

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
LOGANVILLE, GEORGIA, FOR THE PURPOSE OF UPDATING THE
DEVELOPMENT REGULATIONS OF THE CITY OF LOGANVILLE TO
UPDATE FINAL PLAT CERTIFICATIONS AND SPECIFY
PRIVATE DRIVE MAINTENANCE REQUIREMENTS**

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

WHEREAS, the City of Loganville, Georgia (the “City”) has been vested with substantial legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law (O.C.G.A. § 36-35-3); and,

WHEREAS, on February 8, 2024, the City adopted its amended Development Regulations of the City of Loganville (the “Regs”); and

WHEREAS, Section 2.23 – Acts of City Council provides that any act of the city council to amend the charter or the code of ordinances or any other act required by general state law to be done by ordinance shall be done by ordinance; and,

WHEREAS, the City desires to amend Article VI – Access and Right-of-Way Requirements and Street Improvement and Construction Requirements, Section 6.1.4 of the Regs to require that all private streets located in the City be required to be owned and maintained by mandatory homeowner’s associations; and,

WHEREAS, the City also desires to amend Article X – Plan and Plat Specifications of the Regs to update Section 10.3.7(c) of the Regs and add Section 10.3.7(d) to the Regs to amend the required certifications for final plat approval for new developments within the City of Loganville.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Council of Loganville do hereby declare and adopt this Resolution as follows:

- (1) The preamble of this Resolution shall be considered to be, and is hereby incorporated by reference as if fully set out herein; and,
- (2) The Development Regulations of the City of Loganville officially adopted on February 8, 2024, is hereby amended by implementing the text amendments shown on Exhibit “A” attached hereto; and,
- (3) All resolutions, ordinances, or parts of ordinances in conflict herewith are hereby repealed; and,
- (4) This action shall be effective immediately upon the date resolved.

SO ORDAINED this ____ day of July, 2024.

CITY OF LOGANVILLE, GEORGIA

By: _____ **(SEAL)**

Skip Baliles, Mayor

Attest: _____ **(SEAL)**

Kristi Ash, Deputy Clerk

EXHIBIT “A”

Note: Text which is stricken shall be deleted and text which is underlined shall be added.

ARTICLE 6

ACCESS AND RIGHT-OF-WAY REQUIREMENTS; AND STREET IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

6.1 ACCESS

6.1.1 When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

6.1.2 No subdivision shall be designed so as to completely eliminate street access to adjoining parcels of land. Every development shall be designed to facilitate access to adjoining properties which are developed or anticipated to be developed in a manner substantially similar to the subject property. Locations of interparcel access shall be as required by and subject to the approval of the Department.

6.1.3 Any lot required to provide minimum frontage by the zoning district in which the lot is located shall provide vehicular access directly from a public street along the frontage or along any other property line which abuts a public street, except as provided in Section 6.1.5.

6.1.4 Private streets as may be approved under the provisions of the Zoning Ordinance shall be constructed to the roadway construction standards of the City of Loganville, as contained herein. *(Amended 03/12/2020)*. Private street rights-of-way must be owned and maintained by a mandatory homeowners' association. Street rights-of-way must comply with all the requirements set forth in this Code, including, but not limited to, the requirements set forth in this chapter and in the City zoning ordinance. An access easement and a utility easement must entirely overlay the rights-of-way and must be dedicated to the City for public use. All applicable setbacks, lot widths and lot areas must be measured from the homeowner's association right-of-way.

6.1.5 Vehicular access easements may be provided from a public street indirectly via easement in any one or more of the following circumstances:

a. The property is not required to provide a minimum frontage by the applicable zoning district, provided that the easement shall be in a location and the access

driveway shall have a width and alignment acceptable to the Fire Services Division and the Department.

b. The property is a buildable lot of record, as defined herein, but does not meet the minimum frontage requirement of the applicable zoning district. The property must be served by an exclusive access easement which shall be limited to the provision of access to only one principal use or structure.

c. The access easement serves a single-family residence on a lot which is otherwise a buildable lot of record, and which is sharing a common driveway with no more than one other single-family residence.

d. The access easement was lawfully established as such under the code, ordinances, or regulations of the City of Loganville prior to the adoption of these Development Regulations.

e. The access easement coincides with a private roadway approved under the code, ordinances, or regulations of the City of Loganville. All new private roadways must be constructed to the roadway standards of these Development Regulations, and their ownership and maintenance responsibility by private party(s) must be clearly established on the Final Plat of the development.

f. The access easement serves a buildable lot of record which meets the minimum frontage requirements of the Zoning Ordinance, but at which point the access is not achieved. *(Amended 03/12/2020)*

ARTICLE 10

PLAN AND PLAT SPECIFICATIONS

10.3.7. Each Final Plat shall carry the following certificates or statements printed or stamped thereon as follows:

a. Final Surveyor's Certificate:

It is hereby certified that this plat is true and correct as to the property lines and all improvements shown thereon, and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist, and their location, size, type and material are correctly shown. The field data upon which this 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. This plat has been calculated for closure and is found

to be accurate within one foot in _____ feet, and contains a total of _____ acres. The equipment used to obtain the linear and angular measurements herein was _____.

By: _____

REGISTERED GEORGIA LAND SURVEYOR

REG NO _____

DATE OF EXPIRATION _____

b. Owners Acknowledgment and Declaration:

(STATE OF GEORGIA)(COUNTY OF GWINNETT or WALTON as appropriate) (City of Loganville)

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and dedicated by this Declaration to the use of the public forever all streets, sewer collectors, lift stations, drains, easements, and other public facilities and appurtenances thereon shown, and transfers ownership of all public use areas in fee simple by deed, for the purposes therein expressed.

