

**ORDINANCE  
AMENDMENT  
NO. \_\_OA-2023-06\_\_  
CHAPTER 34 - SUBDIVISIONS**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the City is required to make certain amendments to its subdivision ordinance to update definitions and requirements to comply with new City zoning ordinances and zoning regulations as codified in the Official Code of Georgia; **AND**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on \_\_\_\_\_, 2023; **AND**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment to the subdivision ordinance serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

**THEREFORE,** be it ordained by the Mayor and the City Council of Dallas, Georgia that the Code of Ordinances of the City of Dallas, Georgia be amended as follows:

**SECTION I.**

**Chapter 34 – SUBDIVISIONS** shall be deleted in its entirety and a new **Chapter 34 – SUBDIVISION** shall be created to read as follows:

**Chapter 34 SUBDIVISIONS**

***ARTICLE I. IN GENERAL***

**Secs. 34-1—34-18. Reserved.**

***ARTICLE II. REGULATIONS***

## **Sec. 34-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Arterial road, major*, means a road intended to move through traffic to and from major areas of activity and/or as a route for traffic between communities or large areas.

*Arterial road, minor*, means a road intended to collect and distribute traffic in a manner similar to major arterial roads, except that these roads service major activity centers, and are designed to carry traffic from collector streets to the major arterials.

*Block* means a piece or parcel of land entirely surrounded by public highways or streets or by a combination of streets and public parks, cemeteries, railroad, rights-of-way, shorelines, or municipal boundary lines.

*Building codes* means the minimum state and city construction and building codes as required and defined in chapter 8.

*Building setback line* means a line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang and the subsurface projection of footings.

*Collector streets* means streets or roads which carry traffic from minor streets to the system of arterial streets or highways, including the principal entrance streets of a residential development and circulation streets within such subdivision.

*Construction plans* means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements for plat approval.

*County* means the unincorporated areas of the county.

*County commission* means the board of commissioners of the county.

*Cul-de-sac* means a street having one end open to traffic and the other end permanently terminated in the minimum right-of-way and paved turnaround specified in this article. Cul-de-sacs shall be no longer than 1,600 feet in length with the distance to be measured from the center point of the cul-de-sac turnaround to the nearest intersection with a through street.

*Developer* means the owner of the land proposed to be subdivided or his authorized agent or representative.

*Development plan* means the preliminary drawings, described in this article, indicating the proposed manner or layout of the subdivision to be submitted to the city for approval.

*Easement* means authorization by a property owner for the use by another for a specified purpose, of any designated part of his property.

*Final plat* means a plat of a tract of land which meets the requirements of this article for recording in the office of the clerk of superior court of the county.

*Frontage* means that side of a lot measured along the street right-of-way line abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

*Health department* means the county health department.

*Land use plan* means an element of the comprehensive plan adopted for the county and the city which may consist of several maps, data and other descriptive matter for the physical development of the city and/or county or any portion thereof. The term "land use plan" includes any amendments, extensions or additions thereof recommended by the planning commission or city council indicating the general location for major roads, parks, historic districts, public spaces, public building sites, routes for utilities, zoning districts, etc.

*Lot* means a portion of a subdivision intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the right-of-way of a road, crosswalk, or sidewalk may be included. The term "lot" includes the term "plot" or the term "parcel."

*Lot width* means the width of a lot at the building line measured parallel to the street right-of-way, or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

*Minor commercial subdivision* means a private subdivision of four lots or less which uses private streets to provide lot access for ingress or egress and intended for commercial/industrial use.

*Minor residential city subdivision* means the subdivision of a tract or parcel of land into no more than three lots for the purpose of sale, legacy, or building development intended for residential use where no new public streets are involved.

*Owner* means any person, group of persons, firm, corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this article.

*Planning commission* means the city planning commission.

*Private street* means a drive serving as the exclusive access for lots not fronting on a city or county-maintained street or road, and which is not owned or maintained nor intended to be owned or maintained by the city and lies within a right-of-way of 50 feet. Private easements cannot be used to meet this requirement. A private street must intersect with a city or county-maintained street or road and must be built to prohibit through traffic.

*Private subdivision* means a development that provides for the subdivision of property and for the private ownership, operation, and maintenance of all improvements, including streets, utilities, common areas, parking areas, etc., within its defined boundaries, e.g., a mobile home park, an industrial complex, duplex rental subdivision, etc.

*Residential or local street* means a road or street intended to provide access to other roads or streets from individual properties.

*Resubdivision* means a change in the map of an approved or recorded subdivision plat if such change affects any street layout on such map or areas reserved for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of the ordinance from which this article is derived; or if it increases the number of lots approved in the original plat.

*Right-of-way* means a strip of land occupied or intended to be occupied by a public use.

*Single lot subdivision* means the subdivision of a tract or parcel of land into two lots, of which one lot is for the purpose of sale, legacy or building development and where no new public streets or public facilities are involved.

*Soil erosion and sedimentation control plan* means as required and defined in article IV of chapter 16.

*Street* means, relates to and includes streets, avenues, boulevards, roads, highways, expressways, lanes, drives, courts and ways that are on the official city and/or the state department of transportation street/road map.

*Subdivider* means any person, corporation, or duly authorized agent who undertakes the subdivision of land as defined herein.

*Subdivision* means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development and includes all division of land involving a new street, or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within the definition of a subdivision:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the city.
- (2) Any subdivision of land provided that no lots thereby produced contain less than five acres each; have a minimum frontage width of 200 feet or more; and where no new streets, roads, lanes, drives or other public rights-of-way, not already on the official city or county street/road maintenance map, are involved.
- (3) A division or sale of land among heirs by judicial decree; provided, however the number of lots does not exceed the number of heirs named in the decree and where no new streets, roads, lanes, public drives or other public rights-of-way, not already on the official city or county street/road maintenance map, are involved.
- (4) The sale or exchange of a parcel of land between owners of adjoining properties, provided that additional lots are not thereby created.
- (5) Any subdivision of land among family members including mothers, fathers, sons, daughters, sisters, brothers and grandchildren is exempt from meeting the requirements of this article as long as the resultant lots meet health regulations, building codes, minimum lot sizes and other city codes that affect any single building lot. All such resultant lots must either front on a city or county-maintained street/road or must have recorded a 30-foot private access (either in the form of an easement or fee simple title) from the nearest city or county street/road, and any structure must have a 30-foot setback from said access.

*Zoning ordinance* means the zoning regulations of the city as set forth in chapter 44.

(Comp. Ords. 2005, § 5-1602)

### **Sec. 34-20. Violations, penalties, amendment, and legal status.**

- (a) *Violations and penalties.* Any violations of any provision of this article shall constitute a misdemeanor and be punishable as provided by law.
- (b) *Prosecution by city.* Whenever it shall come to the attention of the city that any of the provisions of this article has been or is being violated within the city, the city will issue a citation to the violator for appearance in the city's municipal court.
- (c) *Conflict with other standards.* Whenever the provisions of this article impose more restrictive standards than are required in or under any other statute, ordinance or resolution, the regulations herein contained shall prevail. Whenever the provisions of any other statute, ordinance or resolution require more restrictive standards than are required herein, the requirements of such statute, ordinance or resolution shall prevail.
- (d) *Amendments and legal status provisions.*
  - (1) *Amendments.* The city council may amend this article on their own motions or on recommendations of the planning commission, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the planning commission for review, comments and recommendations. Before enacting an amendment to this article, the city shall give public notice and hold a public hearing thereon. The public hearing shall follow the same procedures as a public hearing for a zoning ordinance amendment including legal notice.
  - (2) *Repeal of conflicting regulations.* All ordinances and resolutions regulating the subdivision of land adopted prior to this article are hereby repealed upon the adoption of the ordinance from which this article is derived.

(Comp. Ords. 2005, § 5-1607)

### **Sec. 34-21. Purpose.**

The public health, safety, morals and general welfare require that the harmonious, orderly and progressive development of land within the city. In furtherance of this purpose, the regulations from which this article is derived are adopted to:

- (1) Encourage the development of economically sound and stable communities;
- (2) Ensure the provision of required streets, and where practical, utilities and other facilities and services to new land development;
- (3) Ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land development;
- (4) Ensure the provision of needed open space and building sites in new land developments, through the dedication or reservation of land for recreational, educational and other public purposes;
- (5) Ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the community as it now exists or may hereafter be established.

(Comp. Ords. 2005, § 5-1600)

### **Sec. 34-22. Platting jurisdiction; enforcement.**

- (a) *Platting authority.* From and after the passage of the ordinance from which this article is derived, the city manager shall be the official platting authority, and no plat of a land subdivision as defined under this article shall be entitled to be recorded in the office of the clerk of the superior court of the county unless it shall have the approval of the city manager inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the city manager as required by this article is declared to be a misdemeanor and shall be cited as such.
- (b) *Use of plat.* The transfer of, sale of, agreement to sell or negotiate to sell land, by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the city manager and recorded in the office of the clerk of the superior court of the county is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties imposed upon violations herewithin.
- (c) *Opening and improving public streets; installing utilities.* Prior to making any improvements, or installing any utilities, the subdivider shall submit to the city manager or his/her designee, a development plan of the proposed subdivision prepared in accordance with the provisions of this article.
- (d) *Erection of buildings.* No building permit shall be issued, and no buildings shall be erected on any lot in the city unless access has been established in accordance with this article. No building permits shall be issued before approval of the final plat and the final plat has been recorded.
  - (1) Approval of a house location plan by the community development department is required prior to issuance of the building permit. A house location plan is required for all subdivision lots.
  - (2) In all such lots requiring house location plan, an as-built survey of the dwelling, building or structure shall be provided to the community development department prior to final inspections and the issuance of a certificate of occupancy. In the event the as-built survey shows the dwelling does not have proper setbacks, flood standards, lot drainage, floor elevations or other discrepancies, the community development department may deny the issuance of the certificate of occupancy.

