

ARTICLE 15 SUBDIVISION OF LAND

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Division I. Purposes, Authority, and Definitions.

Sec. 15-1. Purposes.

This article is intended to serve the following purposes, among others: to assure equitable handling of all subdivision plats by providing uniform procedures and standards for the subdivider; to assure, in general, the wise development of new land areas, in harmony with the comprehensive plan of the city; to assure the accurate description of property, the identification of property boundaries with monuments, and the proper recording of property descriptions in public records; to help eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration given to various public purposes; and to protect lot purchasers who generally lack the specialized knowledge to evaluate subdivision improvements and design.

Sec. 15-2. Authority of Director of Community Development.

In accordance with the provisions of this article, the Director of Community Development shall have final authority with regard to the review and approval, conditional approval, or disapproval of preliminary plats, final plats, lot combination plats, boundary line adjustments, and dedication plats; provided, however, the director of community development does not have authority to accept any public improvements on behalf of the city. Public improvements shall only be accepted by the Powder Springs City Council, following procedures for public dedications specified in this article. The director of community development shall not sign and approve any preliminary plat or final or other plat required by this article, nor shall any plat be authorized for recording, unless the plat meets the minimum requirements of this article and any other applicable provision of this development code.

Sec. 15-3. Authority of Director of Public Works.

The director of public works shall have authority and responsibility to: review preliminary plats for conformity with engineering, utility, and other technical requirements of this development code; approve preliminary plats that comply with such requirements, and to conditionally approve or disapprove preliminary plats that require modification to meet such requirements. Preliminary plats shall require the signature and approval of the director of public works. Final plats for which a preliminary plat is required shall also require the signature and approval of the director of public works. The director of community development may request review by the director of public works of any other plat described in this article.

Sec. 15-4. Authority of Health Department.

The Cobb County Health Department shall have authority to review all plats that will create lots served by on-site sewage management systems (e.g., septic tanks), to approve and sign such subdivision plats if they are consistent with applicable public environmental health laws and requirements and to conditionally approve or disapprove such subdivision plats if they require modifications to meet the applicable public environmental health laws and requirements. Any final plat creating lots that will be served by on-site sewage management systems (e.g., septic tanks) shall require the approval and signature of the authorized public environmental health officer of Cobb County prior to recording.

Sec. 15-5. Definitions.

The following terms are defined. Unless the context clearly indicates otherwise, terms defined in other sections of this development code shall also apply.

Block: An area of land that is entirely surrounded by streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

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

Dedication, public: Land or public improvements that are intended to be or have been transferred by plat and/or deeded to and accepted by the city for public use and maintenance.

Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use, drawn to final plat specifications and following procedures for final plat approval.

Escrow account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, or some other instrument readily convertible to cash for specific face value specified by the director of public works in an amount equal to or exceeding the costs of required improvements.

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

Geodetic control monuments: Those survey monuments which are established by federal, state, local, and private agencies, the position of which monuments on the earth's surface has been fixed by high-order surveying and computation for use by surveyors and engineers in the extension of geodetic position to property corners, improvements to property, utility systems, streets and highways, and such other objects and things as may be located by surveying. Such monuments may be in the form of metal disks set in concrete, rock, metal, or some other fixed permanent object, the position thereof having been published by the agency which established

the monument and made available to the public as well as to land surveyors and engineers for public use. It is unlawful to remove, destroy, injure or displace geodetic control monuments (O.C.G.A. 44-1-15).

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

Metes and bounds: A system of describing and identifying land by a series of lines around the perimeter of an area; “metes” means bearings and distances and “bounds” refers to physical monuments.

Performance bond: A type of improvement guarantee in the form of a bond, secured by the subdivider or land developer from a bonding company, in an amount specified by the director of public works to cover or exceed the costs of required improvements, and payable to the city. The city may call in the performance bond in the event the subdivider or land developer defaults on required improvements.

Preliminary plat: A professional drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its general design. A preliminary plat is prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner, or any other person professionally familiar with land development and project construction activities. A preliminary plat is not a construction document.

