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"A Full Service City"

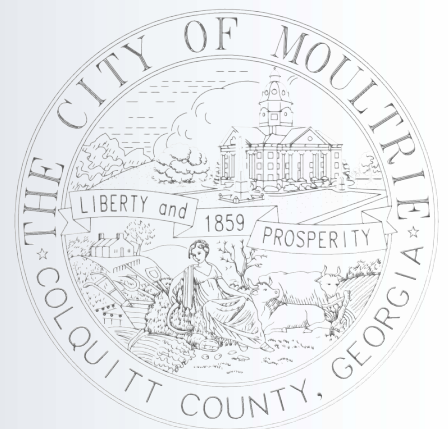


City of Moultrie Land Subdivision Regulations

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Effective: August 6th, 2008

Amended: August 4th, 2009



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Article I

GENERAL PROVISIONS

Section 1.01 Title

These regulations shall be known and may be referred to as the "Land Subdivision Regulations of the City of Moultrie."

Section 1.02 Purposes

This Ordinance is adopted for the following purposes.

- (a) Promote the orderly, planned, efficient, and economic development of the City and to guide future growth in accordance with the Comprehensive Plan.
- (b) Ensure that lands subdivided are of such character that they can be used for building purposes without danger to the health or safety of residents, and to secure safety from fire, flood, or other menace.
- (c) Prevent the pollution of air, land, streams, and ponds, as well as encourage the wise use and management of natural resources throughout the City and preserve the topography and beauty of the community and the value of land.
- (d) Ensure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities.
- (e) Provide for open spaces through the most efficient design and layout of the land.
- (f) Establish procedures for the subdivision and re-subdivision of land in order to further the orderly development of land.
- (g) Provide for the proper monumenting of subdivided land and proper legal descriptions.
- (h) Help eliminate the costly maintenance problems that develop when streets and lots are established without proper consideration given to various public

purposes.

- (i) Facilitate and inform lot developers who generally lack the specialized knowledge of local development regulations.

Section 1.03 Effect of Invalidity of Part of Ordinance

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

Section 1.04 Conflict with Other Laws

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 1.05 Amendment

The City Council shall have the authority to amend these regulations after a public hearing thereon. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in Moultrie at least 15 days prior to such meeting.

Section 1.06 Definitions

Access: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Accessory Dwelling Unit: An accessory dwelling unit (ADU) is a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. Accessory units may not be subdivided or otherwise segregated in ownership from the primary residence structure.

Accessory structure: Any structure that is a detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of land and which is located on the same lot as the principal structure or use. Accessory structure shall include storage buildings, tool houses, pool houses, tree houses, entrance gates to individual homes or subdivisions and other similar uses. Mailboxes shall not be considered accessory structures.

Affordable Housing: Stick built or modular houses that cost no more than 75% of the community median price.

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a public road or street.

Base Flood Elevation: Indicates the water surface elevation of the base flood as referenced to the National Geodetic Vertical datum of 1929 or other datum if specified. New or substantially improved, remodeled or damaged properties in the flood zone must build two (2) feet above the BFE.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries (see Figure 1-1.06).

Buffer strip: Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

Building line: Building lines are such lines as are established in a plat or by recorded restrictive covenants for the purpose of prohibiting construction of any portion of a building or structure between such line and any easement, right of way or minimum permissible width. This line shall at least coincide with the required setback line.

City: This shall mean the City of Moultrie

Comprehensive plan: Any plan adopted by the Mayor and City Council of the City of Moultrie, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the local governing body.

Construction Standards: The current edition of printed specifications and standard drawings governing construction within the city as issued by the City Engineer or designee.

Conservation areas, primary: Any property qualifying as conservation use property under

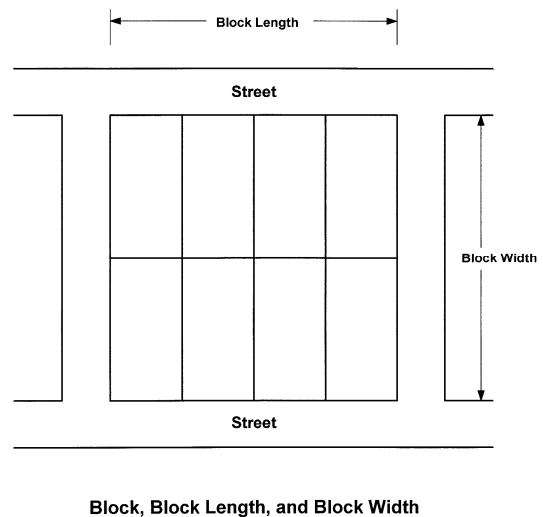


Figure 1-1.06

O.C.G.A. Section 48-5-7.4; and any floodplains, waterbodies, upland buffers around wetlands, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the City Attorney and recorded in the office of the Clerk of Court of Colquitt County Georgia. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Mayor and City Council and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract's or lot's special resources from negative changes. Conservation easements require both the creation of a Homeowners Association of all those individuals served by the easement and approval of the Plan Review Group of City of Moultrie. (*See preliminary plat signature boxes, Table 3-3.14*)

Contiguous common parcels: Parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

Cul-de-sac: A dead-end street of no less than 200 ft having a primary function of serving adjoining land, and constructed with a turnaround at its end (*see Figure 2-1.06*).

Cul-de-sac, temporary: A nonpermanent vehicular turn around located at the termination of a street or alley.

Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the City Engineer, that permits vehicles to slow down and leave the main vehicle stream.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

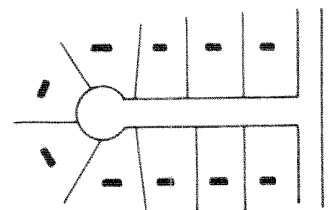


Figure 2-1.06

Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Development of Regional Impact: A single developmental project that exceeds the thresholds determined by the Department of Community Affairs.

Driveway: A vehicular access way in private ownership, other than a private street, which generally provides access to only one property.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity. (See Figure 3-1.06).

Escrow account: A type of subdivision improvement guarantee where the subdivider deposits cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the City Engineer to cover the costs of required improvements.

Final approval: The official action of the city council taken on a subdivision after all conditions, infrastructure, engineering plans, construction plans and other requirements have been completed, and the required improvements have been installed, or guarantees posted for their completion.

Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Office of the Clerk of the Superior Court of Colquitt County, and containing all elements and requirements set forth in this Ordinance.

Floodways: The natural channel and the portion of the flood plain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream. Water travels at a high velocity in a floodway.

Flood hazard area: the channel and relatively flat area adjoining the channel of a natural stream, river or body of water subject to flooding during major storm events. Specifically, such designation shall refer to (1) those areas within the city identified by the Federal Emergency Management Agency (FEMA) as being subject to flooding and delineated on flood insurance rate maps, or (2) particular areas of the city which, based on actual observation of the flooding or

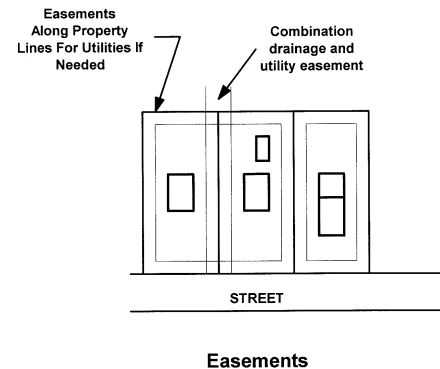


Figure 3-1.06

engineering studies, have been designated as local flood hazard areas by the planning commission.

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as; 1) actually containing naturally-occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and, 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Ordinance.

Home owners association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Inverted crown: Refers to roads built with the centerline being the lowest point in the cross section of the road. All storm drainage is routed to the center of the roads where it flows down the roads (the road acts as a ditch). Inverted crown roads may only be used in alleyways or private streets.

Land disturbing activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land.

Land suitability analysis: A method used by land planners, in preparing land use plans at a community- wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis is typically a map or set of maps depicting the appropriateness of land areas for various land uses.

Letter of credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the City. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not

include any portion of a dedicated right-of-way. Types of lots are illustrated in *Figure 4-1.06*.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot, depth: The average horizontal distance between the front and rear lot lines. (see *Figure 5-1.06*).

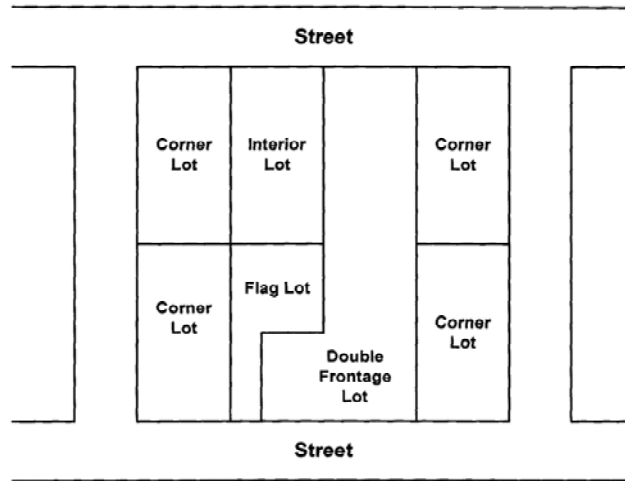
Lot, double frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

Lot, existing substandard: A lot not meeting the minimum square footage requirement and/or other development standards.

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.

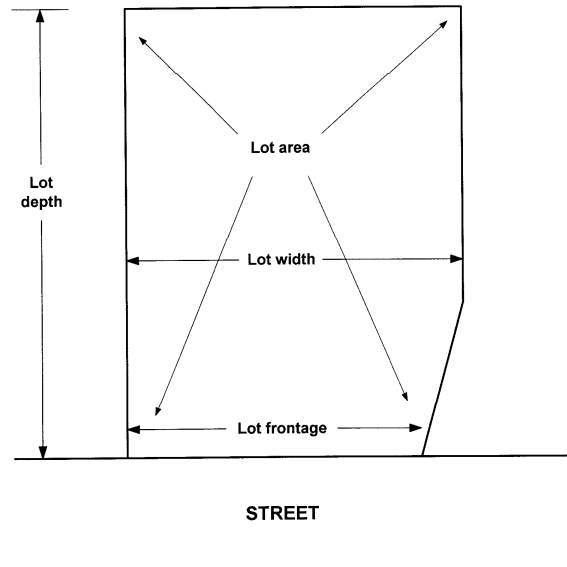
Lot, landlocked: A lot without the required road frontage which will not meet the access requirements. Landlocked lots may only be accessed by the establishment of a perpetual easement. The easement shall not be less than twenty (20) feet in width to accommodate a private drive and utility easements. The lot must meet the lot width requirements at the building line. No more than two (2) lots may be served by the same private drive.

Lot, through: See "Lot, double frontage."



TYPES OF LOTS

Figure 4-1.06



Lot Definitions

Figure 5-1.06

Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any street. (see Figure 5-1.06).

Lot of record: A lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded in the records of the Clerk of the Colquitt County Court; or a parcel of land, the deed of which was lawfully recorded in the same office prior to: **August 6th 2008.**

Lot width: The shortest distance between side lot lines measured at the required front building line, or in the absence of a front building line regulation, the distance between side lot lines measured at the front line of the building located or intended to be located on the lot. (see Figure 5-1.06).

Maintenance guarantee: Any security which may be required and accepted to ensure that necessary improvements will function as required for a specific period of time.

Natural conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

Off-site: Beyond the boundaries of the property in question.

On-site: Within the boundaries of the property in question.

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as 25 percent of the open space may be devoted to active recreational facilities, as defined. Easements for electric transmission lines or any other aboveground improvement shall not be considered open space. Stormwater management features, such as lakes, ponds, and ways, may be considered open space at the discretion of the Plan Review Group, provided that such areas are designed and maintained in a manner that contributes to open space and the aesthetics of the subdivision.

Open space, public: An area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

Original tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this Ordinance, where all land abutting said tract is separately owned by others, not related to or associated by business partnership with the owner.

Pedestrian way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, may be used for the installation of utility lines.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the City Engineer to cover the costs of required improvements, and payable to the City. The City may call in the performance bond in the event the subdivider defaults on required improvements.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Plan Review Group: An informal board consisting of representatives from various city departments, particularly; planning, public works, utilities, engineering, police and fire. The purpose of this group is to meet with subdividers at the required preapplication conference and assess the content of the proposed development. The Plan Review Group may also offer specific advice and guidance to the subdivider regarding the City's subdivision procedures. The Plan Review Group may also comment on Construction plans and may be present at any meetings its members see fit to attend.

Planned unit development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a slightly more dense setting than allowable on separate zoned lots.

Planning Commission: The planning commission duly appointed by the City of Moultrie and Colquitt County.

Pre application conference: An informal meeting between developers and municipal representatives which affords developers an opportunity to present their plans informally.

Preliminary plat: A tentative drawing or map of a proposed subdivision. A preliminary plat is the basis for the approval or disapproval of the general layout of a land subdivision.

Preliminary plat approval: The conferral of certain rights prior to final plat approval after specific elements of a development plan have been agreed upon by the planning commission, the city council and the applicant.