(3) Within any subdivision that is under construction on the basis of approved preliminary plat and development permit, up to two model homes may be permitted for construction on proposed lots prior to final plat approval and recordation, subject to the following requirements:

- i. Paved road access must be in place between each model home and the nearest public street.
  - ii. The main water line shall be installed, pressurized, and providing potable water service in front of the model home prior to construction, including providing adequate fire-fighting pressure and flow at the nearest fire hydrant.
  - iii. Sewer mains, and taps, including those off-site mains serving the model home shall be installed and have met test criteria for placing them in service.
  - iv. Such model homes must obtain a limited certificate of occupancy which shall only authorize the use of the model home for sales and marketing purposes. No model home may be occupied as a residence until the model home obtains a full certificate of occupancy.
- (e) *Suitability and character of land.* Land which the city manager or his/her designee finds to be unsuitable for subdivision or development due to flooding, poor percolation for septic tanks, improper drainage, steep slopes, rock formations, or other features which will be reasonably harmful to the health, safety, and/or general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the city manager or his/her designee to solve the problems created by the unsuitable land conditions. If the unsuitable land conditions cannot be made suitable for development, then the unsuitable land shall be set aside for other uses that do not endanger the health, safety, and/or general welfare of the public.
- (f) *Variances.* Variances may be required from time to time from the requirements of this article in order to accomplish the overall aims of this article. In recognition of this fact, the following criteria are established for consideration by the developer and the city council when a request for a variance arises:
- (1) Whether the parcel is irregular, unusually narrow or shallow in shape, and the condition existed at the time of the adoption of the regulations from which this article is derived or was created by natural forces or governmental action for which no compensation was paid;
  - (2) Where financial hardship may occur due to a change of regulations during the active construction of a subdivision. Active construction is defined as actual work in the installation or construction of road base, drainage, and/or utilities. Variances for financial hardship may only be granted to that phase, section, units, etc., of the approved subdivision that is under active construction at the time of the change in regulations.
  - (3) Variances for deviations or changes in construction or building codes, utility location and installation, street preparation and construction, soil erosion and sedimentation control plans, and other technical items cannot be granted until reviewed by the city manager or his/her designee and recommended for approval to the city council.

(Comp. Ords. 2005, § 5-1603)

### **Sec. 34-23. Procedures for development approval.**

- (a) *General procedures.*
- (1) *Preapplication review.* Whenever a subdivision of a tract of land within the jurisdiction of this article is proposed, the subdivider is urged to consult informally with the city manager or his/her designee in a preapplication review. The preapplication review may be scheduled by calling the community development department.

- (2) *Submit preliminary plat.* The subdivider shall submit sketch plans or preliminary plat and data showing existing conditions within the site and its vicinity, as well as the proposed layout and development of the subdivision to include streets, number of lots, lot sizes, and location to existing utilities that must be extended.
  - (3) *Submit development plans.* The subdivider shall submit development plans of the proposed subdivision prepared in accordance with the provisions of this article and all other applicable City ordinances.
  - (4) *Submit final plat.* After completion of the physical development, or proper arrangements for same, of all or part of the area shown on the development plans as approved by the city manager or his/her designee, a final plat together with the required certificates shall be submitted to the city manager for approval. This final plat, when approved by the city manager and duly signed, shall become the instrument to be recorded in the office of the clerk of the superior court of the county.
  - (5) *Submit as-builts.* After completion of the physical development, the developer shall provide to the City record as-built drawings of the water, sanitary sewer, and stormwater improvements. The as-built drawings shall be submitted in both electronic portable document format (pdf) and paper formats. Additionally, electronic CAD files compatible with GIS shall be provided by the developer. The developer must also submit a video of the sanitary sewer and storm sewer lines.
  - (6) *Subdivisions not requiring new streets, facilities.*
    - a. A subdivision which does not involve the platting, construction or opening of new streets, sewer or water facilities or the improvement to same, as determined by the city manager, shall be accepted in the form of a final plat.
    - b. Minor residential subdivisions involving no more than four lots which do not involve the platting, construction or opening of new streets, sewer or water facilities or improvement to same, as determined by the city manager, shall be accepted in the form of a final plat; provided, however, that if public sewers are not available, then a certification from the health department must be on the plat showing that a private sewerage system is approved for the lots. Such subdivisions must meet the requirements of all other applicable City ordinances.
    - c. A single lot subdivision can be exempt from the final plat requirements upon review and approval of the city manager where there are no new public streets or other public facilities involved. Certification by the health department is required for private sewerage facilities prior to review by the city manager.
    - d. FHA approval. In the event the subdivider plans to secure approval of this subdivision layout by the Federal Housing Administration, it is suggested that such approval be secured prior to the submission of a development plan to the city manager.
- (b) *Preliminary plat requirements.* Following the preapplication review of a proposed subdivision, the subdivider shall submit a preliminary plat prepared by a registered land surveyor or civil engineer and shall include the following information:
- (1) *Generally.*
    - a. Proposed name of subdivision and date of submittal.
    - b. Name, address, and telephone number of developer.
    - c. Date of survey, north point and graphic scale, date of plat drawing and space for revision dates.
    - d. Location sketch map showing the relationship of the subdivision to the surrounding area.
    - e. Location (land lot and district) and gross acreage of tract.

- f. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines shall include the entire tract to be eventually subdivided and data as required herein shall apply to the entire tract. In the event that the entire tract to be developed is not submitted, provide master plan and additional data to support immediate development in order to ensure proper overall planning.
- g. The development plan shall be drawn to a scale of not less than one-inch equals 100 feet on a sheet or equal sized sheets. If the complete development plan cannot be shown on one sheet, then several sheets with an index map on each sheet shall be used. In no case shall sheet size be smaller than 8½ inches by 11 inches, or larger than 24 inches by 36 inches.

(2) *Existing conditions.*

- a. Zoning district classifications of land to be subdivided and classifications of adjoining properties.
- b. Copy of zoning conditions and variances for the property, if any.
- c. Recorded deed names of adjoining property owners or subdivisions.
- d. In case of resubdivision, a copy of existing plat with proposed resubdivision superimposed thereon.
- e. Show any jurisdictional (city or county) boundary lines.
- f. Show topography by contours at vertical intervals of not more than five feet.
- g. Show location of existing utilities.
- h. Show location of streams, lakes, wetlands, and floodplains.

(3) *Proposed conditions.*

- a. State the total number of acres and number of lots. State proposed lot density. State building setbacks.
- b. Show the layout of all lots, including front, side and rear building setback lines, scaled dimensions on lots and utility easements with width and use.
- c. Note the minimum lot size requirement.
- d. State minimum lot width requirements. Show lot width dimensions on plat.
- e. Identify all land to be reserved or dedicated for public use, common areas, amenity areas, postal service cluster box unit location, stormwater management areas, etc.
- f. Show all required buffers (if applicable).
- g. Show and state names, right-of-way, dimension from centerline, pavement width and surface type of all proposed roads.
- h. Show water line plan and sewer line plan, including all lines required to serve any lots to be developed and any surrounding property that may be served through the property.

- (c) *Development plan requirements.* Following the approval of a preliminary plat of a proposed subdivision, the subdivider shall submit development plans and supporting data. The development plans, prepared by a registered land surveyor or civil engineer, shall meet the higher minimum standards of design set forth in this article and/or those required by O.C.G.A. § 44-3-3 as now or hereafter amended and shall include the following information:

(1) *Generally.*

- a. Proposed name of subdivision.



- b. Name and address of person to be notified of action.
- c. Date of survey, north point and graphic scale, source of datum, date of plat drawing and space for revision dates.
- d. Location sketch map showing the relationship of the subdivision to the surrounding area.
- e. Location (land lot and district) and gross acreage of tract.
- f. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines shall include the entire tract to be eventually subdivided and data as required herein shall apply to the entire tract. In the event that the entire tract to be developed is not submitted, provide master plan and additional data to support immediate development in order to ensure proper overall planning.
- g. The development plan shall be drawn to a scale of not less than one-inch equals 100 feet on a sheet or equal sized sheets. If the complete development plan cannot be shown on one sheet, then several sheets with an index map on each sheet shall be used. In no case shall sheet size be smaller than 8½ inches by 11 inches, or larger than 24 inches by 36 inches.
- h. Name of former subdivision if the development has been previously subdivided.
- i. Water and sewer availability in accordance with local and state regulations.

(2) *Existing conditions.*

- a. Topography by contours shall be required as follows:
  - 1. On land with less than approximately two percent slope, show contours at intervals of not more than one foot;
  - 2. On land with slopes greater than approximately two percent, show contours with an interval of not more than two feet;
  - 3. Contours shall be based on the datum plane of the U.S. Coast and Geodetic Survey.
- b. Zoning district classifications of land to be subdivided and classifications of adjoining properties.
- c. Recorded deed names of adjoining property owners or subdivisions.
- d. In case of resubdivision, a copy of existing plat with proposed resubdivision superimposed thereon.
- e. Location of significant features, streams (including applicable state and local stream buffers and impervious setbacks), wetlands, ponds, lakes, swamps and land subject to floods, including any area having an elevation below the 100-year floodplain. Where lots contain some areas with an elevation below the 100-year floodplain, a showing of a viable home site above such floodplain elevation. Any lot having no such viable home site shall be properly filed to provide same before final plat approval and must be in accordance with U.S. Corp of Engineers' requirements.
- f. Location of existing adjoining property lines and buildings on the property to be subdivided.
- g. Location, names, and right-of-way of streets, roads, railroads and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or rights-of-way and show location of poles or towers.
- h. Size and location of existing sanitary sewers, water mains, storm sewers, drains, culverts and location of easements for other underground facilities within the tract or

within the right-of-way of streets or roads adjoining the tract. Grades and elevations of sewers are to be shown.

- i. The acreage of each drainage area affecting the proposed subdivision.
- j. All elevations shall refer to the mean sea level datum where public water and/or public sewers are to be installed.
- k. Preliminary soil erosion and sedimentation control plan in accordance with the specifications and requirements of chapter 16, article IV, pertaining to erosion and sedimentation control, if applicable.