Property corner monuments: Those survey monuments which are established to identify property corners, the location and description of which are made a part of any plat or any instrument pertaining to real property filed in the office of the superior court of any county of this state. Said survey monuments may be any permanent or semi-permanent objects or any live or dead plant material, including, but not limited to, iron or steel pipes, bars, or rods; concrete markers, including highway right of way markers; stone or rock, whether natural or erected; trees, stumps, stakes, and marks, including those marks made on trees, stones, rocks, concrete or metal; and such other monuments as may be described in said plats and instruments of record. It is unlawful to remove, destroy, injure or displace property corner monuments (O.C.G.A. 44-1-15).

Public improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the city or to a facility already owned by the city, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, other roadway appurtenance, domestic water supply system main, fire hydrant, valve or other water system appurtenance, or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance. Utility supply lines to a building are not considered public improvements. Construction of a driveway apron connection in accordance with a standard detail approved by the director of public works shall not be considered a public improvement for purposes of triggering preliminary plat approval.

Registered Land Surveyor: A land surveyor licensed and registered to perform the duties of a registered land surveyor (R.L.S.) by the State of Georgia.

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

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

Subdivider: Any person who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this development code, or the authorized agent of such person.

Subdivision: The division of a property or tract of land into two or more tracts or lots; or a land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots. The word “subdivision” includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

[Secs. 15-6 to 15-10 Reserved].

Division II. General Provisions.

Sec. 15-11. Land is One Lot Until Subdivided.

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

Sec. 15-12. Subdivision of Land.

No person shall subdivide land except in accordance with this article and this development code. It shall be unlawful for any person, firm, corporation, owner, agent or subdivider, by deed or map, to sell, transfer, agree to sell, offer at public auction, negotiate to sell or subdivide any land until a preliminary plat, if required, and final plat have been approved by the community development director and final plat recorded in accordance with this article. Said restriction applies to lands subdivided for non-residential as well as residential uses. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from compliance with this article or from the penalties established for violations of this development code. The city through its attorney or other designated official may enjoin such transfer of, sale, or agreement by appropriate action.

Sec. 15-13. Reference to State and Federal Subdivision Laws.

The subdivision of land shall comply, as applicable, with the federal and state full disclosure requirements for land sales, including The Georgia Land Sales Act (O.C.G.A. 44-3-1 et seq.). All final subdivision plats shall comply with applicable state law regarding accuracy and content of all such subdivision plats (see O.C.G.A. 15-6-67, which establishes specifications for plats to be recorded in the Clerk of Superior Court's office of the county in which the subdivision is located, including line widths, sheet sizes, closure data, and equipment used).

Sec. 15-14. Special Review of Subdivisions along State Routes.

No subdivision plat containing land which abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. 32-6-151.

When the city receives such a plat, it shall submit two copies of the proposed subdivision plat to the Georgia Department of Transportation if such proposed subdivision includes or abuts on any part of the state highway system. The Georgia Department of Transportation, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the community development director or recommend rejection. Failure of the Georgia Department of Transportation to act within this 30 day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given the community development director in writing; but such recommendation shall be advisory only and shall not be binding.

Sec. 15-15. Lots Must Comply with Zoning Requirements.

No person shall subdivide land, and the community development director shall not approve any subdivision of land, unless the lots created pursuant to said subdivision meet or exceed all applicable requirements of the zoning district in which it is located, and any other applicable requirements of this development code, and as may be amended from time to time. For minimum lot frontage, minimum lot width and minimum lot size requirements by zoning district, see article 2 "Zoning Districts and Official Zoning Map," of this development code.

Sec. 15-16. Improvements Required for Final Platting.

No final subdivision plat involving a public dedication of land or public improvement of streets or major utilities shall be approved by the community development director or accepted for recordation by the Clerk of Superior Court of Cobb County until all improvements, if required by this article, have been constructed or installed in a satisfactory manner and approved by the public works director, unless a subdivision improvement guarantee is authorized by the community development director and the public works director in lieu of completion of such improvements specified or required at the time of final plat approval.