Professional civil engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional land Surveyor: A surveyor duly registered or otherwise authorized by the State

of Georgia to practice in the field of land surveying.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

Reservation: A method of holding land for future public use by showing proposed public areas on a subdivision plat.

Reserve strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Right-of-way:

- (a) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar use.
- (b) Generally, the right of one to pass over the property of another.

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in the Comprehensive Plan, or by other reasonable means.

Sensitive natural areas: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

- (a) Habitat, including nesting sites, occupied by rare or endangered species;
- (b) Rare or exemplary natural communities;
- (c) Significant landforms, hydroforms, or geological features; and/or
- (d) Other areas so designated by the Department of Natural Resources that are sensitive or vulnerable to physical or biological alteration.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Setback: The distance between the street right of way line and the front line of a building, or any projection thereof, excluding uncovered steps.

Shade tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the recorded right-of-way of a public road or within the dedicated easement.

Site plan: A neat and approximate drawing of a residential, institutional, office, commercial, or industrial development, showing the general layout of a proposed development including among other features the location of buildings, parking areas, and buffers and landscaping. The site plan is the basis for the approval or disapproval of the general layout of a development in the case of a residential, institutional, office, commercial, or industrial development.

Sight distance: Is the minimum extent of an unobstructed forward vision (in a horizontal plane) along a street from a vehicle located at any given point on a street.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points.

Soil erosion and sedimentation control plan: A plan for the control of soil erosion and sediment resulting from a land disturbing activity. Five (5) copies of this plan are required to be delivered to the city building official for dispersal to the appropriate reviewers along with a land disturbing permit application. Approval of the plan by the natural resource conservation representative is required prior to preliminary plat consideration.

State Waters: Any waters within the territorial limits of this state and the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state. This definition shall not include privately owned ponds or lakes not open to the public.

Steep slopes: Lands with slopes of at least 35 percent, as indicated in the Comprehensive Plan of the City, or which can be calculated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Street: Any vehicular way, other than an alley, that:

- (a) is an existing federal, state, City or municipal roadway;
- (b) is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel;
- (c) is constructed and open to vehicle travel as approved by other official action of the Mayor and City Council; or
- (d) is constructed and open to vehicle travel and shown on a plat duly filed and recorded

in the Clerk's Office, Colquitt County Court prior to the effective date of this Ordinance. Land between the right of way lines, whether improved or unimproved, shall be considered part of the street.

Street, collector: Unless otherwise defined by the Major Transportation Plan or Comprehensive Plan, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal or greater classification. A collector also may provide direct access to adjacent properties.

Street, dead end: Unless otherwise defined by the Major Transportation Plan or Comprehensive Plan, a dead end street is a public street that serves properties on either side and terminates in a *cul de sac*.

Street, local: Unless otherwise defined in the Major Transportation Plan or Comprehensive Plan, any public street, except an alley, collector, or arterial, and which has a primary function to provide direct access to adjoining properties and which serves a limited area only, usually a single land subdivision.

Street, minor arterial: All arterials not classified as a principal and contains more emphasis on land access than the higher system as well as a lower level of traffic mobility. Such facilities may carry local bus routes and provide intra-community continuity but ideally should not penetrate identifiable neighborhoods. This system should include urban connections to rural collector roads where such connections have not been classified as major arterials.

Street, major arterial: Unless otherwise defined by the Major Transportation Plan or Comprehensive Plan, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, marginal access: A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through-traffic.

Street, parkway: A street with limited access on an exceptional right of way permitting marginal greenway for landscaping.

Street, private: A road or street that has not been accepted for maintenance by the City and that is not owned and maintained by a state, county, city, or another public entity.

Subdivider: Any person, as defined by this Ordinance, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the

maintenance of proceedings to subdivide such land under this Ordinance, or the authorized agent of such person.

Subdivision: A division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. This may include all division of land involving the dedication of a new street or a change in existing streets. The word “subdivision” includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided following approval of the Plan Review Group.

Subdivision, minor: A subdivision of four or fewer lots, which does not involve the construction of a new public or private street. Because minor subdivisions do not involve the construction of a new public or private street, they are processed administratively by the Plan Review Group as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of Utilities along said existing public road, as may be required to comply with this Ordinance, shall be done according to plans and permit requirements of this Ordinance, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this Ordinance.

Subdivision, major: The division of a tract or parcel of land into five or more lots which may or may not involve the construction of a new public or private street; or any subdivision that involves the construction of a new public or private street. Because major subdivisions involve construction of a new public or private street or the upgrade of an existing private access way to City standards, construction plans and land disturbance permits are required, and major subdivisions are therefore processed in multiple steps including preliminary plat approval (unless specifically exempted), approval of construction plans and issuance of land disturbance permits, and final plat approval.

Subdivision, Commercial: All divisions of a tract or a parcel of land into two (2) or more lots, any one of which shall contain a gross area of less than or equal to twenty-five (25) acres, building sites, or other divisions for the purpose, whether immediate or future development, sale or lease of land for commercial and/or office use.

Subdivision, Conservation: A subdivision, as defined by this Ordinance, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of

the subdivision.

Usable area: The net usable portion of a lot, tract or stand, not including any additional property within the legal boundaries of the parcel which by virtue of permanent or seasonal inundation by surface water, crossing by rights of way or easements, steep slopes and the like, is not suitable for the construction of habitable dwellings or drain fields.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, storm water systems and drainage ways, and railroads or other Utilities identified by the City . As appropriate to the context, the term “utility” may also include all persons, companies, or governmental agencies supplying the same.

Variance: A grant of relief from the strict requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Code; a minimal relaxation or modification of the strict terms of this Ordinance as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in practical difficulty.

Wetlands: Wetland is defined as land having the water table at, near, or above the land surface or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by hydric soils, hydrophytic vegetation, and various kinds of biological activity which are adapted to the wet environment.

Zoning Officer: The Planning Director or his designee

Zoning ordinance: Refers to the City of Moultrie’s zoning ordinance.

Section 1.07 Authority

These regulations are adopted pursuant to powers vested in cities by the State of Georgia Constitution, home rule powers, state administrative rules for the adoption and implementation of Comprehensive Plans, and the protection of vital areas of the State.

Section 1.08 Delegation of Powers to Planning Commission

The Planning Commission is vested with the authority to approve, conditionally approve, and disapprove preliminary plats of major subdivisions.

(See also City Code of Moultrie Chapter 86, Article II)

Section 1.09 Delegation of Powers to Plan Review Group

The Plan Review Group is vested with the authority to review, approve, conditionally approve or disapprove final plats of minor subdivisions and minor re-subdivisions, lot combination plats, lot line adjustments, dedication plats and construction plans. Final plats of major subdivisions even when preliminary plat approval has been obtained from the Planning Commission must be approved by the Mayor and City Council. The Plan Review Group shall also be authorized to review major subdivisions and major re-subdivisions for conformity to the requirements of this Ordinance, and to make reports and recommendations to the Planning Commission as well as Mayor and City Council on major subdivisions and major re-subdivisions, and to administer, interpret, and enforce the provisions of this Ordinance.

Section 1.10 Delegation of Powers to City Engineer

The City Engineer or Designee is vested with the authority to require and approve land development improvements and to require improvement guarantees for public improvements as specified in this Ordinance.

Section 1.11 Applicability

These regulations shall apply to all real property within corporate limits of the City of Moultrie.

Section 1.12 Exemptions from Plat Approval

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this Ordinance; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of Article VI of this code.

- (a) The sale of lots consistent with previously approved and recorded plats or deeds.
- (b) Cemetery lots

- (c) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds for commercial, industrial, or institutional use.
- (d) The creation of leaseholds for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (e) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the City to issue permits if the resulting lots or parcels fail to meet any applicable regulations of the local jurisdiction concerning, easements, lot size, lot width, and other dimensional requirements.

Section 1.13 Lot Combinations

An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat revision process which conforms to the requirements of this Ordinance. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Plan Review Group and recorded as a final plat. Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots. (See Figure 1-1.13).

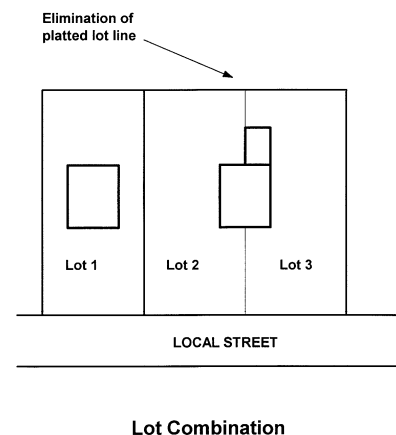
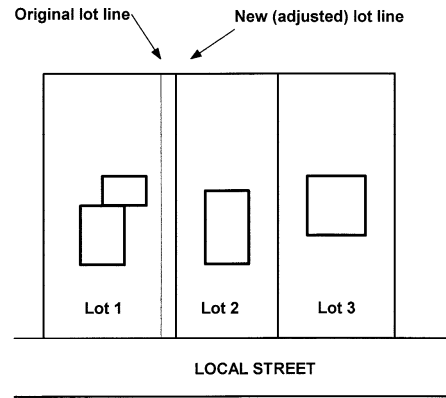


Figure 1-1.13

Section 1.14 Boundary Line Adjustments

One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the Plan Review Group and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the Plan Review Group and recorded. Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots. (See Figure 1-1.14)



Boundary Line Adjustment

Figure 1-1.14

Section 1.15 Land is One Tract Until Subdivided

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

Section 1.16 All Land Subdivisions To Comply

No person shall sell, advertise, or offer to sell, by deed, map, plat or other instrument, any parcel of land not subdivided under the requirements of this Ordinance. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this Ordinance. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Colquitt County Court, and it shall be unlawful to record

such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this Ordinance.

Section 1.17 Preliminary Plat and Construction Plans Required Prior to Construction

No person shall commence construction of any improvements on any lot, prior to the approval of the preliminary plat and construction plans if required by this Ordinance.

Section 1.18 Conformance to Standards for Public Health and Environmental Protection

The developer, in so far as such regulations may pertain to his/her particular project, is responsible for meeting all applicable federal, state and county regulations concerning the provision of safe drinking water, sewage treatment, erosion and sedimentation control and impacts on wetlands and waters of the state.

Section 1.19 Building and Other Permits

No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this Ordinance that has not been approved in accordance with the provisions of this Ordinance.

Section 1.20 Public Streets and Lands

No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this Ordinance and said land and/or improvements are formally approved and accepted as public improvements by the Mayor and City Council in accordance with procedures established in this Ordinance.

Article II

APPEALS

Section 2.01 Purpose

These regulations establish a Board of Zoning Appeals and provide a mechanism for relief in an individual case where certain dimensional requirements of this code pose undue hardship. These regulations also provide for appeals from actions of the Zoning Officer in the administration, enforcement, and interpretation of this code. The grant of authority and powers delegated by the Governing Body is limited to the provisions herein and shall be sparingly used by the Board of Zoning Appeals.

Section 2.02 Board of Zoning Appeals

A Board of Zoning Appeals is hereby established. Said board shall consist of five voting members, who are residents and registered voters of the City of Moultrie, each of whom shall serve for terms of three years without compensation. None of the members of the Board of Zoning Appeals shall be a member of the Governing Body, but one member of the Planning commission may serve on the Board of Zoning Appeals. The board members shall be appointed by the Mayor with the approval of the City Council. In case any vacancy should occur in the membership of the board for any cause, the Mayor shall fill such vacancy by making an appointment for the unexpired term with the approval of the City Council. Any members of the board may be removed by the Mayor for due cause or upon expiration of term, subject to the approval of the City Council.

Section 2.03 Meetings

The Board of Zoning Appeals shall adopt rules of procedure as are necessary to carry out the purposes of its authority. The Board shall establish a regular meeting date and time for its meetings; however, meetings shall be held only on an as-needed basis and shall be open to the public. The Board shall appoint a secretary, who shall be the Zoning Officer unless otherwise

designated, to record the minutes of its proceedings, showing the action of each board member upon each question. The Board shall keep records of its examinations and other official actions, all of which shall be filed with the Planning and Community Development Department and be public records. The Zoning Officer shall serve as the advisor to the Board, except in cases of an appeal from a decision of the Zoning Officer. The Board may adjourn any public hearing or meeting in order to obtain additional information, or to serve further notice upon such other property owners as it decides may be interested in the application or appeal; provided, however, that the Board shall act on all applications within 64 days of the date the initial public hearing on the matter was scheduled. If the Board takes no action is within 64 days of the initial public hearing, the application or appeal will be considered successful.

Section 2.04 Authority to Grant Variances

The Board of Zoning Appeals is authorized to receive, consider, grant, grant with conditions, or deny applications for variances to the dimensional requirements of this code, after a public hearing and after making written findings of fact that the conditions for variances specified herein have been fulfilled. In granting a variance, the Board may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest. Decisions of the Board of Zoning Appeals shall be final; there shall be no appeal to the Mayor and City Council, but the applicant aggrieved by a decision of the Board of Zoning Appeals may pursue appeals to the Courts of proper jurisdiction of the State of Georgia as provided by law.