(3) *Proposed conditions.*

- a. Plan and profile of streets, roads, and sidewalks showing widths, road names, and a typical road section inclusive of sidewalks where required.
- b. Topography by contours of proposed streets, drainage ditches and other improvements as provided in subsection (a)(1) of this section.
- c. Layout of all lots, including building setback lines; scaled dimensions on lots; utility easements with width and use; acreage of each lot; lot numbers and block numbers; and drainage. No lot numbers shall be duplicated.
- d. Plan and profile of sanitary sewers (if applicable) with grade, pipe size, material, and point of discharge.
- e. Plan and profile of storm sewer system with grade, pipe size, material, and location of outlets, inlets, and stormwater management facilities.
- f. Plan of water supply system with pipe sizes and location of hydrants. Water system shall be designed to furnish a minimum of 25 psi and maximum demand flow of 15 gal./min. to each building. All water mains shall be a minimum of eight inches in diameter.
- g. Designation of all land to be reserved or dedicated for private and/or public use.
- h. Proposed phase division or stage development, if any, as proposed by the subdivision developer.
- i. Site grading plan with soil sediment control structures, as required.
- j. A plan of street lighting must be shown as determined by the utility power company serving the area.

(4) *Development plan review and approval.* Within 45 days after the submission of the development plan, the city manager or his/her designee shall review and approve, conditionally approve, or disapprove the plan. One copy of the plan shall be returned to the developer with notice of the approval, conditional approval or disapproval with the reasons thereof.

(5) *Effective period of development plan approval.*

- a. Approval of the development plan shall lapse unless a final plat of all or part of the area shown on the development plan is submitted within two years from the date of approval by the city manager or his/her designee, unless an extension of time is requested by the developer and approved by the city manager or his/her designee.
- b. Approval of the development plan shall lapse and have no force and effect unless actual construction of required improvements have been commenced within 12 months of the approval by the city manager or his/her designee.

- c. Notwithstanding the provisions of this article, a developer operating under a previously approved preliminary plan may continue to submit final plats in conformance therewith, provided that the approved preliminary plan is an active preliminary plan. Preliminary plans may be deemed inactive if a final plat for a portion thereof has not been submitted to the city manager or his/her designee within the past two years of the adoption of the ordinance from which this article is derived.
- (6) *Land disturbing permit.* Upon approval of the development plan by the city manager or his/her designee, a land disturbing permit may be issued, upon request, by the city manager or his/her designee to cover the following construction phases, provided that all soil erosion and sedimentation control structures are in place:
- a. Grading, clearing and grubbing;
  - b. Storm drainage construction;
  - c. Water and sewer line construction;
  - d. Curbing construction;
  - e. Base and paving construction.
- (7) *Environmental compliance.* Prior to issuance of a land disturbance permit by the City, the owner shall provide to the City proof of compliance with other applicable state and federal environmental regulations including a Notice of Intent to the Georgia Environmental Protection Division for NPDES General Permit and, if applicable, Preconstruction Notification to the U.S. Army Corps of Engineers.
- (8) *Restrictive covenants.* If the owner places restrictive covenants on any land or use thereof within the subdivision greater than those required by the ordinances of the city, such restrictive covenants, or reference thereto, may be required to be indicated on the final plat, or recorded with the deeds as filed with the clerk of the superior court of the county in a form approved by the city attorney.
- (9) *Filing fee.* In order to process the application, a filing fee in an amount as set forth in the schedule of fees and charges on file in the office of the city clerk shall be submitted with each development plan. Said fee is to defray the cost of advertising, meetings, review process, and site visits as examples of expenses.
- (e) *Final plat requirements.*
- (1) *Submission procedures.* Any developer desiring approval of a final plat must submit to the city manager copies of the final plat and other supporting data required with the approval of the development plan. The developer shall also submit an electronic copy of the plat in a format approved by the city manager. The city manager shall review the final plat and data for compliance with this article, other city ordinances and any requirements placed upon the development during the approval of the development plan. If compliance is satisfactory, then the city manager will secure the city clerk's signature upon the final plat and said plat shall be ready for recording.
  - (2) *Conformance and phasing.* The final plat shall conform to the development plan and it may constitute only that portion of the approved development plan which the subdivider proposes to record and subdivide at this time, provided that such portion conforms to the phase established in the development plan procedure and to the requirements of this article.
  - (3) *Final plat required information.* The final plat shall be prepared in accordance with all applicable requirements of the development plan and subsection (b) of this section and in addition, the following information:
    - a. Final plat shall be identified in the title.

- b. All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.
- c. All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines or angles at all corners and angle points of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet.
- d. All maps or plats of boundary surveys shall show the closure precision of the field surveys as the ratio of one foot to the traversed distance in which an error of one foot would occur and a statement as to the method of adjustment. The closure may be stated as follows:

"The field data upon which this map or plat is based has a closure precision of one foot in \_\_\_ feet and an angular error of \_\_\_\_\_ per angle point and was adjusted using \_\_\_\_\_ rule."
- e. All maps or plats of boundary surveys shall show the closure precision of the data shown on the map or plat. The closure may be stated as follows:

"This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_ feet."
- f. All maps or plats shall show the width and the former widths, if pertinent, of all rights-of-way adjacent to or crossing the property or adjacent to any point of reference.
- g. All maps or plats shall show easements and apparent encroachments, if pertinent.
- h. Curve data shall be required for all curves of greater than ten degrees on new roads. Pertinent data including radius, central angle, and tangent distance must be given for regular curves. Chord distances and directions shall be given for irregular curves on preexisting streets or roads.
- i. All land lot lines, land district lines, land section lines, and city/county boundaries intersection or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures.
- j. All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone. When applicable, monuments that are to be placed after final street improvements shall be designated as future.
- k. An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone.
- l. All linear distances shown on maps or plats shall be horizontal and all dimensions to the nearest 1/100th of a foot.
- m. All linear distances shown on maps or plats shall be represented in degrees, minutes and seconds. All angular directions shall be referenced to the principal meridian.
- n. A statement shall be shown on the map or plat to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the map or plat.
- o. All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet

of any point on the property mapped or platted, or any point of reference shown thereon.

- p. Variances, if any, and date approved by the planning commission and the mayor and city council.
  - q. The location of all sewers, manholes, and cleanouts shall be shown on the final plat.
- (4) *Certifications.* Each final plat submitted shall carry the following certificates printed or stamped thereon as follows:
- a. *Surveyor's acknowledgment.*

I hereby certify that the final plat shown and described hereon is a true and correct survey made on the ground and has been made under my supervision, that the monuments have been placed as shown hereon, and is to the accuracy and specifications required by the City of Dallas, Georgia subdivision regulations.

_____
Georgia Registered Land Surveyor
[Seal]
_____
RLS Number
_____
Date

- b. *Certificate of ownership and dedication.*

I hereby certify as the owner of the land shown on this plat and whose name is subscribed hereto, acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dallas, Georgia and further dedicate to the use of the public forever all alleys, parks, water courses, drains, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Dallas, Georgia from any and all claims, damages or demands arising: on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams. And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that the City of Dallas, Georgia shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, street, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these presents.

_____	_____
Authorized Signature	Date

- c. *City certification.*

It is hereby certified that the streets, utilities, easements, and other required improvements in this subdivision, have been installed in an acceptable manner according to the approved plans or surety has been provided in an amount to ensure their installation, and that this plat meets all the requirements of the City of Dallas subdivision regulations.

_____	_____
City Manager, City of Dallas	Date
_____	_____
City Clerk, City of Dallas	Date

d. *Certification for surety.*

I hereby certify that a cash deposit in the amount of \$ \_\_\_\_\_ to expire on \_\_\_\_\_, 20\_\_\_\_, has been received to ensure the completion of all required improvements in the subdivision, as shown hereon, in the event of default by the developer.

_____	_____
City Manager, City of Dallas	Date

e. *Health department certification.* The health department must certify that the water and/or sewerage systems installed, or proposed to be installed, meet the requirements of state health standards and regulations. This certification may be submitted on a separate form as specified by the health department. The health department certification statement shall include written notice that each lot not on public sewer must have an individual septic tank permit approved before any building permit is issued. For developments with public sewerage and public water, this certification shall be omitted.

- (5) *Final plat review and approval.* The city manager shall review the final plat and verify that all final plat requirements have been met. Within 30 days after submission of the final plat together with all required supporting data and certifications, the city manager shall review and approve, or disapprove, the plat and state the reasons therefore if disapproved. The developer shall have the right to appeal any disapproval of the final plat to the mayor and city council. Approval of the final plat by the city shall not be deemed to constitute or effect an acceptance by the city of the dedication of any street or other ground shown upon the plat.
- (6) *Record final plat.* The final plat shall be recorded by the office of the clerk of the superior court of the county within three days after the necessary signatures have been placed on it unless the developer requests an extension of time. A copy of the recorded plat is retained by the city manager and the original returned to the developer, or his authorized representative.
- (7) *Sale of lots.* The subdivider may begin to sell lots after recording the final plat.
- (8) *Status of streets and improvements.* After approval of the final plat by the city manager and the completion of all the improvements required by this article, the subdivider may request the city to accept such streets and/or other improvements.
- (9) *Final plat revisions.* Should a developer/subdivider need to amend or revise a previously approved final plat, the developer/subdivider shall submit to the community development department the following:
  - a. A letter specifically identifying the modifications/revisions to the final plat and stating that all necessary infrastructure (storm, sanitary sewer and water) has been adjusted in accordance with city requirements to address the modifications.

