Council, if prior to expiration, a written application for such extension, stating the reasons for the request, is made by the subdivider/developer or his representatives.

The subdivider/developer shall submit to the Planning Commission, at least ten (10) days prior to their next regular meeting, the following:

1. A letter requesting review and approval of a Final Plat and giving the name, address, and telephone number of the person to contact, accompanied by a receipt signed by the Clerk of the Maxeys Town Council indicating that all applicable fees have been paid in full.
2. Ten (10) copies of the Final Plat, the original of which shall be drawn in ink on quality paper consistent with current engineering practices, and other related documents including, where appropriate, surety for completion of the required improvements, as specified in Section 34-304-Final Plat Specifications For Major Subdivision and in Article X - Surety For Completion and Maintenance of Improvements.

Section 34-1302 Review of Final Plat

At its regular meeting, the Planning Commission shall check the Final Plat for conformance with the tentatively approved Preliminary Plat and with the rules and regulations of this Ordinance. Notice of the time and place of said meeting shall be sent by the Planning Commission to the person designated in the letter requesting Final Plat review and approval, not less than seven (7) days prior to the date of the meeting. Following the meeting, the Planning Commission Chairman shall report the recommendations to the Mayor and Council for approval or disapproval of the Final Plat. The applicant shall be notified of the results of the Planning Commission Review.

After reviewing the Final Plat and the recommendations of the Planning Commission, the Board of Commissioners at their regular meeting shall approve or disapprove the Final Plat and the applicant shall be notified of the results. The action of the Mayor and Council shall be noted on the original tracing and all prints of the Final Plat, and shall include a statement of the reasons for the decision, if the Final Plat is disapproved. One copy of the Plat shall be retained for the records of the Planning Commission, and one copy shall be retained for the records of the Zoning

Official(s). If action is not taken by the Mayor and Council within two consecutive meetings or thirty (30) days, whichever is greater, from the date of submission to the Mayor and Council, the final plat shall be considered approved and a Certificate of Approval shall be issued on demand. However, the applicant for approval may waive this requirement and consent in writing to an extension of time.

Section 34-1303 Plat Revisions Prohibited

No change, erasure, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval by the Mayor and Council. In no case shall the Mayor and Council approve a revision unless the fact that it is a revised plat is clearly stated thereon.

Section 34-1304 Recording of Final Plat

Upon approval of the Final Plat, it shall be recorded in the Office of the Clerk of Superior Court of Oglethorpe County. The applicant shall be responsible for the recording of such Final Plat in the Office of the Clerk of Superior Court.

Section 34-1305 Final Plat Specification for Major Subdivision

The Final Plat shall conform to and meet the specifications of the Preliminary Plat with the following additions:

- 1. Additional Information To Be Provided On The Final Plat.** The Final Plat shall be clearly and legibly drawn in permanent ink or blue line on material recommended by the Clerk of Superior Court. Sheet sizes shall be seventeen inches by twenty-two inches (17" x 22") and where more than one sheet is required, an index map shall be required on the same size sheet. The Final Plat shall show:
 - A.** Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three) shall be accurately described on the plat.
 - B.** Municipal and land lot lines accurately tied to the lines of the subdivision by distances and angles when such lines traverse or are reasonably close to the subdivision.
 - C.** Exact boundary lines of the tract, determined by a field survey.
 - D.** Name of subdivision, exact locations, widths and names of all streets and alleys within and immediately adjoining the Plat.
 - E.** Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
 - F.** Lot lines with dimensions to the nearest one-tenth foot (0.1') and bearings to the nearest minute.
 - G.** Lots numbered in numerical order and lettered alphabetically.
 - H.** Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
 - I.** Accurate location, material and description of monuments and markers.
 - J.** A statement, either directly on the Plat or in an identified attached document, of any private deed restrictions (covenants) which the developer intends to apply to the subdivision. All deed restrictions shall meet or exceed the requirements contained in these regulations.
 - K.** The following certification:
 - (1) An Engineer's or Surveyor's Certification, directly on the Final Plat as follows:

It is hereby certified that this Plat is true and correct and was prepared from an actual survey of the property by me and under my supervision; that all monuments shown hereon actually exist or are marked as "future", and their location, size, type, and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of Maxeys, Georgia, have been fully complied with.

By: _____

Registered C.E. No. _____

Registered GA Land Surveyor, No. _____

- (2) An Owner's Certification directly on the Final Plat as follows:

Owner's Certification:

State of Georgia, County of Oglethorpe.

The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, town taxes or other assessments now due on this land have been paid.

Agent _____ Date _____

Owner _____ Date _____

- (3) Certificate of Dedication. A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating should be attached to the Final Plat (not necessary for subdivision that is platted with private streets).

Certificate of Ownership and Dedication:

I (we) hereby certify that I (we) adopt this plan of subdivision and dedicate all streets, alleys, walkways, and other open spaces to public use as noted.

Date _____, 20__

Owner _____

- (4) Certificate of Receipt of Surety for Required Improvements. Where appropriate, the following form shall be printed directly on the Final Plat as follows:

I hereby certify that a security bond or certified check in the amount of \$_____ has been received to assure completion of all required improvements in the subdivision plat attached hereto in the event of default by the developer.

_____, 20__
Date

Signature, Mayor of the Town of Maxeys

- (5) Certification of Individual Private Water and/or Sewer System, directly on the Final Plat as follows:

I hereby certify that the individual private sewerage collection and disposal system and the individual private water supply and distribution systems installed or to be installed, and/or the plans for private sewage disposal system in the subdivision plat attached hereto meet the requirements of the Health Department.

Lot Number (s) _____

_____ is (are) not approved for private sewage disposal systems.

Date _____, 20____

Health Officer

(6) Certificate of Planning Commission Recommendations

I hereby certify that the subdivision plat shown hereon has been found to comply with the land subdivision regulations of Maxeys, Georgia, and that it is recommended to the Mayor and Council for approval.

Date _____, 20____

Chairman, Oglethorpe County
Planning Commission

(7) Certificate of Approval for Recording.

I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Subdivision Regulations of Maxeys, Georgia, and that it has been approved by the Mayor and Council for recording in the Office of the Clerk of Superior Court of Oglethorpe County.

Date _____, 20____

Mayor, Town of Maxeys

ARTICLE XIV. LEGAL STATUS PROVISIONS

Section 34-1401 Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the protection and promotion of the public health, safety, and welfare.

Section 34-1402 Conflict with Other Laws

These regulations are not intended to interfere with, abrogate, or annul other ordinances, rules, or regulations, statutes, or other provisions of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or provision of law, the more restrictive shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where these regulations are more restrictive or impose higher standards than a private restriction, the provisions of these regulations shall govern.

Section 34-1403 Saving Provision

The adoption of these regulations shall not be construed as abating any subdivision development pending under, or approved by virtue of prior existing subdivisions regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, resulting from such development.

Section 34-1404 Repeal of Existing Regulations

Upon the adoption of this Ordinance, the existing Land Subdivision Regulations of Maxeys, Georgia, as amended, are hereby repealed to give this Ordinance full force and effect.

Section 34-1405 Separability Clause

Should any section, provision, or term be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 34-1406 Effective Date

These regulations shall be in full force and effect at the time of its passage as provided for by law.