Section 2.05 Variance Applications

A property owner or his authorized agent may initiate a request for variance by filing an application with the Zoning Officer. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Zoning Officer may require other drawings or materials essential to an understanding of the proposed use and variance requested and its relationship to the surrounding properties. A fee shall accompany variance applications as established by the Governing Body by Ordinance from time to time.

Section 2.06 Conditions and Criteria for Granting a Variance

The Board of Zoning Appeals, in cases where specifically authorized, may grant a variance only after consideration and adoption of findings of fact that all of the following conditions exist and criteria are met.

- a. There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
- b. As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulty that renders it difficult to carry out the provisions of this code.
- c. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this code.
- d. The variance approved is the minimum variance that will make possible the legal use of the land, building or structure.
- e. The variance does not permit a use of land, building or structure which is not permitted by right in the land use intensity district in which the proposed development is located.
- f. The board may grant a hardship variance on medical grounds provided that the request is accompanied by documentation of medical disability, age or infirmity that is certified by a medical doctor's statement. The medical

hardship variance must be renewed annually.

Section 2.07 Staff Investigation and Report

The Zoning Officer shall make an investigation of all variance applications and shall prepare a report thereon, considering applicable criteria specified herein. Said investigation shall be submitted to the Board of Zoning Appeals. Said investigation shall also be made available to the applicant prior to any public hearing scheduled on the matter. This provision shall not apply to appeals of administrative decisions of the Zoning Officer.

Section 2.08 Appeals of Administrative Decisions

Any person who alleges there is an error in, or who is aggrieved by a decision of the Zoning Officer in the administration, enforcement, and/or interpretation of this code, may file an appeal with the Planning and Community Development Department stating the grounds for such appeal. The Board of Zoning Appeals is hereby authorized to hear and decide said appeals, after proper application, public hearing and adoption of relevant findings of fact.

An appeal from a ruling of the Zoning Officer shall stay all proceedings in furtherance of the action being appealed. The Board may affirm, overrule or modify, in whole or in part, the rulings of the Zoning Officer. In cases where an appeal is granted, the Board shall have all necessary powers of the Zoning Officer and may issue building permits and land use permits, or direct the issuance of building permits and land use permits not otherwise inconsistent with this code and any other code, resolution, or ordinance adopted by the Governing Body.

Section 2.09 Notice and Hearing

Upon the filing of any complete application for a variance with the Zoning Officer, or upon the filing of any complete application for appeal with the Planning and Community Development Department, a public hearing shall be scheduled and held on the proposed variance or appeal. Notice of the public hearing shall be given and the public hearing shall be conducted as provided for in Chapter 4 of this code.

Section 2.10 Action on Appeals and Variances

The Board shall make findings and render a decision in writing within 32 days after the initial public hearing on the proposed variance or appeal. The Board's Secretary shall notify the applicant, in writing, of its decision within five days after the Board has rendered its decision. If no decision is made within 32 days, the application will be considered as approved.

Article III

SUBDIVISION PROCEDURE

Section 3.01 Purpose

The purpose of this section is to ensure compliance with the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of a tentative map, tied to the City of Moultrie monument system, of all major subdivisions for review by the Plan Review Group, Planning Commission and Mayor and City Council.

Section 3.02 When Required

All major subdivisions, and any subdivision involving the construction of a public or private street, shall require the submission of a preliminary plat for review and approval to the Plan Review Group and approval by the Planning Commission and Mayor and City Council. Prior to the issuance of any permit for land disturbance, or the installation of any improvements, the Planning Commission and Mayor and City Council must approve the preliminary plat, if required.

Section 3.03 Preapplication Conference

Any major subdivision requires the developer to schedule a preapplication conference with representatives of the Plan Review Group prior to submitting a preliminary plat. At this meeting, in addition to the standard information such as location, size *etc.* of the proposed subdivision, the developer must provide one preliminary sketch of the proposed subdivision that reflects the requirements of this ordinance. The developer is responsible for presenting this information in both printed and digital formats.

Section 3.04 Preliminary Plat Application and Specifications

Preliminary plat applications shall be made in accordance with requirements shown in Table 3-3.13, and preliminary plats shall meet the minimum plat specifications shown in Table 3-3.14. Preliminary plat applications must be submitted in digital and printed formats.

Section 3.05 Procedures

After the required preliminary conference a preliminary plat shall be submitted to the zoning officer. Upon receipt of a completed preliminary plat application, the Zoning officer shall schedule the application for the next public meeting before the Planning Commission and forward all pertinent materials in the application to the Planning Commission for review, including an outline of proposed covenants, if necessary. An application for preliminary plat approval must be submitted by the 2nd Friday of the preceding month of the regular meeting date of the Planning Commission to be considered on that agenda. The Planning Commission shall have 32 days from the date the public meeting is held to approve, conditionally approve, or deny the preliminary plat application. The basis of the Planning Commission's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Ordinance, and all other Ordinances that relate to the proposed development. The Planning Commission's decision will then be transmitted to the Mayor and City Council for a final determination.

Section 3.06 Disposition

Approval of a preliminary plat shall be valid for a period of one year, during which time a complete construction plan application must be submitted. If a completed application for construction plans is not submitted during that time, preliminary plat approval shall expire and be null and void. Substantial changes, as determined by the Plan Review Group, to the plan shall require a new preliminary plat.

Section 3.07 Certificate of Approval

Upon approval of the preliminary plat a certificate, stamped directly on the plat shall state:

"Pursuant to the Land Subdivision Regulations City of Moultrie, Georgia, and all requirements of approval having been fulfilled, this preliminary plat was given approval by the Planning Commission on _____, 20____ and Mayor on _____, 20____. This approval does not constitute approval of a final plat. This certificate of approval shall expire and become null and void on _____, 20____, one (1) year from the above date of approval."

_____ Planning Commission Chairman

_____ Mayor

Section 3.08 Appeal

Denial of preliminary plat approval may be appealed to the Board of Zoning Appeals of the City of Moultrie as appointed by the Mayor and City Council of the City of Moultrie.

Section 3.09 Amendments to Approved Preliminary Plats

The Plan Review Group is authorized to approve minor amendments to preliminary plats. After review and approval of the Plan Review Group, any proposed amendment to a sketch plat that is determined by the Plan Review Group to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, Planning Commission approval shall be required. The Planning Commission shall approve, conditionally approve, or deny the proposed major amendment to a preliminary plat. Procedures for considering a major amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval.

Section 3.10 Construction Plan Application

Upon approval of a preliminary plat, the subdivider or land developer may apply for construction plan approval. In the case of a minor subdivision, or in cases where a preliminary plat is not required by this article, the subdivider or land developer may apply for approval of construction plans; provided, however, that in the case of a minor subdivision or land

development the applicant for construction plan approval should hold a pre-application conference with the Plan Review Group to ensure that plans meet the intent and specific provisions of this Ordinance and other applicable regulations. The construction plan approval process is administrative. Applications for construction plan approval shall be made in accordance with requirements shown in Table 3-3.13 and Table 3-3.14. No application for construction plans shall be accepted for processing nor approved by the Plan Review Group until a preliminary plat, if required, has been approved by the Planning Commission as well as the Mayor and City Council. Construction plans must be submitted in both paper and digital formats wherever possible.

Section 3.11 Plan Review Group's Decision Criteria

The only basis upon which the Plan Review Group may deny a construction plan is the failure of the application to meet the requirements of this ordinance or any other applicable state or local regulations or the failure of the construction plans and application to meet the requirements of preliminary plat approval specified by the Planning Commission. Substantial deviations from the preliminary plat must go back to the Planning Commission at the discretion of the Planning Director.

Section 3.12 Construction Plan Certificate of Approval

All copies of the construction plans shall be noted by inscription on the plat noting such approval by the Plan Review Group and the appropriate representatives from city departments. Construction plan approval shall expire and be null and void after a period of one year, unless activity toward improvements on the land has been initiated, or unless the Plan Review Group approves an extension of time.

Section 3.13 Final Plat Approval

All major subdivisions, minor subdivisions, and dedications shall require final plat approval. The final plat approval process is administrative. Applications shall be made in accordance with requirements shown in Table 3-3.13

Table 3-3.13
Application Requirements

REQUIREMENTS	MINOR SUBDIVISION	MAJOR SUBDIVISION		
		Preliminary Plat	Construction Plans	Final Plat
Pre-application review with Plan Review Group	Required	Required		
Development of Regional Impact, if applicable, required before rezoning/annexation	Required	Required		
Open Space Management Plan, if applicable, prior to the issuance of a land disturbance permit.	Required	Required		
Soil Erosion & Sediment Control Plans, if applicable		Required		
Application form completed		Required	Required	Required
Warranty deed (filed and recorded at courthouse) with legal description granting title to current owner	Required	Required		
Warranty deed for the dedication of streets and other public places				Required
Number of copies of plat	4	25	4	4
Description of type of water supply and sewerage system and Utilities to be provided	Required	Required	Required	Required
Soil test for each lot proposed for on-site septic tank and drain field, if applicable	Required	Required	Required	Required
Subdivision entrance monument and landscaping elevation/plan		Required	Per City Engineer	
Written approval from electric utility company regarding installation of service points and street lights				Required
Permit for Construction in Public Right-of-Way, issued by the City Engineer	Per City Engineer		Per City Engineer	
Certificate of title	Required			Required
Plat Certificates	Required			Required
Legal Instrument for Permanent Protection, if applicable, as described in Sec. 5.04 for Conservation Subdivisions	Required			Required
Data on existing conditions IE: existing structures, significant trees, water streams, ponds, etc.	Required	Required	Required	
Subdivision improvement guarantee - Two years after completion				Required
Hydrological or other engineering study	Per City Engineer		Required	
As-built drawings of public improvements				Required
Filing fee per Resolution/ schedule	As determined by Mayor and City Council			
State of Georgia Transportation recommendation for approval, if applicable	Required	Required		
Purchaser's Acknowledgement of Private Street and Drainage Maintenance Responsibility, if applicable, recorded with the deed	Required			Required

Section 3.14 Criteria for Approval

The Plan Review Group may grant final plat approval if the following conditions, as applicable, are met. (See *Figure 3-3.14*).

- (a) The Planning Commission and Mayor and City Council has previously approved a preliminary plat of the proposed subdivision, if required (not required for minor subdivision).
- (b) Where new improvements are involved in the subdivision, construction plans have been approved by the Plan Review Group, and all improvements have been installed and inspected by the appropriate representatives from city departments and subdivision improvement guarantees as required by this Ordinance have been submitted.
- (c) The final plat meets all applicable requirements of this Ordinance.
- (d) A complete final plat application has been submitted, including all supporting materials required by this chapter for final plats.

The Plan Review Group shall consider final plats and applications that meet the above-referenced conditions a ministerial action of approval. Denial of a final plat shall be permitted only upon specific findings that one or more of the above-referenced conditions have not been met. (See *Figure 3-3.14*).



Table 3-3.14
Plat and Plan Requirements

REQUIRED INFORMATION (Required to be on the plat or construction plans)	Preliminary Plat	Construction Plans	Final Plat
Scale (minimum)	1"=100 feet	1"=100 feet	1"=100 feet
Sheet size (maximum) Standard white 20 lb paper with black ink	11" x 17"	24" x 36"	11" x 17"
North arrow and graphic engineering scale	Required	Required	Required
Reference to north point (magnetic, true north, or grid north)			Required
Proposed name of subdivision or project and phases, if any	Required	Required	Required
Vicinity map (including Land Lot Number(s))	Required	Required	Required
Total acreage of the property being subdivided	Required	Required	Required
Name, address, and telephone # of owner of record	Required	Required	Required
Name, address and telephone # of subdivider	Required	Required	Required
Name, address and telephone # of preparer of plat	Required	Required	Required
Date of plat drawing and revision date(s), if any	Required	Required	Required
Exact boundaries of the tract to be subdivided by bearings and distances, tied to two or more City of Moultrie benchmarks/monuments	Required	Required	Required
Names of owners of record of all abutting land		Required	Required
Municipal, City and land lot lines inside the property or within 500 feet.	Required	Required	Required
Existing buildings and structures on or encroaching on the tract to be subdivided	Required	Required	Not Shown
Existing streets, Utilities and easements on and adjacent to the tract	Required	Required	Required
Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, etc.)	Required	Required	Required
Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition			Required
Dimensions and acreage of all lots	Approximate	Approximate	Exact
Locations of streets, alleys, sidewalks, lots, open spaces, and any public use reservations and/or common areas	Required	Required	Required
Right-of-way widths and pavement widths for existing and proposed streets	Required	Required	Required
Locations, widths and purposes of easements	Approximate	Required	Required
Street centerlines showing angles of deflection, angles of intersection, radius, and lengths of tangents and arcs, and degree of curvature and curve data	Approximate	Required	Required
Acreage to be dedicated to the public	Approximate		Required
Street names	Recommended	Required	Required
Street mailing address for each lot			Required
Topography	Per Plan Review Group	Per Plan Review Group	Not Shown
Minimum front building setback lines for all lots	Required	Required	Required
Location and description of all monuments			Required
Certificate of ownership and dedication			Required
Plat recording block			Required
Signature block for Planning Commission approval	Required		Required
Signature block for Mayor's Approval	Required		
Land surveyor's stamp, certificate, signature, including field survey and closure statement		Required	Required
List of deviations, if any, from approved preliminary plat			Required
Statement of and reference to private covenants	Required		Required
Certified private covenants, to be recorded with the final plat			Required
Schedule of construction for all proposed projects with particular attention to development planned for the first year	Required	Required	

Section 3.15 Final Plat Approval Certificate

Upon approval of the final plat, a certificate, stamped directly on the plat, shall state:

"Pursuant to the Land Subdivision Regulations City of Moultrie, Georgia, and all requirements of approval having been fulfilled, this final plat was given preliminary approval by the Planning Commission on _____, 20_____, and final approval by the Plan Review Group and it is entitled to recordation in the Clerk's Office of Colquitt County Court."