- b. Submission of the latest recorded original final plat with a specific statement regarding the nature of the revision on the face thereof. The format for such a revision statement shall be as follows:

"This plat supersedes the plat recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_. The purpose of this revision is to:"

- c. If the original final plat is otherwise unavailable, then the developer/subdivider may submit a plat prepared to show the specific revision to the original plat of record with the revisions noted thereon with references to the previously recorded plat (latest revision).
- (f) *Private subdivisions (nondedicated streets, utilities, etc.).* Private subdivisions are prohibited within the city.
  - (g) *Procedures for approval of a minor city subdivision.*
    - (1) Up to three lots shall be allowed with the approval of the health department, if applicable, and the city manager.
    - (2) The drive serving as the access to the maximum three lots is to be called a "private city street" and will be required to have a 50-foot right-of-way which meets the approval of the city manager. Said drive shall be posted with a blue sign at its intersection with a city street denoting that it is a private street. The words "private street" will also be required to appear on the plat to designate the drive as private.
    - (3) The private street cannot serve as a connecting street between two other public or private streets/roads and must end in a cul-de-sac and shall not exceed 1,600 feet in length. At the end of each private street, a cul-de-sac of at least 40 feet radius is required. Each private street is required to intersect with a city or county-maintained street/road.
    - (4) In order to request approval of a minor city subdivision, the applicant must supply the city manager with five copies of the plat along with copies of any deed restrictions or covenants and/or street maintenance agreements affecting the property to be subdivided. The plat will be required to be labeled "private city subdivision." In addition, the language in subsection (d)(8)b.1 of this section will be required in all deeds and so stated on the plat to be recorded.
    - (5) Any modifications, changes or amendments to the approved plat or document shall be submitted to the city manager or his/her designee for approval.
  - (h) *Surety for completion of improvements.* In lieu of completion of the required improvements in a subdivision and/or previous to the final approval of a plat, the city manager may accept security in an amount, and with surety and conditions satisfactory to him, providing for and securing to the city the estimated cost of construction and/or installation of such improvements and utilities, and within a period of time agreed to between the city and the developer as expressed specifically in the bond. In the event that the required improvements cannot be completed within the specified time period, such time period may be extended for good cause shown, if agreeable by the city.
    - (1) *Requirements.* To ensure the construction and installation of all required improvements, as specified in section 34-25, the subdivider shall deliver to the city a certified check, cashier's check, money order or cash (i.e., cash deposit) in such amount as is required for the estimated cost of construction and installation of all public improvements which are the responsibility of the subdivider as specified herewithin. The subdivider shall also submit a statement enumerating the cost of construction and installation of all required improvements to be reviewed and approved by the city manager.
      - a. Preconstruction surety in the city shall be 135 percent of the estimated total construction and installation costs. Preconstruction surety shall be required for work within city right-of-way.
      - b. Warranty surety shall be a cash deposit as stated in this subsection (f)(1) which shall be equal to 15 percent of the actual construction and installation cost and shall be held

by the city for a minimum of period of 24 months. The 24-month time period shall begin after the final plat is approved by the City and recorded with the Paulding County clerk of court.

- c. If a subsequent phase of a multi-phased subdivision or a new subdivision requires that construction traffic must travel through a street or streets within the multi-phased or new subdivision that have been accepted by the city, then the cash deposit for the new phase or the new subdivision shall include an amount to repair any possible damage that may occur upon any previously accepted streets. The required cash deposit shall be based on an amount computed at a rate of \$65.00 per linear foot of the existing street or streets that shall be subject to the construction traffic.
  - d. If a subdivider requests final plat approval prior to the completion of final asphalt pavement topping of subdivision streets, the subdivider shall provide as performance surety, a cash deposit in the amount of 135 percent of the actual total construction and installation costs, for the completion of the final asphalt pavement topping of subdivision streets.
- (2) *Conditions.* Cash deposits, as stated in subsection (f)(1) of this section shall be payable upon default to the city and provide that subdivider, his heirs, successors, and/or assignors and their agents or servants will comply with all applicable terms, conditions, provisions, and requirements of this article and any other applicable requirements; will faithfully perform and complete work constructing and installing the facilities and/or improvements in accordance with this article and any other applicable requirements; and the subdivider shall be responsible to the city for any unnecessary expense incurred through the failure of the subdivider, his heirs or successors, and assignors, or their agents or servants to complete work of the construction and installation in an acceptable manner and from any damages growing out of negligence in performing or failing to perform the construction installation.
- (3) *Duration and release.* The cash deposit paid as required by this section shall be released or returned as the case may be, at such time as the facilities guaranteed hereby have been installed, maintained for a minimum of 24 months and accepted by the city, if applicable in accordance with Ordinance No. 04-08, effective August 1, 2004. Acceptance by the city shall be by resolution of the mayor and council of the city and shall accurately identify the specific improvements covered. Utilities, streets, and/or other facilities shall not be accepted until they conform to the city's specifications and standards.
- (4) *Default.* In the event that construction, installation and/or maintenance of any improvements or facilities for which a required cash deposit is deposited are:
- a. Not completed within the time stipulated;
  - b. Installed, but not properly maintained or repaired under warranty; or
  - c. Not constructed or installed in accordance with applicable standards;

the city may proceed to construct, maintain and/or repair the improvements or facilities using the cash deposited to pay for such work. Such work may be done under contract or with city employees, whichever is appropriate to the case. In the event that any portion of a required cash deposit is not depleted or used by the city, then any excess shall be rebated to the person or corporation making the cash deposit.

(Comp. Ords. 2005, § 5-1604; Ord. 04-08, 8-1-2004; Ord. No. OA-2009-06, 12-7-2009)

State law reference(s)—Plat approval procedures for subdivisions near a part of the state highway system are regulated by, O.C.G.A. § 32-6-150; standards for maps and plats recorded in the office of the clerk of superior court are set in, O.C.G.A. § 15-6-67.



## **Sec. 34-24. Minimum design standards.**

- (a) *Relationship to comprehensive plan for the city.* In considering any development plan or final plat, the city manager or his/her designee shall give consideration to the city comprehensive plan, as adopted or amended, as well as any existing land use plans that may have been approved by the mayor and city council that may affect the area in which the subdivision is to be located.
- (b) *Streets.* The location and width of all streets and roads shall conform to this article, chapter 44, pertaining to zoning, the city comprehensive plan and any other adopted transportation plan that the city has adopted or will adopt in the future. All streets established in connection with the development of a subdivision shall comply with the following requirements:
  - (1) *Continuation of existing street pattern.* Whenever topography will permit, the arrangement of streets in a subdivision shall provide for the alignment and continuation or projection of adjoining areas at the same or greater width, but in no case, less than the required minimum width.
  - (2) *Access restrictions.*
    - a. When a subdivision fronts on an arterial or collector street or highway, the city manager or his/her designee may limit access on double frontage lots to an interior street with no access to the arterial street. Generally, lots shall not derive access exclusively from any street designated as an arterial or collector street, but rather lots shall have access from an interior street of the subdivision. The subdivider must consult and receive approval from the state department of transportation for any access upon any street or road that is on the state DOT road system. The subdivider must consult and receive approval from the Paulding County department of transportation for any access upon any street or road that is subject to Paulding County jurisdiction.
    - b. Where, in the opinion of the city manager or his/her designee, it is essential to provide for street access to an adjoining tract or parcel of land, street right-of-way shall be extended to the boundary of such tract or parcel of land.
    - c. Every lot established shall front or abut on a street which is to be dedicated to the public and/or conforms to the provisions of this article. When land is subdivided into larger parcels than ordinary building lots (larger than one acre), such parcels shall be arranged so as not to landlock any parcel.
    - d. A maximum of 120 residential dwelling units shall be allowed to be constructed with only one street outlet on an existing public street. If a second access to an existing public street is not available or its existence may induce nonresidential traffic through the development as determined by the city manager or his/her designee or by the Paulding County DOT, the second access requirement may be waived by the city if, and only if, the original street outlet is designed and constructed with sufficient right-of-way and improvements to provide a divided median road with two lanes in and two lanes out. The 120 dwelling unit threshold is applicable for any location within the development. No further building permits may be issued within the development upon reaching the capacity of 120 residential dwelling units without a second access or without an approved waiver of the second access requirement.

Subdivisions with greater than 400 residential dwelling units will be required to provide three (3) access outlets onto existing public streets. No further building permits may be issued within the development upon reaching the capacity of 400 residential dwelling units without three (3) access outlets onto existing public streets.
  - (3) *Access improvements.* When property that abuts upon an existing or proposed city road is to be developed or redeveloped as a single-family detached or duplex subdivision and the city

street will provide access to the property, Project access improvements to the city road (deceleration lanes, turn lanes, etc.) shall be provided by the developer as required herein.

a. A deceleration lane shall be required at each subdivision street entrance that is provided street access as applicable. In the event a street has an existing or proposed median, and the developer desires to construct a median break to serve the subdivision, a left turn lane leading to the median break shall be required by the developer and shall meet the standards contained herein.

b. Deceleration lanes shall have a length of 75 - 200 feet (refer to the standard drawing), with an additional 50-foot taper length, a pavement width of 12 feet (exclusive of curb and gutter) and shall be provided with curb and gutter. Additional right-of-way to accommodate the deceleration lane and an 11-foot shoulder shall be dedicated by the developer to the city at no cost. Associated drainage improvements as deemed necessary by the construction of the deceleration lane shall also be required.

c. Other project access improvements may be required by the department of transportation in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public.

d. The developer shall be responsible for the relocation of public or private utilities and drainage structures, as may be occasioned by the required project access improvements.

e. The subdivider must consult and receive approval from the state department of transportation for any access upon any street or road that is on the state DOT road system. The subdivider must consult and receive approval from the Paulding County department of transportation for any access upon any street or road that is subject to Paulding County jurisdiction.

- (3) *Private streets.* Private streets are only permitted within a private subdivision as defined in section 34-19.
- (4) *Cul-de-sac requirements.* Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of 110 feet in diameter and a paved turnaround with a minimum outside diameter of 80 feet. Maximum street length with a cul-de-sac shall not be greater in length than 1,600 feet from the centerline of the access street to the point of radius, unless topographic conditions necessitate no alternative for access. A variance on any additional length of a cul-de-sac must be approved by the city.
- (5) *Temporary dead-end streets.* Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a paved temporary turnaround having a diameter of 80 feet, or other suitable turnaround.
- (6) *Half streets.* Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.
- (7) *Split level streets and one-way streets.* Streets which are construed so as to have two traffic ways, each at a different level within the right-of-way, shall provide a paved traffic surface of at least 20 feet on each level and a slope between the two traffic ways of not less than three to one (3:1). One-way streets and split-level streets will be allowed when:
  - a. Topographic conditions are so that alternatives to the typical street design and construction would be more desirable;
  - b. Shape and size of the parcel could be more efficiently developed.