SUBDIVIDER _____ OWNER _____

PRINTED NAME _____ PRINTED NAME _____

DATE _____ DATE _____

c. ~~Final Plat Approval:~~

~~The Director of the Department of Planning and Development of the City of Loganville, Georgia, certifies that this plat complies with the City of Loganville Zoning Ordinance, and the City of Loganville Development Regulations as amended, and has been approved by all other affected City Departments, as appropriate. The Director hereby accepts on behalf of the City of Loganville the dedication of the right of way of all public streets and drainage easements, public water, sewer, drainage, and other public facilities and appurtenances shown thereon; further, the Director hereby accepts on behalf of the City of Loganville Public Utilities Department all water and sanitary sewer easements; all subject to ratification by the Mayor and City Council of the City of Loganville. This plat is approved, subject to the provisions and requirements of the Development Performance and Maintenance Agreement executed for this project between the Owner and the City of Loganville.~~

_____ DATED THIS _____ DAY OF _____, 20____.

_____ Director,

_____ DEPARTMENT OF PLANNING AND DEVELOPMENT

c. Final Plat Approvals

1. CERTIFICATE OF APPROVAL BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF LOGANVILLE (text follows):

The Director of Planning and Development certifies that this plat complies with the Zoning Ordinance and Development Regulations of the City of Loganville and has been approved by all other affected City Departments, as appropriate. This plat is approved, subject to the provisions and requirements of the Performance and Maintenance Surety Agreement executed for this project between the owner and the City of Loganville.

By: _____

Date: _____

Director of Planning and Development: _____

2. CERTIFICATE OF APPROVAL BY MAYOR AND COUNCIL (text follows):

The City of Loganville Mayor and City Council hereby accept on behalf of the City of Loganville the dedication of all public streets, easements, and other public facilities located inside the public street right-of-ways together with all public utility and access easements not located in the public street right-of-ways along with any appurtenances shown thereon. This plat is approved subject to the provisions and requirements of the Performance and Maintenance Surety Agreement executed for this project between the owner and the City of Loganville.

Dated this _____ day of _____, 20____

By: _____, Mayor The City of Loganville Mayor and City Council

Attest: _____ City Clerk, City of Loganville

d. Health Department Certification by Gwinnett Co. (for Subdivisions Served by Septic Tanks):

The lots shown hereon have been reviewed by the Gwinnett and/or Walton County Health Department and with the exception of lots _____ are approved for development. Each lot is to be reviewed by the Gwinnett and/or Walton County Health Department and approved for septic tank installation prior to the issuance of a building permit.

DATED THIS _____ DAY OF _____, 20__.

BY: _____

TITLE: _____

GWINNETT (OR WALTON) COUNTY HEALTH DEPARTMENT

e. Public Notice - Drainage:

Every residential Final Plat shall contain the following statements:

NOTE: The City of Loganville assumes no responsibility for overflow or erosion of natural or artificial drains beyond the extent of the street right-of-way, or for the extension of culverts beyond the point shown on the approved and recorded subdivision plat. The City of Loganville does not assume the responsibility for the maintenance of pipes in drainage easements beyond the City public street right-of-way.

(2) NOTE: Stream Buffer Easements are to remain in a natural and undisturbed condition.

(3) NOTE: Structures are not allowed in drainage easements.

Every nonresidential Final Plat shall contain the following statement:

(1) NOTE: The City of Loganville assumes no responsibility for overflow or erosion of natural or artificial drains beyond the extent of the street right-of-way, or for the extension of culverts beyond the point shown on the approved and recorded subdivision plat. The City of Loganville does not assume the responsibility for the maintenance of pipes in drainage easements beyond the City public street right-of-way.

Stream Buffer Easements are to remain in a natural and undisturbed condition.

NOTE: Structures are not allowed in drainage easements.

f. RM-6 and RM-8 Fee-Simple Layout Plan:

Every Final Plat for a subdivision zoned RM-6 or RM-8 proposing single-family detached houses on fee-simple ownership lots shall contain the following statement:

NOTE: Lot layout required on each lot to be approved by the Department prior to a building permit being issued. This lot layout plan must be drawn by a Registered Land Surveyor, architect, or other professional, or may be drawn by the builder on a certified boundary survey of the lot. It must show all proposed improvements and easements on the lot, and must also show the same information on all adjoining lots. It will be the builder's responsibility to ensure that the house is staked out on the site to match the approved lot layout plan. Prior to a Certificate of Occupancy being issued, a record drawing prepared by a Registered Land Surveyor and meeting the above requirements must be submitted for approval.

g. House Location Plans (HLP):

On any Final Plat containing a lot for which a House Location Plan approval will first be required prior to issuance of a building permit, the following statement shall be included:

HLP - HOUSE LOCATION PLAN

A House Location Plan shall be required to be approved by the Department prior to issuance of a Building Permit on those lots labeled "HLP". A House Location Plan is a scale drawing submitted by the builder at the time of permit. It is not required that this plan be prepared by a land surveyor or professional engineer. The purpose of this plan is to ensure that the house is properly located on the lot. Please refer to the City of Loganville Development Regulations or contact the City of Loganville Department of Planning and Development for further information.

h. Residential Drainage Plan (RDP) or Study (RDS): On any Final Plat containing a lot for which a Residential Drainage Plan (RDP) or Residential Drainage Study (RDS) will first be required prior to issuance of a Building Permit, the following statement shall be included, as applicable:

RDP - RESIDENTIAL DRAINAGE PLAN

RDS - RESIDENTIAL DRAINAGE STUDY

A Residential Drainage Plan or Residential Drainage Study shall be required to be approved by the Department of Planning and Development prior to issuance of a Building Permit on those lots labeled "RDP" or "RDS", respectively. Please refer to the City of Loganville Development Regulations and contact the City of Loganville Department of Planning and Development for further information.