_____ Planning Commission Chair

_____ Witness

Section 3.16 Additional Plat Certificates

In addition to information required by Table 3-3.14 to be supplied on a final plat, each final plat shall contain the following certificates:

Surveyor's Certificate. A certificate by a surveyor directly on the final plat as follows:

"It is hereby certified that, in my opinion, this map or plat is true and correct and was prepared from an actual survey of the property by me or persons under my supervision; that all monuments shown hereon actually exist or are marked as "future," and that their location, size, type and material are correctly shown; and that all engineering requirements of the Subdivision Ordinance of the City of Moultrie, Georgia, have been fully complied with in conformity with the minimum standards and requirement of law. .

By: _____
Registered Georgia Land Surveyor No.: _____"

Owner's Certificate for Public Roads. A certificate by the owner directly on the final plat, signed in an appropriate manner as follows:

"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, and that all State, City and City taxes or other assessments now due on this land have been paid. Said owner donates and dedicates to the public for use forever the street right-of-way as shown on this plat.

_____, 20

Owner

Signed, sealed and delivered
in the presence of:

_____, 20

Witness

_____, 20

Notary Public"

My Commission Expires: _____

Owner's Certificate for Private Roads. A certificate by the owner directly on the final plat, signed in an appropriate manner as follows:

"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, and that all State, City and City taxes or other assessments now due on this land have been paid. _

_____, 20

Owner

Signed, sealed and delivered
in the presence of:

_____, 20

Witness

_____, 20

Notary Public"

My Commission Expires: _____

Plan Review Group Approval Certificate

This final plat has been approved by the Plan Review Group as being consistent with the Comprehensive Plan and public welfare.

_____, 20

Zoning Officer, Moultrie City Planning Department

Plat recording block.

"Property is subject to covenants and reservations as recorded in Deed Book ____ Page _____."

Section 3.17 Recording a Plat

Upon satisfactory compliance with these regulations and after approval by the Planning Commission, the final plat will be forwarded to the Moultrie Planning Director to retain until such time that all required minimum improvements have been completed, accepted by the city, and the required guarantee has been posted with the Clerk for the City of Moultrie. At such time the Moultrie Planning Director shall release said final plat to the owner, developer or authorized agent for recording in the office of the Clerk of Superior Court, in Colquitt County, Georgia.

Section 3.18 Subdivision Improvement and Maintenance Guarantees

In order to protect the City and prospective purchasers of and residents in a subdivision, the subdivider/developer shall provide to the City financial security to guarantee the installation of public improvements and required maintenance. The subdivider's or developer's financial guarantee may be any of the following:

- (a) An escrow of funds with the City ;
- (b) An escrow with a bank or savings and loan association upon which the City can draw;
- (c) An irrevocable letter of commitment or credit upon which the City can draw;
- (d) A performance bond for the benefit of the City upon which the City can collect, or a certificate of deposit with assignment letter; and
- (e) Any other form of guarantee approved by the Mayor and City Council that will satisfy the objectives of this section. The guarantee shall be in an amount to secure the full costs, as determined by the City, of constructing or installing the required improvements and utilities and, where necessary, to cover maintenance costs for a minimum of two years.

Section 3.19 Limitations on Minor Subdivisions

Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the Mayor and City Council to prohibit the practice of "chain" subdivisions where the

same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than four lots. It is also the intent of the Mayor and City Council to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.

Section 3.20 Common Contiguous Parcels Shown on Minor Subdivision Plats

Contiguous common parcels, as defined by this Ordinance, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Common contiguous parcels shall not be counted as lots in the case of a minor subdivision.

Section 3.21 Limitations

Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this Ordinance. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last three years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a three year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of three years, regardless of ownership.

Section 3.22 Private Streets Permitted

Private streets may, upon application, be permitted by the Mayor and City Council within major subdivisions, subject to the requirements of this section. Applications for approval of private streets shall be considered by the Mayor and City Council at the time of preliminary plat approval by the Planning Commission. Following a recommendation by the Planning Commission to authorize private streets in a major subdivision, the Mayor and City Council shall consider the application and shall require the creation of a Homeowners Association for those served by the private street prior to the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets. No final plat involving a private street shall be approved unless said final plat conforms to the requirements of this section.

Section 3.23 Engineering Plans Required

It shall be unlawful for any person, firm, or corporation to construct a new private street or alter an existing private street or to cause the same to be done without first obtaining approval of engineering and construction plans from the Plan Review Group in accordance with the requirements of this Ordinance and Section 2.3 of this code.

Section 3.24 Standards

All private streets shall be constructed to all standards for public streets required by Chapter 2 of this code, applicable construction specifications of the City Engineer, and as approved by the City Engineer.

Section 3.25 Street Names And Signs

Private streets shall be named, subject to the approval of the Chief Fire Officer. The subdivider of land involving a private street shall install street signs containing the street name, the designation "private," and any other information as approved by the Public Works Director. The sign signifying the private street may be required by the Public Works Director to be a

different color than that of street signs provided for public streets, in order to distinguish maintenance responsibilities in the field.

Section 3.26 Easements for Private Streets

Easements for private streets shall be designated on final plats as general-purpose public access and utility easements, along with the name of said private street. Said easement shall at minimum be of the same width as that required for the right-of-way of a public street by the major thoroughfare plan and the City Engineer for the type of public street (local, collector, etc.) most closely resembling the proposed private street. Easements for private streets shall not be included in any calculation of minimum lot size or density limitations established by local land use regulations. In the cases of private streets, the general-purpose public access and utility easement for the private street shall either;

1. Be shown in a manner on the final plat such that each lot fronting the private street extends to the centerline of the private street. No lot shall be permitted to be divided by the general purpose public access and utility easement required and established for a private street; or
2. Shall be drawn as its own discrete parcel to be dedicated to a private homeowners association (i.e., not shown to be a part of any lot).

Section 3.27 Maintenance

The City shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the City Clerk and the Clerk of the County Court shall be required for any private street and other improvements within general-purpose public access and utility easements established for private streets. The covenant shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations. The Covenant shall specifically include the following terms.

- (a) The Covenant shall establish minimum annual assessments in an amount adequate

to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association in cases of a subdivision fronting on a private street.

- (b) The Covenant shall include a periodic maintenance schedule.
- (c) The Covenant for maintenance shall be enforceable by any property owner served by the private street.
- (d) The Covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private street.
- (e) The Covenant shall run with the land.
- (f) The Mayor and City Council may, at its discretion, as a condition of approving private streets, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the Council may require that the subdivider pay an amount of money as recommended by the City Engineer into an escrow account or other suitable account for the maintenance and repair of private streets and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise for a minimum of two (2) years.

(g)

Section 3.28 Specifications For Final Plats Involving Private Streets

The Plan Review Group shall not approve for recording any final plat involving a private street unless and until it shall contain the following on the face of the plat:

- (a) Deed book and page reference to the recorded covenant required by this section;
- (b) “WARNING, the City of Moultrie has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat.”;
- (c) “Grant of Easement. The general purpose public access and utility easement(s) shown on this plat for private street(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City , and to public or private utility companies serving the subdivision, for the installation

and maintenance of Utilities, including, but not limited to, solid waste receptacles, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner”; and,

- (d) (The following certificate of dedication shall be required, unless the Mayor and City Council waives the dedication requirement.)

“Certificate of Dedication. All water and sewer lines installed within the general purpose public access and utility easement(s) shown on this plat for private street(s) are hereby dedicated to the City of Moultrie.

Signature of Property Owner.”

Section 3.29 Requirement for Purchaser’s Acknowledgement of Private Responsibilities.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in the City, the subdivider or seller of said lot shall execute a notarized purchaser’s acknowledgement of private street construction and drainage maintenance responsibilities as set forth below. A copy of the purchaser’s acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot:

“Purchaser’s Acknowledgement of
Private Street and Drainage Maintenance Responsibility

(I) / (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) /



(We) understand that the Declaration of Covenant applies to the lot that (I am) / (we are) purchasing and requires (me) / (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) / (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) / (us) to pay, plus their damages resulting from (my) / (our) refusal to contribute, plus reasonable attorneys fees. (I) / (We) further understand that the City has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. (I) / (We) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) / (we are) purchasing.

Purchaser

Purchaser Signature & Date

Purchaser

Purchaser Signature & Date

Witness

Witness Signature & Date

Article IV

DESIGN REQUIREMENTS FOR BLOCKS AND LOTS

Section 4.01 **Block Length**

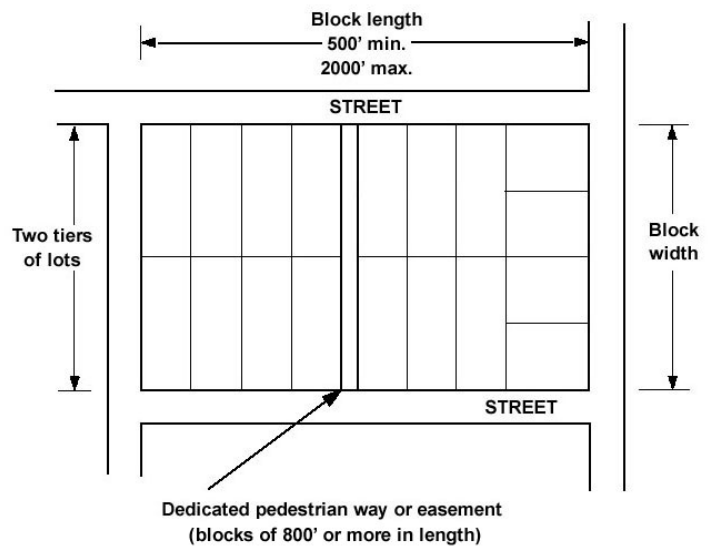
Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic. Blocks in residential subdivisions should not exceed 2,000 feet nor be less than 500 feet in length, except where topography or other conditions justify a departure from these standards. The Planning Commission may require pedestrian ways and/or easements through the block to be located near the center in blocks longer than 800 feet.

Section 4.02 **Block Width**

The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries. (See *Figure 4-4.02*).

Section 4.03 **Natural Features and Assets**

In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.



Block Length, Block Width and Pedestrian Way

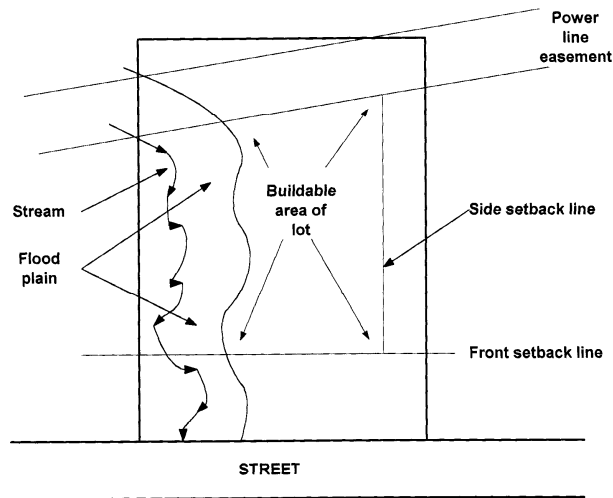
Figure 4-4.02

Section 4.04 Access and Minimum Lot Frontage

Each lot shall have access to a public street and a minimum lot frontage on a public street as detailed in the Schedule of Regulations in the Zoning Ordinance of the City of Moultrie; provided, however, that the local governing body may permit one or more lots to be accessed by private streets, as more fully specified in Chapter 2 of this code; provided further, that in the case of a lot accessed by a circular cul-de-sac, the minimum lot frontage may be reduced to 30 feet.

Section 4.05 Adequate Buildable Area Required

Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body. (See Figure 4-4.05).



Adequate Building Area Required

Figure 4-4.05

Section 4.06 Lot Remnants Not Permitted

All remnants of lots below any required minimum lot size that may be required, left over after subdividing of a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Plan Review Group may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

Section 4.07 Service Areas

Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the use intended.

Section 4.08 Lot Area

The minimum lot area shall not be less than that established by the land use intensity district in which the subdivision is located, if applicable. See Schedule of Regulations of the Zoning Ordinance of the City of Moultrie.

Section 4.09 Lot Width

No portion of a lot shall be narrower than the width's required by, Schedule of Regulations of the Zoning Ordinance of the City of Moultrie, with the exception of cul-de-sac lots.

Section 4.10 Lot Depth

Lots shall have a depth of no less than that established by the Zoning district in which the subdivision is located, unless circumstances make these limitations impracticable.