In either case, approval must be obtained from the city manager or his/her designee.

- (8) *Alleys.* Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the city of the need for alleys. Where alleys are permitted, they shall be graded and surfaced to specifications approved by the city manager or his/her designee.

- (9) *Intersections.*
- a. The centerline of no more than two streets may intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible to right angles (90 degrees) and no street shall intersect any other street at an angle of less than 60 degrees. The angle of intersection is to be measured at the intersection of the street centerlines. Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of the cross street.
  - b. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corners shall be round or otherwise set back sufficiently to permit sidewalk construction.
  - c. Islands at intersections shall be subject to individual approval by the city manager or his/her designee. In no case shall anything extend more than three feet above the back of the curb within the right-of-way of the intersecting street.
  - d. Adjoining street intersections shall be spaced at least 200 feet apart measured from edge of right-of-way to edge of opposing right-of-way. Street jogs at intersections shall have a centerline offset of not less than 150 feet.
- (10) *Street grade and curve design.* Horizontal and vertical curve design shall be consistent with the city standard design specifications set forth in section 34-26.
- (11) *Street names and property address.*
- a. Streets or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that same name. The names of new streets and roads, except in the same subdivision, shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place or court, or however otherwise designated.
  - b. All street names are subject to the approval of the city manager or his/her designee and/or the city post office.
  - c. Property address numbers shall be provided by the city manager or his/her designee and recorded on final plats.
- (12) *Additional right-of-way.* Subdivisions which include an existing platted street or road that does not conform to the minimum right-of-way requirements of this article shall provide additional width along one or both sides of such street or road so that the minimum right-of-way required by this article is established, but only if the individual lots along said right-of-way have not been constructed upon. Subdivisions abutting only one side of such a street or road shall provide a minimum of one-half measured from the center of the existing right-of-way, of the right-of-way required by this article.
- (13) *Minimum right-of-way and pavement widths.* Minimum right-of-way and pavement widths shall be as follows:

Street Classification	Minimum Widths (in feet)		
	Right-of-Way	With Curb and Gutter	Without Curb and Gutter
Residential/local street	50	24(1)	
	60		22
Minor collector street	60	26(1)	24
Major collector street	80	30	28
Major/minor arterial	100	48	(2)

**Note—**

- (1) Measured between face of the curbs.
  - (2) To be determined by anticipated traffic loading.
- (14) *Substandard streets.* In the event that a development has access to a substandard street (i.e., a dirt, surface treatment, or gravel road), the following project access improvements shall be required:
- a. If the abutting substandard street providing access to the development is dirt, surface treatment or gravel, the street shall be upgraded by the developer to a paved roadway from the project entrance to the nearest standard paved road along the route of access.
  - b. The abutting substandard city street shall be improved to the minimum pavement widths required by this article.
  - c. The abutting substandard city street right-of-way shall be improved to provide an 11-foot shoulder and the project street frontage shall be graded to meet current AASHTO Roadside Design Guide safety requirements.
- (c) *Blocks.* The city manager or his/her designee shall examine every proposed subdivision as to its compliance with the following provisions:
- (1) *Nonresidential.* Blocks for other than residential use shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and service.
  - (2) *Residential—Length.* In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas, and in order to help prevent traffic congestion and undue inconvenience, and to serve the efficient use of land or desired features of street patterns; the length of blocks hereafter established shall not exceed 1,800 feet nor be less than 600 feet; provided, however, such length requirements may be granted a variance by the city council when appropriate due to the topography or physical shape of the property being subdivided.
  - (3) *Same—Width.* The width of any residential block shall be sufficient to permit two tiers of lots of minimum depth except where prevented by topographical conditions or size of the property, in which case the city manager or his/her designee may approve a single tier of lots of minimum dimensions.
- (d) *Lots.* All lots which shall hereafter be established in connection with the development of a subdivision, shall comply with the following design standards:
- (1) *Authority of the health department if public sewers not available.* Nothing contained in this article shall be construed as preventing the health department, after a study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision:
    - a. Shall not be built upon; or
    - b. That the minimum lot sizes set forth in this article are inadequate and must be increased to ensure the protection of the public health.The developer is encouraged to consult with the health department regarding lot sizes prior to submitting a development plan.
  - (2) *Building lines.* All building lines and setbacks distances shall conform to chapter 44, pertaining to zoning. Building lines and setback distances shall be uniform for each and every lot within a platted subdivision. Front building setback distances shall not vary within a subdivision for the purpose of conforming with minimum required lot width.
  - (3) *Within city limits.* Lots shall not be divided by corporate boundary lines.

- (4) *Corner lots.* Corner lots shall be sufficiently large to permit the location of buildings so as to conform with the front building setback lines on both streets.
  - (5) *Side lines.* As far as practical, side lot lines shall be at right angles (90 degrees) to straight street lines and radial to curved street lines on which the lot faces. Side lot lines shall be radial to the radius points of all cul-de-sacs.
  - (6) *Minimum dimensions and area.* Minimum lot dimensions and areas shall be in conformity with chapter 44, pertaining to zoning.
  - (7) *Health requirements.* Percolation tests and/or soil data as provided by a registered soil scientist shall be required and shall be approved by the health department, which may require additional lot area depending on soil and slope conditions. The minimum lot size for a septic tank sewer system shall be one-half acre. No septic tank sewer system will be allowed if public sewer can be made available with reasonable cost to the developer. All dwellings shall connect to public sewer if such sewer is within 300 feet of the property being subdivided. The cost of providing public sewer to the property shall be negotiated between the developer and the appropriate utility owner.
  - (8) *Minimum frontage on five acre or more tracts.* Lots that contain five acres or more must have a minimum frontage width of 60 feet upon a publicly maintained street or road. The topography of this 60 feet frontage width must be suitable for the construction of a public road.
  - (9) *Flood damage prevention.* Each lot must have a suitable home site that is above the 100-year floodplain. The final plat must have a certification from the proper authority that this provision is complied with.
- (e) *Easements.* Easements shall be required pursuant to the table set forth in this subsection for the following purposes:
- (1) *Utility.* When it is found to be necessary and desirable to locate public utility lines in other than street rights-of-way, easements shall be shown on the plat for such purposes. The easements shall not be less than 20 feet in width and, whenever possible, shall be centered on rear and side lot lines.
  - (2) *Watercourse and drainage.*
    - a. Where a proposed subdivision is traversed by a watercourse, drainageway, stream or channel, drainage easements shall be made to accommodate stormwater and drainage through and from the proposed subdivision.
    - b. Drainage easements shall conform substantially with the lines of the watercourse and shall be of sufficient width or construction to be adequate for the purpose and as necessary to accommodate future construction as recommended by the city manager or his/her designee. Drainage easements may be altered within the proposed site, but shall conform to points of discharge to and from the site upon approval of the city manager or his/her designee, the soil erosion and sedimentation plan, and the post-development stormwater management plan.
    - c. Drainage easements shall be opened at the time of development to control surface water runoff.
    - d. Drainage easements off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner and said property owner shall keep the easement free of obstructions and maintain that part of the easement within the property owner's boundary line so that free and maximum flow is maintained at all times.
    - e. Stormwater management facilities and associated easements must be clearly identified on the final plat. Stormwater management facilities must be located on a lot or

greenspace completely separate from any residential lot. Stormwater management facilities may be included as a component of a commercial lot.

- (3) *Water and sanitary sewer.* Permanent water and sanitary sewer easements shall be a minimum of 20 feet in width and shall be provided for necessary lines. Sewer easements shall be ten feet on each side of the sewer main.
- (4) *Overlapping.* Easements for water and sanitary sewer easements and drainage purposes shall not overlap unless approved by the city manager.
- (5) *Clearing and cover.* All easements shall be cleared of debris, excess dirt and other materials. The ground shall be smoothed down and grassed within ten days of completing construction work. The use of sediment control measures may be required to protect the area until a vegetative cover is obtained.
- (6) *Identified.* All easements shall be noted on the development plan, preliminary and final plats.

Easement Table		
Type	Minimum Width (in feet)	Purpose
Utility	20	To allow for the location of public utilities out of public right-of-way
Drainage—Piped	20	Surface water runoff
Drainage—Open ditch	20	Surface water runoff
Water/sanitary sewer	20	Elimination of septic tanks and wells

- (f) *Innovative land developments.*
  - (1) *General.* Recognizing that beneficial change often comes from experimental design and developers' response to consumer demand, the mayor and city council will consider innovative subdivision proposals which may deviate from approved subdivision regulations and standard design specifications as adopted by the city. The purpose and intent are to provide developers the flexibility of meeting consumer demand through innovative land developments and to ensure that the city remain competitive with other development markets.
  - (2) *Requirements.*
    - a. *Preapplication review.* Prior to the submittal of a development plan for an innovative subdivision, the developer shall meet with the city manager for a review of the location, scope and nature of the proposed development. The developer shall submit sketch plans showing how the property is to be developed.
    - b. *Review of plats.* The procedures of plat review shall be the same as outlined in this article for any development plan.
    - c. *Water and sewer.* All innovative land development proposals shall have public water and sanitary sewers available.

(Comp. Ords. 2005, § 5-1605)

**Sec. 34-25. Required improvements.**

- (a) *Subdivider's responsibility.* A well-designed subdivision means little to a prospective lot buyer until he can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a well-designed subdivision is not an asset to the community until the necessary improvements have been installed. In order that prospective lot purchasers

may get usable products and new subdivisions may be an asset rather than a liability to the community, the subdivider shall install and/or pay for the improvements required by this article necessary to serve his subdivision.