Section 4.11 Flag Lots

No lot shall be approved which constitutes a flag lot except with special approval from the Planning Commission due to extreme topographic circumstances.

Section 4.12 Side Lot Lines

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

Section 4.13 Corner Lots

Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way.

Section 4.14 Double Frontage Lots

Double frontage or “through” lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots with frontage on a major arterial street shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial street.

Section 4.15 Easements

Where a watercourse, drainage way, channel or stream traverses a subdivision, there shall be provided a stormwater or drainage easement of adequate width. Easements shall be provided for all drainage facilities as approved by the City Engineer. Where easements are needed for utility locations, the subdivider shall provide them to the appropriate utility provider. Where easements are needed for public water and/or sanitary sewer lines, they shall be provided as determined appropriate by the City Engineer. All easements required pursuant to this section shall be shown on the preliminary plat, if required, and final plat.

Section 4.16 Survey Monuments for all Lots Required

For all subdivisions, a Georgia registered land surveyor shall install permanent survey monuments at all property corners and land lot lines, prior to final plat approval. Lot corners shall be marked with metal rods not less than 1/2" in diameter and 18" in length and driven so as to be stabilized in the ground. Permanent survey monuments shall also be installed in accordance with the most recent edition of Section 180-7-.05 Monument of the Rules of State Board of Registration for Professional Engineers & Land Surveyors and the Georgia Plat Act (O.C.G.A. 15-6-67).

Section 4.17 Incentives to Create Mixed Income Subdivisions

In subdividing of land, developers may be awarded density increases in exchange for the creation of lots suitable for affordable workforce housing. A ratio of one extra unit per acre for every .75 affordable unit added shall be the minimum. Where affordable housing units are part of a larger development, they must be dispersed throughout the development rather than clustered.

Article V

CONSERVATION SUBDIVISIONS

Section 5.01 Purpose

- (a) To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- (b) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- (c) To preserve important historic and archaeological sites.
- (d) To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (e) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (f) To promote interconnected greenways and corridors throughout the community.
- (g) To promote contiguous greenspace with adjacent jurisdictions.
- (h) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.

- (i) To encourage street designs that reduce traffic speeds and reliance on main arteries.
- (j) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- (k) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- (l) To protect prime agricultural land and preserve farming as an economic activity.

Section 5.02 General Regulations

A. Applicability of Regulations

This Conservation Subdivision option is available as a use by right in all residential zoning districts. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Ownership of Development Site

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

C. Housing Density Determination

The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

- 1.) Calculation:** The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

- Slopes over 25% of at least 5000 square feet contiguous area;
- The 100 year floodplain;
- Bodies of open water over 5000 square feet contiguous area; and
- Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

2.) Yield Plan: The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

Section 5.03 Application Requirements

A.) Site Analysis Map Required

Concurrent with the submission of a site concept plan, Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary site plan shall included the following features:

- 1) Property boudaries;
- 2) All streams, rivers, lakes, wetlands and other hydrologic features;
- 3) Topographic contours of no less than 10-foot intervals;
- 4) All Primary and Secondary Conservation Areas labeled by type, as described in Section 18.4 of this Article;
- 5) General vegetation characteristics;
- 6) General soil types;
- 7) The planned location of protected Open Space;
- 8) Existing roads and structures;
- 9) Potential connections with existing greenspace and trails.

B.) Open Space Management Plan Required

An open space management plan, as described in Section 5.04, shall be prepared and submitted prior to the issuance of a land disturbance permit.

C.) Instrument of Permanent Protection Required

An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 5.04, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.

D.) Other Requirements

The Applicant shall adhere to all other applicable requirements of the underlying zoning and subdivision regulations.

Section 5.04 Open Space

A.) Definition

Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

B.) Standards to Determine Open Space

- 1) The minimum restricted Open Space shall comprise at least 30% of the gross tract area.
- 2) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - The 100-year floodplain
 - Riparian zones of at least 75 ft width along all perennial and intermittent streams

- Slopes above 25% of at least 5000 square feet contiguous area
 - Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act
 - Populations of endangered or threatened species, or habitat for such species
 - Archaeological sites, cemeteries and burial grounds
- 3) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.
- Important historic sites
 - Existing healthy, native forests of at least one acre contiguous area
 - Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line
 - Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads
 - Prime agricultural lands of at least five acres contiguous area
 - Existing trails that connect the tract to neighboring areas
- 4) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 30% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
- 5) At least 20% of the Open Space shall consist of land that is suitable for building.
- 6) At least 70% of the Open Space shall be in a contiguous tract. The

Open Space shall adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.

- 7) The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

C.) Permitted Uses of Open Space

Uses of Open Space may include the following:

- Conservation of natural, archeological or historical resources;
- Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- Walking or bicycle trails, provided they are constructed of porous paving materials;
- Passive recreation areas, such as open fields;
- Active recreation areas, provided that they are limited to no more than 10% of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.
- Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly

suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;

- Easements for drainage, access, and underground utility lines;
- Other conservation-oriented uses compatible with the purposes of this ordinance.

D.) Prohibited Uses of Open Space

- Golf courses;
- Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- Impoundments;
- Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

E.) Ownership and Management of Open Space

- 1) A homeowners association representing residents of the conservation subdivision shall own the Open Space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the Homeowner's Association.
- 2) Applicant shall submit a Plan for Management of Open Space and Common Facilities that:
 - (a) allocates responsibility and guidelines for the maintenance and operation of the Open Space and



any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

- (b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
- (c) provides that any changes to the Plan be approved by the Mayor and City Council; and
- (d) provides for enforcement of the Plan.

3) In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Moultrie may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance shall be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

F.) Legal Instrument for Permanent Protection

1) The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

- (a) A permanent conservation easement in favor of either:

1. a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; *or*
2. a governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.

If the entity accepting the easement is not the City of Moultrie, then a third right of enforcement favoring the City of Moultrie shall be included in the easement.

- (b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - (c) An equivalent legal tool that provides permanent protection, if approved by Mayor and City Council.
- 2) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

G.) Tax Assessment of Open Space

Once a legal instrument for permanent protection has been placed upon the Open Space, the Colquitt County Tax Assessor's office shall be directed to reassess the Open Space at a lower value to reflect its more limited use. If the Open Space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment shall be at a value of zero.



Article VI

REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND LAND DEVELOPMENT

Section 6.01 **Purpose**

The purpose of this Ordinance is to establish minimum design requirements, standards, and specifications for improvements within subdivisions and land developments.

Section 6.02 **Definitions**

Definitions pertaining to this Ordinance shall be as provided in Article I, section 1.03 of this code.

Section 6.03 **Authority of Plan Review Group**

The Plan Review Group is hereby authorized to review and approve plans for subdivisions and land developments to ensure compliance with the requirements of this code. The Plan Review Group is further authorized to prepare and promulgate standards, standard drawings, and specifications to more specifically implement the intent of the improvement requirements of this code.

Section 6.04 **Applicability and Exception**

The improvement requirements specified in this Article shall apply to all developments except individual lots proposed for development as a detached, single-family dwelling or manufactured home. Such lots that are a part of a larger land subdivision will initially meet the requirements of this code section. All improvements required to be constructed as part of a major subdivision, minor subdivision or land development process shall be constructed and improved, in accordance with the standards and specifications for construction as required by this code section and as specified by the Plan Review Group.

No person to which this code section applies shall commence construction of any improvements on any land, prior to the approval of construction plans and engineering plans for said improvements, as required by Chapter 2 of this code, according to the improvement standards specified in Article VI of this code and as adopted by the Plan Review Group or Designee. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land that does not meet the improvement requirements specified in this Article and as adopted by the Plan Review Group or Designee pursuant to this section.

Section 6.05 Engineered Drawings

Engineering drawings for public streets, including cross sections and centerline profiles, traffic signage and pavement markings, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia, or if authorized under state law, a registered land surveyor, or professional landscape architect, shall be required to be submitted for review and approval, and such plans must meet the requirements of this Article and the specifications of the Plan Review Group. Prior to approval and recording of a final plat, or prior to the approval of any certificate of occupancy, a registered engineer for the subdivider/developer shall submit one copy of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this code section and certifying that the plans accurately reflect actual construction and installation. The City Engineer shall maintain all as-built street plans while the Utility Director shall keep utility plans for future use by the City.

Section 6.06 Permits for Construction in Public Right-of-Way

Permits from the City Engineer shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the City Engineer. Permit fees shall be approved by resolution of the Mayor and City Council.

Section 6.07 Improvements to Abutting Land

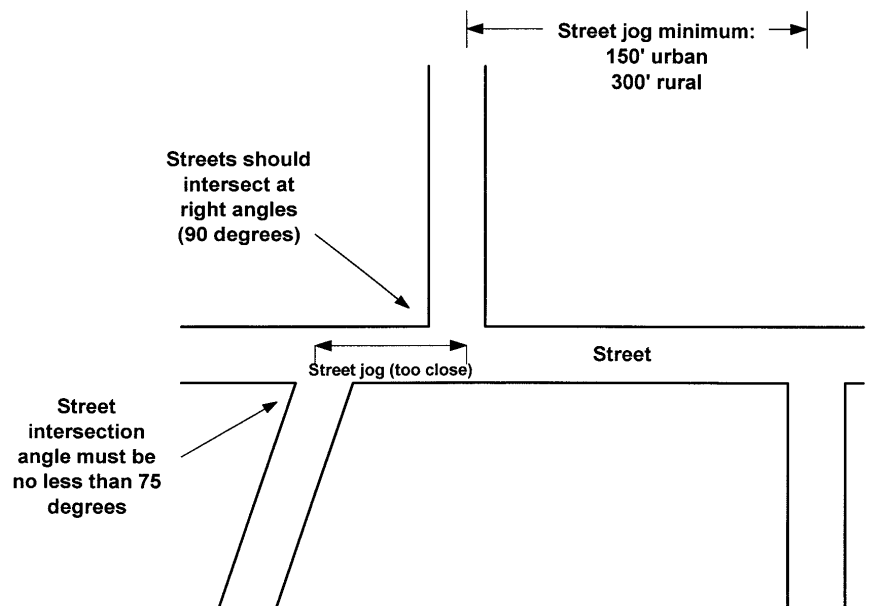
For subdivisions and land developments that abut and access an abutting public street, the subdivider or land developer shall install curb and gutter, sidewalk, other road improvements,

and, as required, a deceleration lane, according to standards and specifications of the City Engineer, along all abutting public streets. All major residential subdivisions must have street patterns that conform to the requirements of the International Fire Code, Appendix D, Section 106d or 107d which state that residential subdivisions must have a minimum of two separate entrance/exit points. When a subdivision or land development uses an unpaved public right-of-way for access, the subdivider or land developer shall improve that right-of-way to a pavement width consistent with City road design standards. Said improvements shall be from the subdivision or land development entrance to the paved City road which the City Engineer determines will be the primary direction of travel for residents of the subdivision or occupants of the land development.

Section 6.08 Street Design Requirement

A.) Street Alignment, Intersections and Jogs

Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street intersection be less than 75 degrees. Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 150 feet in urban areas and 300 feet in rural areas. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including trees in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.



(See Figure 1-6.08(A)).

Intersection Angles and Street Jogs

Figure 1-6.08(A)

B.) Continuation of Existing Streets and Connections

Existing streets, and their rights-of-way, shall be continued at the same or greater width, but in no case less than the required width. The Planning Commission may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.

C.) Street Plans for Future Phases of the Tract

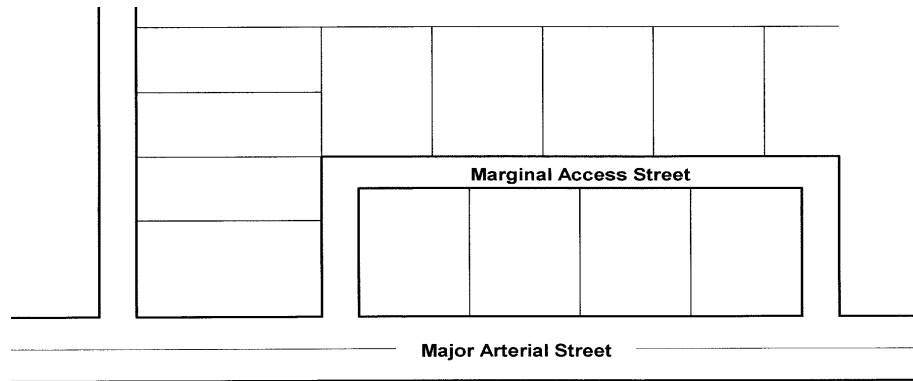
Where the plat or site plan proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future street system for the portion not slated for immediate subdivision consideration may be required by the Plan Review Group and if required shall be prepared and submitted by the subdivider or land developer. This tentative plan must reflect the requirements of the International Fire Code Appendix D, 106 and 107.

D.) Dead End Streets and Cul-De-Sacs

Streets that dead-end shall terminate in a cul-de-sac. The maximum length of such streets shall be 600 feet in urban areas and 1,200 feet in rural areas. In no case may a Cul-De-Sac have a length that is less than 200 feet from the nearest street ROW to the back ROW of Cul-De-Sac. The bulb ROW must have a minimum 60 foot radius. The bulb pavement must have a 96 foot diameter. Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the City Engineer.

E.) Marginal Access Streets

Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Plan Review Group at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Plan Review Group may also require a 20-foot no-access easement and planting strip along the major arterial street to ensure that lots fronting on said street do not have access thereto. (See *Figure 2-6.08(E)*).



Marginal Access Street

Figure 2-6.08(E)

F.) Alleys and Service Access

Alleys may be provided. If they are provided, they must be paved. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities that meet the standards set forth in 6.08(D) above. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

G.) Bridges

Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards, International Fire Code Standards and other standards as determined by the City Engineer.

H.) Grading and Stabilization of Street Right-Of-Ways

When a new public street is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street right-of-way, except in cases where trees are required to be preserved by the Plan Review Group. All streets shall be graded to lines, grades and cross sections approved on plans. All unsurfaced disturbed portions of street rights-of-way shall be stabilized by seeding, fertilizing, and mulching or by another equally effective method.

I.) Miters at Street Intersections

Where required the right-of-way miter at street intersections shall be a minimum of 25 feet, extended along either right-of-way from the street intersection, with larger miters required for streets serving nonresidential development, as approved by the City Engineer. The minimum pavement (curb) radius at street intersections shall be 25 feet.

J.) Street Grades

No street grade shall be less than 0.5 percent. No street grade for an arterial or collector street shall exceed eight percent. No other local street grade shall exceed 12 percent, unless the City Engineer finds that due to topographic conditions, a steeper grade is necessary, in which case the street grade shall not exceed 15 percent. Grades between 12 percent and 15 percent shall not exceed a length of 150 feet.

K.) Minimum Street Right-Of-Way and Pavement Widths

All streets shall be curbed. Street right-of-way and pavement widths shall at minimum meet the following:

Table 1-6.08(K)

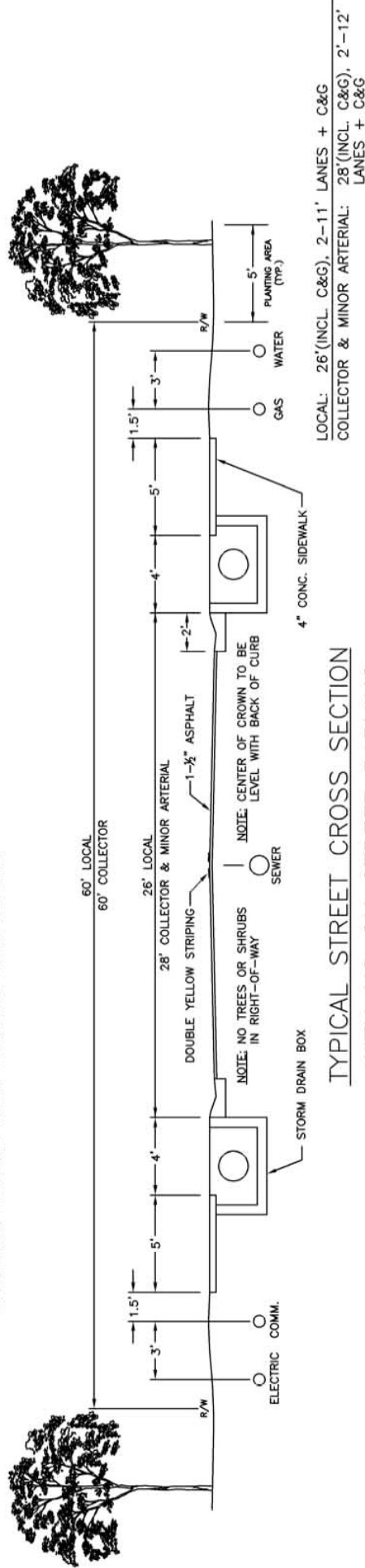
STREET TYPE	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	MINIMUM STREET WIDTH (INCL. CURB & GUTTER) (FEET)
Major arterial street	Per thoroughfare plan	Per thoroughfare plan
Minor arterial street	60	28
Collector Street with no on street parking	60	28
Collector Street with one side on street parking	70	36
Collector Street with two sides on street parking	80	44
Local Street with no on street parking	60	26
Local Street with one side on street parking	65	34
Local Street with two sides on street parking	80	42
Cul-de-sac turn around radius	60	50
Alley	20	16*
* does not include curb and gutter		

Figure 3-6.08(K) Residential Street Cross Sections with Curb and Gutter

NOTE: FOR MULTIPLE LANES ON ARTERIAL ROADS, INCREASE PAVEMENT WIDTHS BY MINIMAL 12' LANES.

DENSITY PER ACRE
GENERAL REQUIREMENTS FOR PARKING LANES:
3 LOTS PER ACRE-1 PARKING LANE WIDTH
4 LOTS PER ACRE-2 PARKING LANE WIDTH

NOTE: AVERAGE LOTS PER ACRE FRONTING ON ANY STREET WOULD BE CALCULATED BY AVERAGING ALL LOT SIZES FRONTING SAID STREET.



TYPICAL STREET CROSS SECTION

WITH NO ON STREET PARKING

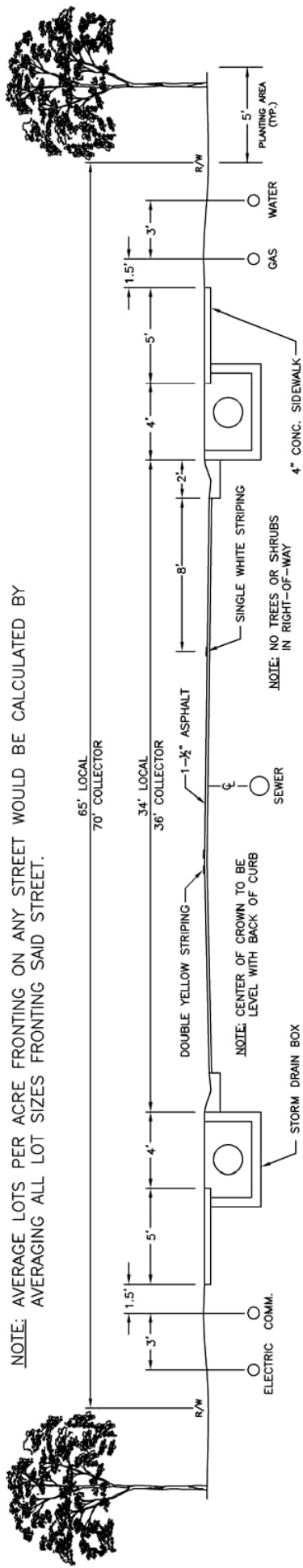


Figure 3-6.08(K) Residential Street Cross Sections with Curb and Gutter

NOTE: FOR MULTIPLE LANES ON ARTERIAL ROADS, INCREASE PAVEMENT WIDTHS BY MINIMAL 12' LANES.

GENERAL REQUIREMENTS FOR PARKING LANES:
DENSITY PER ACRE
 3 LOTS PER ACRE-1 PARKING LANE WIDTH
 4 LOTS PER ACRE-2 PARKING LANE WIDTH

NOTE: AVERAGE LOTS PER ACRE FRONTING ON ANY STREET WOULD BE CALCULATED BY AVERAGING ALL LOT SIZES FRONTING SAID STREET.



TYPICAL STREET CROSS SECTION

WITH ONE SIDE ON STREET PARKING

LOCAL: 34' (INCL. C&G), 2-11' LANES + 8' PKG. LANE + C&G
 COLLECTOR: 36' (INCL. C&G), 2-12' LANES + 8' PKG. LANE + C&G

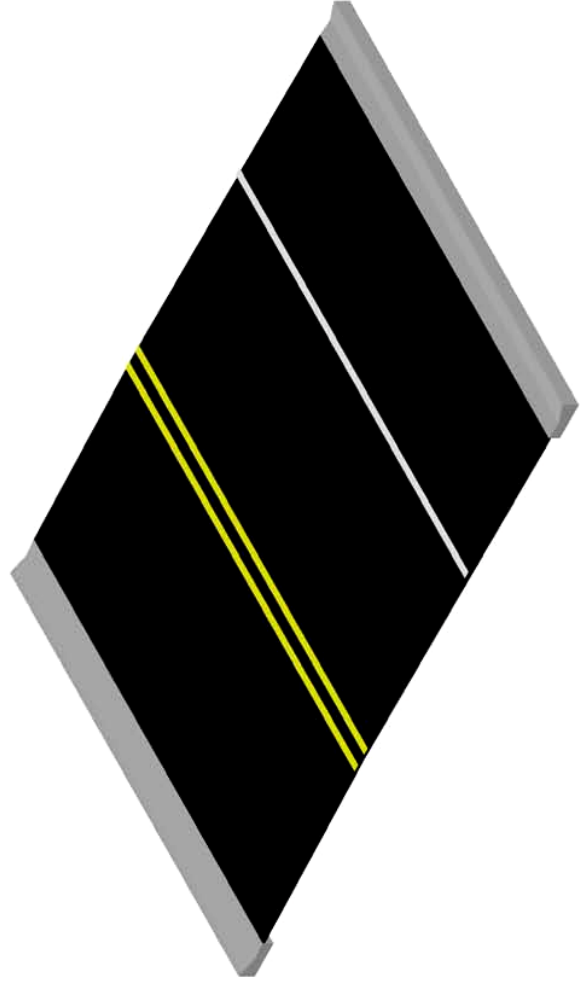
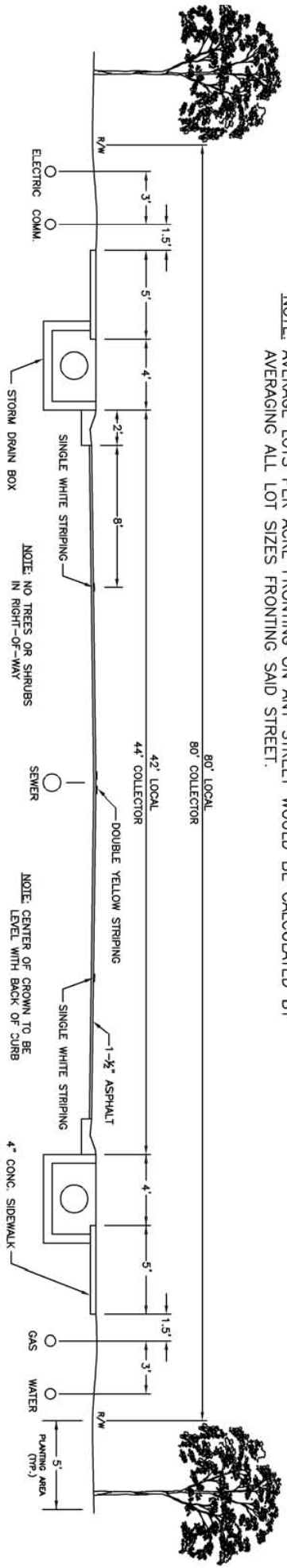


Figure 3-6.08(K) Residential Street Cross Sections with Curb and Gutter

NOTE: FOR MULTIPLE LANES ON ARTERIAL ROADS, INCREASE PAVEMENT WIDTHS BY MINIMAL 12' LANES.

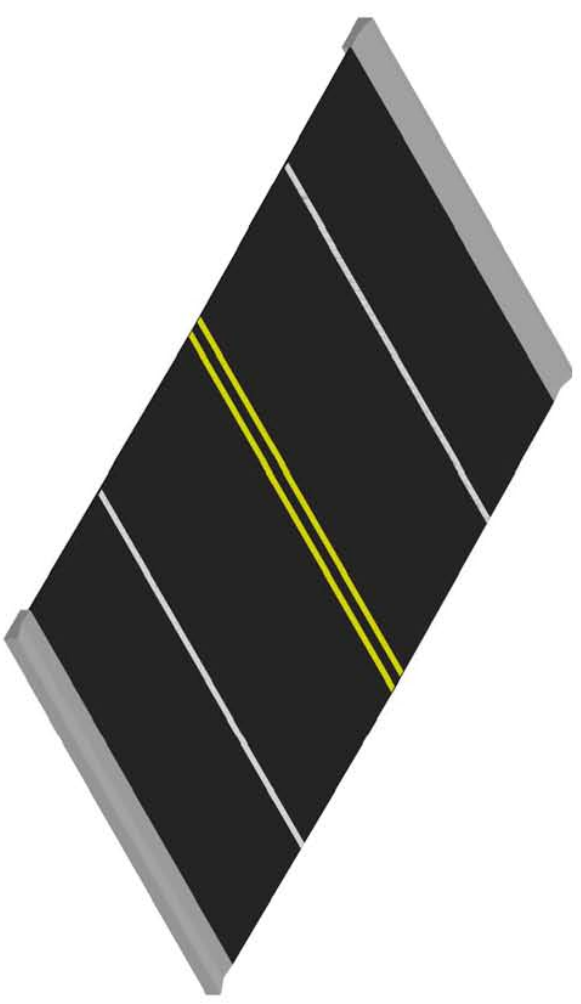
GENERAL REQUIREMENTS FOR PARKING LANES:
 DENSITY PER ACRE 3 LOTS PER ACRE-1 PARKING LANE WIDTH
 4 LOTS PER ACRE-2 PARKING LANE WIDTH

NOTE: AVERAGE LOTS PER ACRE FRONTING ON ANY STREET WOULD BE CALCULATED BY AVERAGING ALL LOT SIZES FRONTING SAID STREET.