- (b) *Monuments.* Concrete monuments with aluminum or brass marking shall be placed at all corners of the exterior boundaries of the subdivision being developed and shall be set flush or up to six inches above finished grade. Existing permanent monuments which, in the professional opinion of a registered land surveyor or the city manager, are of sufficiently durable construction, may be maintained in lieu of a new concrete monument as described in this subsection. All other street or lot corners or at angle points and points of curve in each street shall be marked with an iron pipe or surveyor's marker at least 24 inches long and driven no less than one inch nor more than six inches above the finished grade. All such monuments shall be properly set in the ground and approved by a registered land surveyor prior to the time of final plat approval.
- (c) *Water supply.* All developments shall connect to a public water supply. The subdivider shall install water mains and fire hydrants according to plans and specifications approved by the city manager or his/her designee and/or other local, state, or federal regulations, specifications, or agencies. Fire protection systems shall be installed to current state insurance services office specifications and requirements. Fire hydrants shall be located at maximum spacing of 500 feet between hydrants. When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve the abutting lot, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street. Water mains within the development shall be extended to locations where the city manager or his/her designee determines it is necessary to provide future connection to adjoining properties.
- (d) *Sanitary sewerage.* All developments shall connect to a public sanitary sewer. The subdivider shall install public sanitary sewers to plans and specifications approved by the city manager or his/her designee and/or other local, state or federal agencies. When the sewer is located in a street right-of-way and it will be necessary to cut into the street to serve the abutting lots, a connection shall be stubbed out to the property line (terminating with a cleanout that will be set at finish grade upon landscaping) to serve each lot prior to surfacing the street. Sewer mains shall be extended to the upstream property lines along each drainage course through the development or other locations where the city manager or his/her designee determines it is necessary to provide sewer service to adjoining properties.
- (e) *Private sewer disposal systems.* Private community sewage disposal systems such as an oxidation pond, land application system, or other type facility are not permitted within the jurisdictional boundaries of the city. All developments shall connect to a public sewerage system.
- (f) *Sidewalks, curb and gutter.* Sidewalks with a minimum width of five feet shall be installed on both sides of the street along all subdivision streets to provide a safe and convenient means for pedestrian movement. Developers shall also be required to construct sidewalks along existing public streets adjacent to the development property. Curbs and gutters shall be installed on all subdivision streets within the city.
- (g) *Street grading and surfacing.* Streets shall be graded and surfaced according to plans and specifications approved by the city.
- (h) *Storm drainage and utilities.* An adequate drainage system, including necessary open ditches, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges and other necessary appurtenances shall be installed by the subdivider and shall conform to the standard design drawings and specifications as contained in this article. The storm drainage system shall be designed in conformance with all applicable city ordinances and the Georgia Stormwater Management Manual. The maintenance of all stormwater management facilities on private property shall remain the responsibility of the property owner or homeowner association and not the responsibility of the City of Dallas.
- (i) *Street name signs.* Street name signs shall be installed at all intersections within a subdivision. The location and design of such signs shall be approved by the city manager or his/her designee.

- (j) *Utility strips.* The street right-of-way shall be graded at least six feet measured from the back of the curb or edge of pavement, on both sides of the street, to provide space for installation of utilities, to prevent the encroachment of driveways into the street surface, to provide walkways off the paved vehicular surface, and to provide space for the future installation of sidewalks.
- (k) *Street trees.* The planting of street trees is generally not required, but may be required by other city ordinances. If the subdivider chooses to plant trees along the street to enhance the appearance of a subdivision, such trees shall not be planted on any street right-of-way to ensure that there will be no future conflict with utility lines either above or below the ground surface. Certain trees, however, are permitted on right-of-way subject to approval by the city manager if such species demonstrate growth characteristics which will not interfere with utilities and are in compliance with the city tree preservation ordinance.
- (l) *Street addresses.* Numerals or letters indicating the official street address of each principal residence or business (as shown on the final plat), shall be installed by the subdividers of any subdivision either on a mailbox, mailbox post or other prominent place on the property so as to be visible to any emergency response unit trying to locate said residence or business. The numerals/letters shall be made of a durable reflective material, shall contrast in color with the background, and be at least three inches high for residences and four inches high for businesses.
- (m) *Streetlights.* Prior to the sale of the first residence/business within any phase of the subdivision, there shall be streetlights installed by the subdividers of any subdivision or by the electric utility company for that area, and the installation costs as well as the monthly charges shall be borne by the subdivider until 50 percent of the total residences/business within that phase have been sold. At that time, the subdivider shall so notify the city manager who will in turn notify the respective electric utility company and transfer responsibility for payment to the city for that particular phase.
- (n) *Two-year warranty and final inspection.* Developers of nonprivate subdivisions within the city shall provide the city with a two-year warranty on the infrastructures (streets, curb and gutter, water, sanitary sewer, storm sewers, signage, etc.) that is required to be installed by this article. The developers shall be required to compensate the city for the cost of performing a final acceptance and public dedication inspection of the infrastructure improvements set forth in this article. The compensation shall be based on a fee of \$50.00 per lot with a minimum fee of \$2,500.00 and must be paid prior to the final acceptance and dedication inspection. The city shall have the right to use its own employees or to hire a certified engineering firm to perform the final acceptance and dedication inspection.

(Comp. Ords. 2005, § 5-1606; Ord. No. 96-18, 8-5-1996; Ord. No. 01-06, 3-4-2001; Ord. No. 04-08, 8-1-2004; Ord. No. OA-2017-02, 12-11-2017)

### **Sec. 34-26. Standard design specifications for streets and storm drainage.**

- (a) *Applicability.* All persons proposing construction within the public rights-of-way of the city or within easements that are required to conform to city standards shall perform all construction in accordance with these specifications and standard design drawings.
- (b) *Standards incorporated by reference.* Unless otherwise specifically set forth herein, all of the materials, quantities, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the state department of transportation. Design criteria and standards not specifically set forth herein shall conform to the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, or other AASHTO publications; American Society of Testing and Materials (ASTM) latest standards; and the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). Construction plans for all facilities covered by this article shall conform to article IV of chapter 16, pertaining to erosion and sedimentation control.



(c) *Administration and enforcement.*

- (1) *Permits required.* All phases of construction are guided by a permit process. Before obtaining a permit for the construction phases of subdivision improvement, a development plan must have been approved by the city manager or his/her designee in accordance with this article. Plans for all other construction must be approved by the city manager or his/her designee. Permits will only be issued to the property owner, developer, or their authorized agent. The following types of construction are required to be reviewed:
- a. Grading and storm drainage;
  - b. Water and sewer line construction;
  - c. Curb construction;
  - d. Base and paving construction.

One permit shall be issued at the beginning of each construction activity. After inspection and approval of each phase, the developer may proceed with each subsequent phase.

(2) *Field inspections.*

- a. *Advance notice to city for inspection.* Authorized representatives of the city shall access to the work site for inspection at any time. When an inspection for approval of the work is needed, the permittee shall notify the city manager or his/her designee at least twenty-four hours in advance. After notification to the city and expiration of the twenty-four hour period, the work may proceed with or without the inspection. However, the city reserves the right to require modifications or corrections if said work does not conform to city regulations, specifications or ordinances.
- b. *Final inspection.* Each type of construction identified in subsection (c)(1) of this section shall be inspected at the time of completion. In addition, each phase of construction shall be inspected before it is covered, built over, or otherwise hidden for inspection purposes by subsequent work. For example, subgrade preparation shall be inspected before any placement of base material, and base shall be inspected prior to the laying of pavement. When all construction has been completed, the developer or his agent shall meet with a representative from the city on the job site. All work will be examined at this time to ensure the work has been accepted and the construction plans checked against what has been constructed to ensure that the work is complete and proper. A final field inspection of all improvements shall be held before acceptance of the work. Nothing in this provision shall prevent the completion of a job pending inspection so long as the developer has given 24 hours' notice to the city that the work is to be completed at a given date and time.

- (3) *Letter of acceptance.* If all work has been completed and is approved, a letter of acceptance will be issued by the city manager and/or the final plat be certified. Permits are not required when the work to be performed is by a city, county or state agency.

- (4) *Stop work order.* Any work not having the proper permit or not conforming to the requirements of this article or any other city or state requirement must be brought into compliance. Should the work not be permitted or corrected after notification by the city manager or his/her designee, a stop work order shall be issued by the city manager or his/her designee. Further failure by the property owner or developer to comply shall make him liable for a \$500.00 per day fine and charges of a misdemeanor.

(d) *Earthwork.*

- (1) *Clearing and grubbing.* The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a satisfactory manner.
- (2) *Grading.* Grading shall be accurately done to the lines and grades shown on the approved plans. Embankments shall be placed in uniform layers not to exceed six inches and

compacted to a density of 95 percent of the maximum dry weight per cubic foot as determined by an approved method. Proof-rolling shall be accomplished prior to placement of embankments to detect soft spots.

Slopes in Cut or Fill Sections	
Depth of cut or fill	Maximum Slopes
Two feet or less	4 to 1
Two to five feet	3 to 1
Over five feet	2 to 1

The depth of cut referenced in the table in this subsection shall be construed to be the maximum cut or fill occurring in any one section of cut or fill. The slope on cut or fill shall be uniform throughout for each section of cut or fill. When a cut is made in rock that requires blasting, slope may be changed to vertical slope upon the written approval of the city manager or his/her designee.

Residential lots shall be graded to drain surface water runoff directly to either a street or approved drainage easement. Runoff shall not be allowed to flow across adjacent lots.

- (3) *Blasting.* Any blasting activity must be approved by the Paulding County Fire Chief and conform to the Paulding County Fire Department requirements.
- (4) *Subgrade.* After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans.
  - a. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the city manager or his/her designee and replaced with suitable, thoroughly compacted material.
  - b. When the street is to be used for construction traffic before the paving work is completed, a layer of No. 5 stone can be laid as a traffic surface if the developer desires under the following provisions:
    - 1. This material shall not be used as part of the base material;
    - 2. It may be worked into the subgrade or it shall be removed before the base course is set up for paving;
    - 3. Provision shall be made to drain low points in road construction when the final paving surface is delayed.