TYPICAL STREET CROSS SECTION
WITH TWO SIDES ON STREET PARKING

LOCAL: 42'(INCL. C&G), 2-11' LANES + 2-8' PKG. LANES + C&G
 COLLECTOR: 44'(INCL. C&G), 2-12' LANES + 2-8' PKG. LANES + C&G



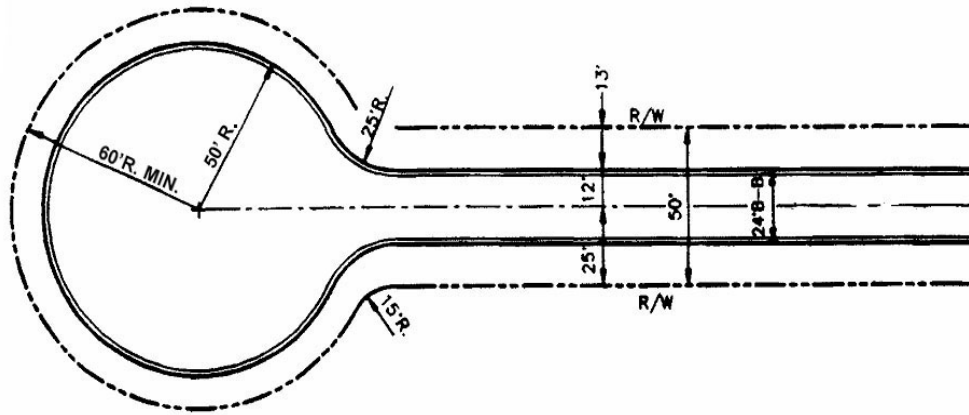


Figure 4-6.08(K)
Cul-De-Sac Detail

L.) Street Horizontal and Reverse Curves

Street horizontal alignments and reverse curves shall at minimum meet the following:

Table 2-6.08 (L)

STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Major and Minor arterial street	1,250	250
Collector street	500	100
Local street with curb and gutter	100	50
Dead-end street	100	50

Section 6.09 Curb Cuts and Access Specifications

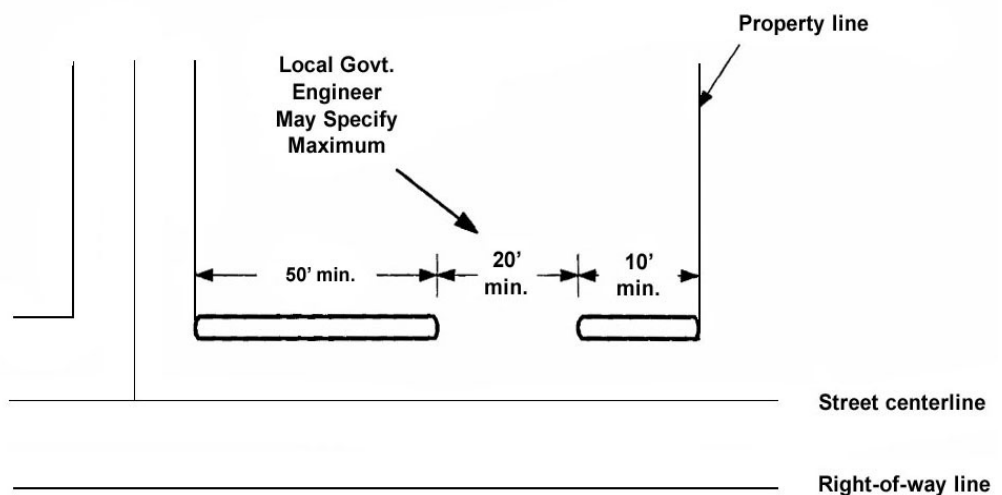
A.) Entrance Improvement Specifications

Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the City Engineer, in

accordance with State or City specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation and the City Engineer prior to the construction of such entrances or exits and prior to the issuance of any land use permit or building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any City street shall be approved by the City Engineer prior to the construction of such entrances or exits and prior to the issuance of any land use permit or building permit for any improvement to be served by such entrances or exits.

B.) Curb Cut Specifications

No curb cut or access driveway shall be permitted to be located closer than 50 feet to the nearest existing or proposed right-of-way of an intersecting roadway or closer than 10 feet to a side property line unless the adjacent property owner is in agreement with the encroachment of the driveway and



Curb Cuts and Access Specifications

Figure 5-6.09(B)

Basically the GDOT standard for driveway spacing is distance traveled at speed limit + reaction time + Stopping distance = ideal driveway

approval is obtained from the City Engineer. Curb cuts or access driveways shall be no narrower than 20 feet from back of curb to back of curb. Strict adherence to these requirements may not be practical in all instances as determined by the City Engineer. The City Engineer may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

The following factors may be considered during the review and approval of a specific location of an entrance: the location of existing or planned median breaks; separation requirements between the entrance and major intersections; separation requirements between

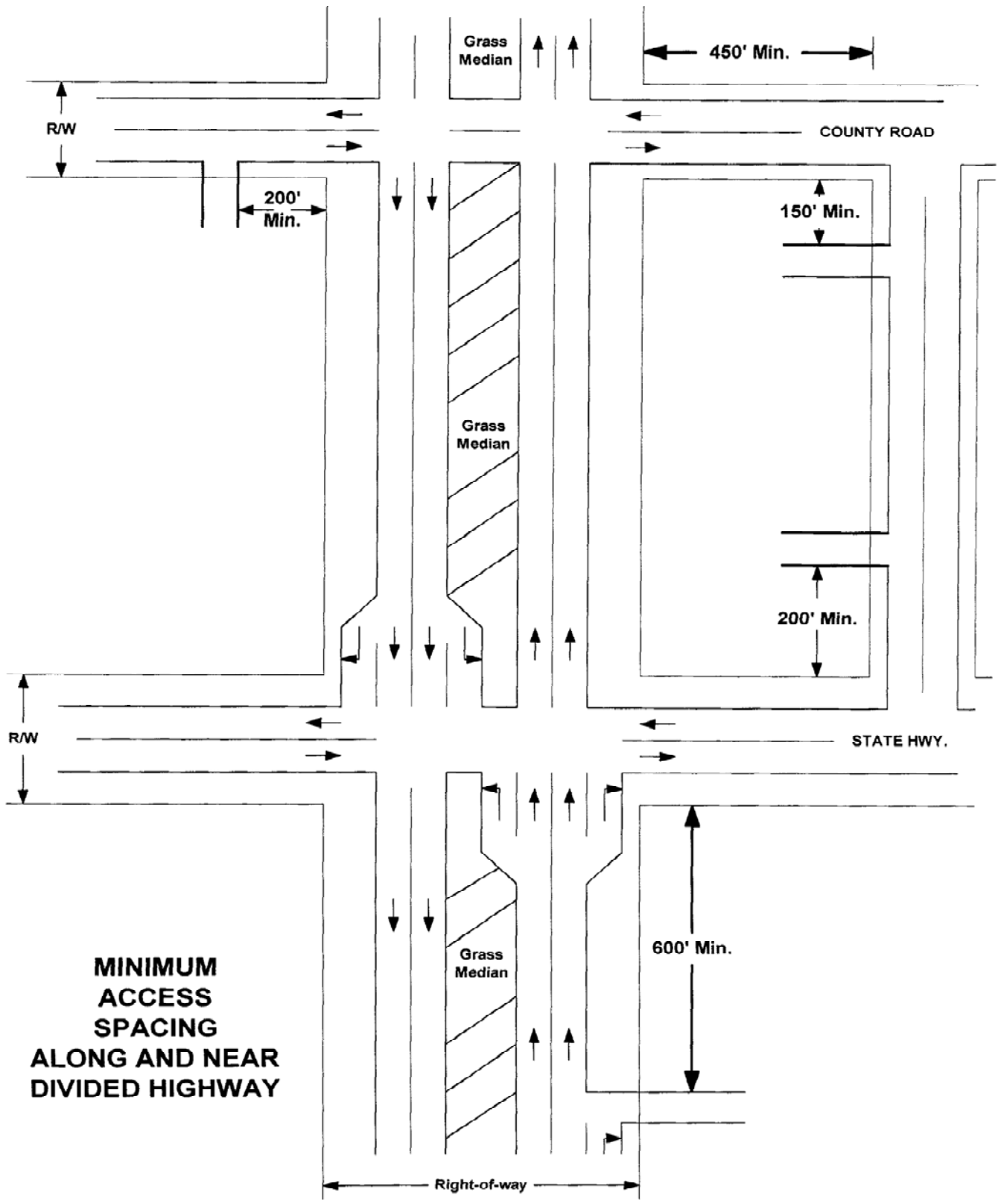
other entrances; the need to provide shared access with other sites; the need to align with previously approved or constructed access points on the opposite side of the street; and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

C.) Access Along Near Divided Highways

Where a divided highway exists or is planned, the following access standards shall be met (see Table 3-6.09 and Figure 5-6.09):

Table 3-6.09

Minimum Access Separation Requirements	Distance (Feet)
Curb cut of driveway from street intersection with divided highway	600
Parallel frontage road from right-of-way of divided highway	450
Curb cut or driveway on a local road from right-of-way of divided highway	200
Curb cut or driveway on a local road from state highway	200
Curb cut or driveway on parallel frontage road from local road	150



**MINIMUM
ACCESS
SPACING
ALONG AND NEAR
DIVIDED HIGHWAY**

Figure 6-6.09

D.) Interparcel Connections

New development that contains or is intended to contain more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip. (See Figure 6-6.09).

Section 6.10 Street Signs and Lighting

A.) Street Signs

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the Public Works Director. Street signs for interior streets of a subdivision or land development shall be installed at the subdivider or developer's expense by the subdivider or developer at the same time as the streets themselves are being graded and subject to the approval of the City.

Unless otherwise provided in standards and specifications adopted by the Public Works Director, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be determined by the Public Works Director and be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven feet with a minimum burial depth of three feet.

B.) Street Lighting

The City may require that subdivisions and land developments in urban and suburban areas provide street lighting along all public streets and along existing streets abutting the subdivision or land development. Such street lighting if required shall meet specifications of the City Utility Director.

Section 6.11 **Curbs and Gutters**

Curbs and gutters shall be installed for all streets in accordance with standards and specifications of the City Engineer. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of the lots. When property fronting on an existing City street is subdivided or developed, and the subdivision or land development uses said existing street for access, then curb and gutter shall be required along said street along the entire property frontage of said street.

Section 6.12 **Sidewalks**

A.) When Required

Sidewalks shall be provided on all new streets, unless the Plan Review Group determines that no current or future public need exists in a certain location. Sidewalks shall be required when any portion of a land development or subdivision is located within one-mile of a public school. Sidewalks are required to be installed on both sides of the street internal to a major subdivisions. Sidewalks are not required in developments where the average lot size of the major subdivision is two acres or more. Sidewalks may be required in minor subdivisions depending on the specific conditions of the development, at the discretion of the Plan Review Group.

B.) Location

Sidewalks shall be included within the dedicated nonpavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the City Engineer may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

C.) Specifications

Sidewalks shall be a minimum of five feet wide. A median strip of grassed or landscaped areas at least four feet wide shall separate all sidewalks from adjacent curbs in residential areas.

Section 6.13 Drainage and Stormwater Management

A.) General Requirements

An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor. The City Engineer may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed subdivisions and land developments. The Planning Commission shall not approve any preliminary plat of subdivision that does not make adequate provision for storm and flood water runoff channels or basins as determined by the City Engineer. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of enclosed drainage and stormwater management.

B.) Waterbodies and Watercourses

If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the waterbody among the adjacent lots. The City Council may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the waterbody is so placed that it will not become a local government responsibility. No more than twenty-five (25) percent of the minimum area of a lot required under the zoning ordinance may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for the installation of a culvert or other structure, of design approved by the City Engineer.

C.) Method of Design and Capacity

Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with required plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a 25-year storm or rain shall be provided for all street

drainage structures such as catch basin, inlets cross drains, etc. Capacity for a 100-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.

D.) Location

Drainage facilities shall be located in the road right-of-way where feasible, and shall be constructed in accordance with standards and specifications of the City Engineer. Catch basins shall be located at low points of streets. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least twenty (20) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.

E.) Discharge

Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. If natural drainages cross subdivision site, efforts must be made to collect, channel and pipe the runoff. Open drainage ditches between adjacent properties will not be permitted. If necessary storm water runoff must be piped. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.

F.) Grading and Site Drainage

Lots or land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for individual lots or land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials. Inundated areas shall use subsurface drainage such as drain tile.

G.) Cross-Drainpipes

Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer. Cross-drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full-width roadways and the required slopes. Cross drainpipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All storm drainpipes shall be minimum 18 inches in diameter. Storm sewer slopes shall be equal to or greater than one percent.

H.) Drop Inlets

Drop inlets shall be generally three-foot by three-foot boxes with two-foot by three-foot grates unless otherwise specified by the City Engineer.