(e) *Storm drainage.*

- (1) *Standards.* The following standards are to be used in designing the system:
  - a. *Stormwater discharge rate.* The development shall comply with the current best management practices for stormwater management as contained in the Georgia Stormwater Management Manual, latest edition.
  - b. *Size and location of drainage structures and facilities.* The sizing and location of all drainage structures and facilities shall be the responsibility of a registered professional engineer, subject to the approval of the city manager or his/her designee. Stormwater management facilities shall be designed in accordance with the requirements set forth in the city stormwater management ordinance.
  - c. *Minimum velocity.* Storm drainage pipes shall be sloped so as to maintain a minimum velocity of three feet per second so that sediment will not collect. Stormwater

drainage systems shall be designed using the 25-year design storm, with the 100-year design storm used to evaluate local flooding.

- d. *Gauge of pipe, backfill and installation.* State department of transportation standard 1030D (or most current) shall be used in determining class (concrete) or gauge of pipe under fill, method of backfilling and pipe installation, unless otherwise specified and approved by the city manager or his/her designee.
  - h. *Drainage easement.* The drainage easements shall be a minimum of 20 feet wide. Drainage easements may be required to be wider when, in the opinion of the city manager or his/her designee, additional width is required for future maintenance purposes.
  - i. *Catchbasins.* Catchbasins and/or drop inlets shall be designed in accordance with the standard design drawings and specifications of the city, or of the state department of transportation.
  - j. *Street water.* Street water shall be limited to a maximum distance as follows:
    - 1. Zero up to seven percent grade: 400 feet maximum.
    - 2. Seven up to ten percent grade: 300 feet maximum.
    - 3. Over ten percent grade: 250 feet maximum.
    - 4. Or spaced to limit the gutter spread for the 25-year design storm to 8 feet, whichever is more stringent.
  - k. *Subdrainage.* Subdrainage will be installed to control the surplus groundwater by intercepting sidehill seepage or by lowering or regulating the groundwater where such conditions exist.
  - l. *Bridges.* Bridges shall be designed on a 100-year storm frequency.
- (2) *Cross drain pipes.*
- a. *Size.* Cross drain pipes shall be not less than 18 inches in diameter when under streets and not less than 15 inches in diameter when under a driveway.
  - b. *Headwalls.* Cross drains shall have headwalls of an approved type on inlet and outlet ends of the pipes.
  - c. *Shoulder.* All streets shall maintain full shoulder width across all cross drains as the minimum length.
  - d. *Maximum length.* Maximum continuous length of cross drains shall be 300 feet.
  - e. *Junction boxes.* Junction boxes having access to the cross drains shall be constructed to meet the requirements of the state DOT standard drawings and specifications. All pipe junctions shall have junction boxes with lids for access. Any change in material type must occur at a junction box or other stormwater structure such as a catch basin or drop inlet.
- (3) *Materials.*
- a. *Concrete pipe.* Concrete pipe shall be reinforced within the right-of-way but may be plain pipe outside the right-of-way. Flat bottom and circular pipe sections shall be laid in a prepared trench with the socket ends pointing upstream. Sections shall be joined in accordance with manufacturer's recommendations.
  - b. *High Density Polyethylene Pipe (HDPE).*
    - 1. Shall conform to the requirements of AASHTO M294, Type S.
    - 2. Pipe shall have smooth interior with annular exterior corrugations.

3. Joints shall be bell and spigot type and shall provide a water-tight connection.
  4. Pipe shall meet requirements of Georgia Department of Transportation Standard Specifications, Section 550 and Section 845, and Standard Detail 1030P. Pipe shall be from an approved source listed on Qualified Products List QPL-51.
- (4) *Traffic and erosion.* Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. Any debris or silt that constricts the flow through a pipe shall be removed by the developer as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense. The developer's obligation to clean and repair pipes ceases after acceptance by the city.
  - (5) *Minimum clearance.* Minimum clearances are one foot between the bottom of the roadway base and the exterior crown of the culvert and a minimum of one-half foot between underground utilities and the exterior crown of culverts.
  - (6) *Trench construction.* Trench construction for storm drainage pipes shall be in accordance with the standard drawings contained herein.
- (f) *Streets.*
- (1) *Street design criteria.* Street design criteria for proposed streets, and the redesigning of existing streets, shall conform to the following specifications:
    - a. *Minimum grade.* The minimum grade on subdivision streets shall be one percent (1.0%). The minimum grade on cul-de-sacs shall be 1½ percent to maintain one percent in curblines. The minimum grades for collector and arterial streets shall conform to Georgia DOT practice.
    - b. *Maximum design speeds and grades.* Maximum design speeds and maximum grades allowable by street classification shall be as follows:

Street Type	Maximum Grade (in percent)	Maximum Curve (in degrees)	Maximum Design Speed (in mph)
Arterial	8	10	55
Major collector	10	15	50
Minor collector	12	20	45
Local or residential	14	25	25

Maximum grade on any cul-de-sac turnaround shall be six percent.

- c. *Sight distance requirements.* The sight distance requirements at intersections, curves, and crests of hills shall be in accordance with AASHTO Policy on Geometric Design of Highways and Streets, latest edition, or with a minimum sight distance as follows:

Street Type	Sight Distance <sup>(1)</sup>
Arterial	500 feet
Major collector	400 feet
Minor collector	300 feet
Local or residential	200 feet

**Note**—<sup>(1)</sup> As measured between points four feet above the centerline of the street.

Where the required line of sight is located outside of the street right-of-way, a sight distance easement shall be shown on the final plat. No obstructions to the required line of sight are allowed to be constructed within a sight distance easement, such as fences, structures, or shrubbery.

- (2) *Curb and gutter.* Curb and gutter shall be required on all subdivision streets within the city as specified in section 34-25(f) and shall be a vertical type having the section and dimensions as shown in the standard drawings herewithin. Rollback curb and gutter may be allowed, only with special approval of the city manager or his/her designee, in residential developments where curb breaks for driveways would exceed 75 percent of the total curb installation.
  - a. *Residential curbing.* Concrete shall have a minimum strength of 3,000 psi at 28 days.
  - b. *Industrial or commercial curbing.* Concrete shall have a minimum strength of 3,000 psi at 28 days (vertical faced curbing only).
  - c. *Construction methods.*
    - 1. Line and grade shall be set by developer's engineer or surveyor.
    - 2. One-half inch expansion joints of premolded bitumastic expansion joint material shall be provided at all radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.
    - 3. Special curbing designs (center islands, etc.) shall individually be approved by the city manager.
    - 4. Curb and gutter shall be set true to line and grade and finished by skilled workers to the section shown on the plans.
    - 5. Inferior workmanship or construction methods resulting in unsightly curb and gutter will be cause for rejection of the finished work.
    - 6. All curbing shall be backfilled and landscaped.
- (3) *Residential and industrial streets.* Residential and industrial streets shall be built to the standards as shown in the standard design drawings herewithin and applicable state DOT standards.

Required roadway paving sections shall be as follows:

Street Type	Graded Aggregate Base (GAB) (inches)	Asphalt Binder 19 mm Superpave (inches)	Asphalt Topping 12.5 mm Superpave (inches)
Arterial	10	5	1.5
Major collector	10	3	1.5
Minor collector	10	2	1.5
Local industrial or commercial	8	2	1.5
Local residential	6	2	1.5

- (4) *Roadway surfaces.* After 75 percent of the houses on the street have been built, the roadway or street shall receive the appropriate surface course. Two inches minimum of asphalt concrete is required on all public city streets. All asphalt concrete will be mixed in an asphalt plant which meets the latest requirements of the state department of transportation.
- (5) *Street cuts.* All utility street cuts within the city shall be by permit of the city manager or his/her designee and shall meet all of the following standards contained herewithin.
  - a. All trenches shall be backfilled and compacted the same day the trench is opened, or provide a steel running plate to cover the trench.

- b. Trenches under the paving shall be returned to 95 percent compaction as determined by appropriate inspection.
  - c. Trenches elsewhere shall be returned to 90 percent compaction as determined by appropriate inspection.
  - d. See the standard drawings for detail of approved trenches.
- (6) *Sidewalks.* Sidewalks, when required, will be built in accordance with the standard drawings herewithin and the following conditions:
- a. In single-family residential areas, concrete sidewalks shall be a minimum of five feet wide and four inches thick. In commercial areas, sidewalks shall be a minimum of five feet wide and four inches thick.
  - b. Concrete shall be 3,000 psi at 28 days strength.
  - c. Sidewalks will normally be located on both sides of the streets.
  - d. Sidewalks shall be backfilled and landscaped.
  - e. Sidewalks shall be located one foot from the back of curb, separated from the curb by a beauty strip. Where no curbing exists or proposed road improvements are anticipated, sidewalks shall be placed in a location acceptable to the city manager or his/her designee.
  - f. Curb ramps shall be provided at all locations where sidewalks terminate at curb.
  - g. All sidewalks and curb ramps shall meet ADA requirements.
- (7) *Street markers.* Street markers shall be diamond grade reflectorized white background with black letters and colored city logo mounted on ten-foot length posts. Developer shall supply approved markers or purchase from the city. Street markers for private streets shall be blue background.
- (8) *Traffic signs.* Traffic signs shall be supplied by the developer (may be purchased through the city) and installed as directed by the plans or the city manager or his/her designee. Traffic signs must comply with the MUTCD and must meet Georgia Department of Transportation standards and specifications.
- a. A "Speed Limit" sign shall be posted at each development entrance.
  - b. A "Watch for Children" sign shall be posted at each subdivision entrance.
  - c. Street name signs and stop signs shall be installed at all intersections within a development.
- (9) *Pavement markings.* The developer shall be responsible for the installation of all striping and pavement markings. All required striping must be complete prior to approval of the final plat. Thermoplastic shall be used for all permanent striping and pavement markings. All striping and markings must comply with the MUTCD and must meet Georgia Department of Transportation standards and specifications.
- (10) *Traffic signals.* Where required, traffic signals will be installed at the developer's expense. All work will be in accordance with approved signal design. Traffic signals must be in full operation prior to acceptance by the city.
- (11) *Underground utilities.* All utilities beneath pavement shall be installed and the ditches backfilled and thoroughly compacted before any pavement or base is installed.
- a. All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.
  - b. All utility locations shall correspond to the typical layout as shown by the standard drawings herewithin.