I.) Easements

Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision or land development, the subdivider or developer shall provide an easement sufficient for drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City Engineer. When a subdivision or land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

Section 6.14 Water

A.) Generally

All habitable buildings and buildable lots shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate water supply as approved by Utility and Fire departments.

B.) Water Main Requirements

The developer shall install adequate water facilities, including fire hydrants, according to specifications of the Utility department and the Fire department. All water mains shall be at least eight inches in diameter and properly looped an adequate water supply of 1,000 GPM is maintained in accordance with standards established by the Southeastern Fire Underwriters Association, International Fire Code and Insurance Services Office. Pipe of less than four inches shall not be used. Water lines shall be installed at least 30 inches below grade. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development, except as otherwise specifically provided. (see *International Fire Code Section B105*).

C.) Fire Hydrants

Fire hydrants shall be required for all nonresidential land developments and all subdivisions. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the City Fire Department. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any principal dwelling. Hydrants, fittings, valves and fire department connections shall be approved by the Fire Department. Fire department connections shall be not less than 18 inches or more than 36 inches above the finished grade of the adjoining ground or paving. The thread of such connections shall be uniform with that used by the Fire Department. To eliminate future street openings, all underground Utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground Utilities. All fire water mains and hydrants shall be installed and made serviceable prior to the construction of any structures and shall be marked on the preliminary plat.

Section 6.15 Sewer

A.) Generally

All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by

adequate sewage disposal facilities. No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

B.) Connection to Public Sewerage System

When a public sanitary sewerage system is reasonably accessible, as determined by the City Engineer, the subdivider or land developer shall connect with same and provide sewers accessible to each lot in the subdivision or to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful for any to maintain upon any such property an individual sewage disposal system. When a public sanitary sewerage system is not immediately accessible but is anticipated by the City to be available within a period of three years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision or land development boundary so that a future connection with the public sewer main can be made. The City Engineer may condition the approval of a subdivision or land development on the agreement to connect to the public sewerage system upon its availability. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. No public sewer shall be less than eight inches in diameter. Manholes shall be installed in sanitary sewers with a maximum distance between two manholes of 400 feet, unless otherwise specified by standards of the City Engineer. Sanitary sewer slopes shall be equal to or greater than 0.7 percent for eight inch lines. All sewer lines shall be designed with slopes to obtain a minimum velocity of two feet per second. Minimum 20-foot wide easements shall be provided for all sanitary sewer lines.

C.) Septic Tanks

Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Colquitt County Health Department.

Section 6.16 Utilities

A.) Generally

All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development where practical. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground.

B.) Oversizing of Improvements and Utilities

The subdivider or land developer shall construct such oversized improvements and Utilities that the Utility Director determines are necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of improvements and Utilities that are not uniquely required for that development, and provided the subdivider agrees to a proposal by the Utility Director to share in the cost arrangements for over-sizing improvements and Utilities. A formula may be developed by the City to provide for a sharing of the cost of other improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or developments in the vicinity.

C.) Procedure for Administrative Inspection and Acceptance of Public Improvements

Upon completion of public improvement construction, the subdivider or land developer shall notify the Plan Review Group and request an inspection. The City Engineer shall inspect all public improvements and shall notify the subdivider or land developer by mail of nonacceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the subdivider or land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the City Engineer. Once deficiencies are corrected, the subdivider or land developer shall again request inspection in writing. Acceptance of public improvements required by Section 2-2 of this code to be approved by the local governing body shall be forwarded to the governing body by the Plan Review Group.

Section 6.17

Violation and Penalties

A.) Violations

1. It shall be unlawful to convey or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in these regulations, except those parcels recorded prior to the effective date of these regulations.
2. It shall be unlawful to record a subdivision plat, or once recorded, to make any changes thereon whatsoever which have not been approved by the Planning Commission and the Mayor and Council in accordance with the provisions of these requirements.
3. Each Day's Violation a Separate Offense: Each and every day's violation of any provision of this Ordinance shall constitute a separate offense.

B.) Penalties

1. Any person or persons, firm or corporation or association of persons who shall divide and offer for sale any real estate in violation of the terms or provisions of this Ordinance shall, upon conviction therefor in the Recorder's Court, be punished as provided by Section 1-9, Chapter I of the City Code.

Article VII

APPENDIX

Section 7.01 **Reference To State Permits**

A.) Georgia Air Quality Act of 1978 (O.C.G.A. § 12-9-1 ET SEQ.)

Prior to constructing and operating any facility that may cause air pollution, a permit must be obtained from the Environmental Protection Division (EPD) of the Department of Natural Resources (DNR). The act has general standards governing all sources of air pollution; however, it has emission standards for specific sources of air pollution, including the following:

Table 1-7.01(A)

USE	USE	USE
Asphalt concrete hot mix plants (particulate emissions)	Fuel burning equipment (sulfur dioxide)	Petroleum dry cleaners (VOC emissions)
Automobile and light duty truck manufacturing (VOC emissions)	Gasoline dispensing facilities	Petroleum liquid storage
Bulk gasoline terminals and plants	Gasoline transport facilities	Petroleum refineries
Can coating (VOC emissions)	Granular and mixed fertilizer manufacturing plants (particulate emissions)	Portland cement plants
Coil coating (VOC emissions)	Incinerators	Solvent metal cleaning
Conical burners	Kaolin and fuller's earth processes (particulate emissions)	Sulfuric acid plants
Cotton gins (particulate emissions)	Kraft pulp mills	Surface coating of flat wood paneling (VOC emissions)
Cupola furnaces for metallurgical melting (particulate emissions)	Large appliance surface coating (VOC emissions)	Surface coating of miscellaneous metal parts and products (VOC emissions)
Cutback asphalt	Manufacture of pneumatic rubber tires (VOC emissions)	Synthesized pharmaceutical manufacturing (VOC emissions)
External floating roof tanks (VOC emissions)	Manufacturing processes (particulate emissions)	Volatile organic liquid handling and storage
Fabric and vinyl coating (VOC emissions)	Metal furniture coating (VOC emissions)	Wire coating (VOC emissions)
Fiberglass insulation manufacturing plants	Nitric acid plants	
Fuel burning equipment (particulate matter)	Normal superphosphate manufacturing facilities	
Graphic arts systems (VOC emissions)	Paper coating (VOC emissions)	

Source: Sutherland, Asbill & Brennan. 1990. Georgia Environmental Law Handbook. Rockville, MD:Government Institutes, Inc.

B.) Ground Water Use Act of 1972 (O.C.G.A. § 12-5-90 TO § 12-5-107)

This state law requires a permit from the EPD to withdraw, obtain, or utilize ground waters in excess of 100,000 gallons per day for any purpose.

C.) Georgia Water Quality Control Act (O.C.G.A. § 12-5-31)

This state law requires, with some exceptions, a permit for withdrawal of a monthly average of more than 100,000 gallons of surface water per day or the diversion or impoundment of more than 10,000 gallons of surface water per day.

D.) Georgia Hazardous Waste Management Act (O.C.G.A. § 12-8-60 TO § 12-8-83)

Hazardous waste treatment, storage, and disposal facilities require a permit from the EPD. Permit requirements include having a corrective action program for any release of hazardous waste present at a facility, and to clean up such hazardous wastes released. Permits can be suspended or revoked by EPD for violations.

E.) Georgia Comprehensive Solid Waste Management Act of 1990 (O.C.G.A. § 12-8-20 TO § 12-8-40)

This act repealed the Georgia Solid Waste Management Act. Any person engaging in solid waste or special waste handling in Georgia, or operating or constructing a solid waste handling facility, must first obtain a permit from EPD. The term "solid waste handling" is broadly defined. Existing regulations for solid waste management and permitting of solid waste disposal facilities are codified in Chapter 391-3-4 of Georgia EPD. Such facilities cannot be located near National Historic Sites or within two miles of areas designated by EPD as significant groundwater recharge areas unless a liner and leachate collection system is installed (see Section 2-1-1 of this model code, groundwater recharge areas).

**F.) Endangered Wildlife Act of 1973 (O.C.G.A. § 27-3-130 TO § 27-3-133)
 Wildflower Preservation Act of 1973 (O.C.G.A. § 12-6-170 TO § 12-6-176)**

Rules adopted by EPD make it unlawful to engage in an act that causes the death of a protected animal, and the destruction of the habitat of a protected animal on public land is

prohibited. It is also unlawful to remove protected plant species from public land without a permit.

G.) Burial Grounds and Cemeteries (O.C.G.A. § 27-3-133; § 12-6-176)

Georgia law prohibits disturbance of any known burial place for human remains for the purpose of developing or changing the use of land unless a permit is obtained from the governing authority of the city or City (the jurisdiction in which the burial site is located) or from the superior court of the City in which the burial place is located. Reinternment is required for a permit to be issued.

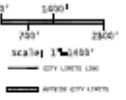
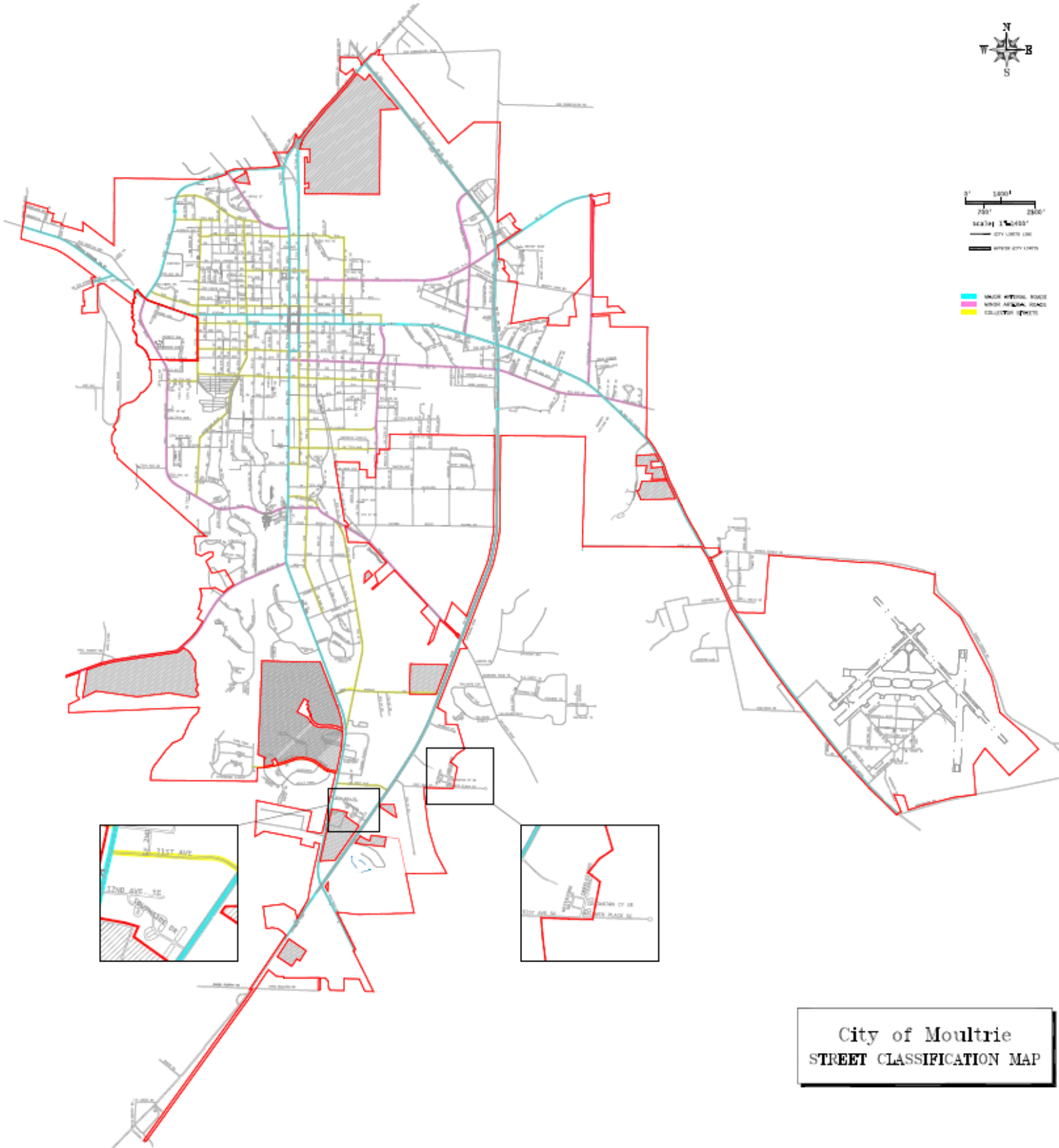
H.) Georgia Safe Dams Act of 1978 (O.C.G.A. § 12-4-143 TO § 12-4-146)

This law provides for the inspection and permitting of dams to protect the health, safety, and welfare of citizens by reducing the risk of failure of such dams. DNR has promulgated rules and regulations enforcing the act.



Section 7.02

Street Classification Map



- MAJOR ARTERIAL ROADS
- MINOR ARTERIAL ROADS
- COLLECTION STREETS

City of Moultrie
STREET CLASSIFICATION MAP