- (12) *Foreign material on streets.* The developer and/or builders shall be responsible for keeping dirt, mud, building materials, concrete, gravel, trash, etc. off of the pavement and curbing during construction of buildings in all developments within the city.
- (13) *Removal of trash before acceptance.* Before streets are accepted by the city, all litter, construction debris, and/or trash shall be removed from the dedicated rights-of-way.

(Comp. Ords. 2005, § 5-1620; Ord. No. 01-06, 3-4-2001; Ord. No. OA-2017-02 , 12-11-2017; Ord. No. OA-2018-03 , 4-2-2018)

### **Sec. 34-27. Standard design drawings.**

Standard design drawings shall be kept by the Public Works Director as a separate document.

(Comp. Ords. 2005, pt. 5, ch. 16)

### **Sec. 34-28. Roadway and infrastructure project improvements.**

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Infrastructure project improvement* means a site improvement required to provide water distribution, sewer collection, stormwater management, or streetlights within a specifically identified residential development that are necessary to bring the development into compliance with the standards set forth in the City of Dallas Development Regulations. Such an improvement is intended for the use and convenience of the occupants or users of the residential development alone and is not designed to provide service to the community at large.

*Infrastructure* means the water distribution, sewer collection, stormwater management, and street light systems contained within the final plat for a residential development recorded with the Office of the Clerk of the Superior Court of Paulding County.

*Roadway* means the roadway contained within the final plat for a residential development recorded with the Office of the Clerk of the Superior Court of Paulding County.

*Roadway project improvement* means a site improvement to a substandard roadway contained within a specifically identified residential development that is necessary to bring the roadway into compliance with the standards set forth in the City of Dallas Development Regulations. Such an improvement is intended for the use and convenience of the occupants or users of the residential development alone and is not designed to provide service to the community at large.

*System improvement* means an improvement designed to provide service to the community at large, in contrast to a roadway project improvement or an infrastructure project improvement.

*Vacant lot* means a lot within a residential subdivision upon which no residential structure has been constructed or for which no certificate of occupancy has been issued by the city.

- (b) *Applicability.* This article shall apply to those residential developments meeting the following criteria:
  - (1) A final plat for the development has been lawfully recorded in Office of the Clerk of the Superior Court of Paulding County, but all or a portion of the roadways or infrastructure therein have not been accepted by the city for perpetual maintenance;
  - (2) All or a portion of the roadways or infrastructure shown on the final plat do not comply with the development regulations; and

- (3) The bonds or other security instruments posted, or which should have been posted for the residential development have failed to provide sufficient funds to the city for proper completion of the roadways and associated infrastructure within the residential development.
- (c) *Roadway and infrastructure project improvement fee.*
- (1) Where the city determines that a residential development meets the criteria set forth in subsection (b), the community development director may condition issuance of a building permit or certificate of occupancy for the remaining vacant lots within the development upon payment of a roadway and infrastructure project improvement fee.
  - (2) The roadway and infrastructure project improvement fee shall be determined by the community development director by dividing the anticipated costs to complete the residential development in compliance with the development regulations by the number of vacant lots existing within the residential development. Once the first roadway and infrastructure project improvement fee for a specific residential development is determined, the fee will remain constant for the remaining vacant lots within that residential development.
  - (3) No roadway and infrastructure project improvement fee may exceed \$2,500.00.
- (d) *Expenditure of roadway and infrastructure project improvement fees.*
- (1) Roadway and infrastructure project improvement fees shall be used solely to pay for expenses incurred by the city in bringing the roadways and associated infrastructure of the specific residential development for which they were assessed into compliance with the development regulations. No such fees may be utilized for system improvements.
  - (2) Roadway and infrastructure project improvement fees shall be accounted for and categorized separately for each individual residential development for which they were assessed.
  - (3) Upon collection of sufficient roadway and infrastructure project improvement fees to bring the roadways and associated infrastructure of a residential development into compliance with the development regulations, the city may commence construction of the improvements; however, this provision does not preclude the city from commencing such construction at an earlier date.

(Ord. No. OA-2014-05, 6-16-2014)

**Secs. 34-29—34-55. Reserved.**

### ***ARTICLE III. CONSERVATION AND OPEN SPACE PRESERVATION***

**Sec. 34-56. Purpose.**

The purpose of this article is to:

- (1) Provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- (2) Provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- (3) Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.



- (4) 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.
- (5) Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (6) Promote interconnected greenways and corridors throughout the community.
- (7) Promote contiguous greenspace with adjacent jurisdictions.
- (8) 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.
- (9) Encourage street designs to reduce traffic speeds and reliance on main arteries.
- (10) 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.
- (11) Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- (12) Preserve important historic and archaeological sites.

(Ord. No. 06-16, § 1, 10-2-2006)

### **Sec. 34-57. General regulations.**

- (a) *Applicability of regulations.* This conservation subdivision option is available within the incorporated limits of the city as a use by right. 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 local jurisdiction:
  - (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:
    - a. Slopes over 25 percent of at least 5,000 square feet contiguous area;
    - b. The 100-year floodplain;
    - c. Bodies of open water over 5,000 square feet contiguous area;
    - d. Wetlands that meet the definition of the U.S. Army Corps of Engineers pursuant to the Clean Water Act; or
    - e. Anticipated right-of-way needs for roads and utilities.
  - (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 has to meet formal requirements for an engineered site design plan, certified by an engineer licensed by the state.

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(Ord. No. 06-16, § 2, 10-2-2006)

**Sec. 34-58. Application requirements.**

- (a) *Site analysis map required.* Concurrent with the submission of a site concept plan, the 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 include the following features:
  - (1) Property boundaries;
  - (2) All streams, rivers, lakes, wetlands and other hydrologic features;
  - (3) Topographic contours of no less than ten-foot intervals;
  - (4) All primary and secondary conservation areas labeled by type, as described in section 34-59;
  - (5) General vegetation characteristics;
  - (6) General soil types;
  - (7) The planned location of protected open space;
  - (8) Existing roads and structures; and
  - (9) Potential connections with existing greenspace and trails.
- (b) *Open space management plan required.* An open space management plan, as described in section 34-59, 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 34-59, 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 development regulations.

(Ord. No. 06-16, § 3, 10-2-2006)

**Sec. 34-59. Open space.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Open space* means 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 40 percent 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:
    - a. The regulatory 100-year floodplain;
    - b. Buffer zones of at least 75-foot width along all perennial and intermittent streams;
    - c. Slopes above 25 percent of at least 5,000 square feet contiguous area;

- d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
  - e. Populations of endangered or threatened species, or habitat for such species; and
  - f. 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:
- a. Important historic sites;
  - b. Existing healthy, native forests of at least one acre of contiguous area;
  - c. Individual existing healthy trees greater than an eight-inch caliper, as measured from their outermost drip line;
  - d. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
  - e. Prime agricultural lands of at least five acres contiguous area; and
  - f. Existing trails that connect the tract to neighboring areas.
- (4) Aboveground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement. Historic structures and existing trails may be counted. Large areas of impervious surface shall be excluded from the open space.
- (5) At least 75 percent of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and nonprotected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- (6) 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:
- (1) Conservation of natural, archeological or historical resources;
  - (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
  - (3) Walking or bicycle trails, provided they are constructed of porous paving materials;
  - (4) Passive recreation areas;
  - (5) Active recreation areas, provided that they are limited to no more than ten percent 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;
  - (6) 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;
  - (7) Nonstructural stormwater management practices;
  - (8) Easements for drainage, access, and underground utility lines; or
  - (9) Other conservation-oriented uses compatible with the purposes of this article.
- (d) *Prohibited uses of open space.*
- (1) Golf courses;

- (2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
  - (3) Agricultural and forestry activities not conducted according to accepted best management practices; and
  - (4) 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) *Ownership of open space.* The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a homeowners' association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a homeowners' association is the owner, 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 owner.
  - (2) *Management plan.* The applicant shall submit a plan for management of open space and common facilities (the plan) 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 city manager or his designee; and
    - d. Provides for enforcement of the plan by the city manager or his designee.
  - (3) *Failure to maintain.* 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 manager or his designee, or the state, on behalf of the city, 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 may be charged to the owner, homeowners' association or the individual property owners that make up the homeowners' 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 written conservation easement recorded with the clerk of the superior court of the county in favor of either:
      1. A land trust or similar conservation-oriented nonprofit 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 article. If the entity accepting the easement is not the city, then a third right of enforcement favoring the city shall be included in the recorded easement;

- b. A permanent written restrictive covenant for conservation purposes recorded with the clerk of the superior court of the county in favor of a governmental entity; or
  - c. An equivalent written legal tool recorded with the clerk of the superior court of the county that provides permanent protection, if approved by the city manager or his designee.
- (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.

(Ord. No. 06-16, § 4, 10-2-2006)

**SECTION II. REPEAL OF CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION III. SEVERABILITY CLAUSE.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

**SECTION IV EFFECTIVE DATE.** Following passage and approval of this ordinance by the Mayor and City Council, this ordinance shall be effective on and after \_\_\_\_\_, 2023.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
L. James Kelly, Mayor

\_\_\_\_\_  
James R. Henson, Councilmember

\_\_\_\_\_  
Michael G. Cason, Councilmember

\_\_\_\_\_  
Cooper Cochran, Councilmember

\_\_\_\_\_  
Nancy R. Arnold, Councilmember

\_\_\_\_\_  
Christopher B. Carter, Councilmember

\_\_\_\_\_  
Leah Alls, Councilmember

ATTEST:

\_\_\_\_\_  
Tina Clark, City Clerk of the City of Dallas, GA

\_\_\_\_\_  
Date