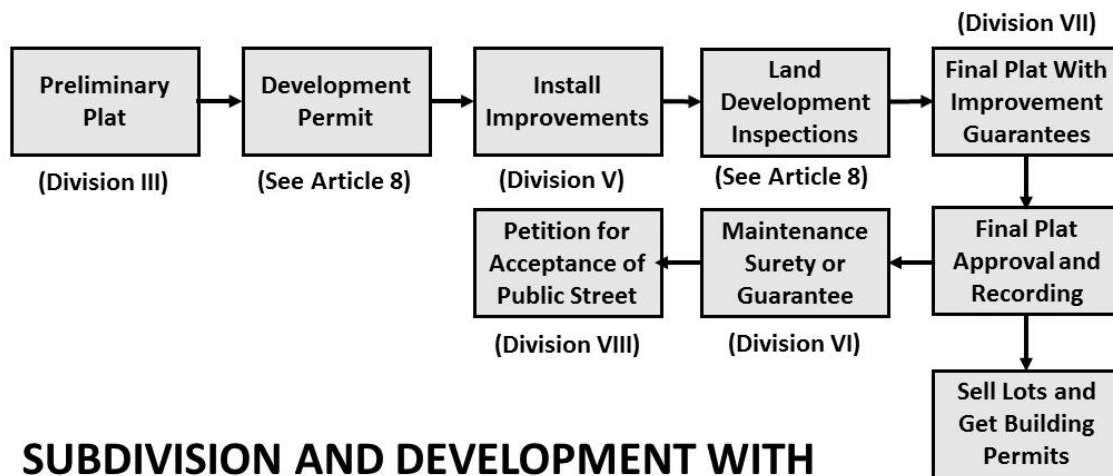
Sec. 15-17. Recording of Plats.

The Clerk of Superior Court of Cobb County shall not file or record a plat that would result in the division of a property within the City of Powder Springs into two or more lots that does not have the approval of the city as required by this article. The Clerk of the Superior Court of Cobb County shall not file or record a plat of a subdivision, whether evidenced as a plat or as an attachment to a deed, unless such plat is a final plat approved for recording by the community development director and contains said officer's signature thereon. It shall be the responsibility of the community development director, not the subdivider, to record final plats with the Clerk of Superior Court of Cobb County; provided, however, that city shall be authorized via the community development director to collect a recording fee, as may be specified from time to time, for all such plat recordings.

Sec. 15-18. Sale or Transfer of Land.

It shall be unlawful to sell or transfer title to another person any lot or tract or portion thereof of land that has not been established as a lot of record, except in compliance with this article. Unless the lot to be sold or transferred is a lot of record, final plat approval by the city in accordance with this article shall be required. Any person may offer for sale or transfer to another person any proposed lot that has been approved by the city and shown on a preliminary plat, but the sale or transfer of such lot shall not be lawfully executed until a final plat is approved and recorded in accordance with this article. This section shall not be interpreted as limiting the sale or transfer of lots consistent with previously lawfully approved recorded plats or deeds.

Overview of Article 15, Powder Springs Unified Development Code



SUBDIVISION AND DEVELOPMENT WITH PUBLIC STREET OR PUBLIC IMPROVEMENT

[Secs. 15-19 and 15-20 Reserved].

Division III. Preliminary Plat.

Sec. 15-21. Preliminary Plat – When Required.

Any subdivision involving the dedication of a public street or public land, any subdivision involving a new private street, and any subdivision requiring a public improvement as defined, shall require the submission and approval by the city of a preliminary plat.

Sec. 15-22. Relationship of Preliminary Plat to Development Permit.

The community development director must first approve a preliminary plat for subdivision activity prior to the issuance of a development permit per Article 8 of this development code prior to initiation of any land disturbing or construction activities on the lands proposed for subdivision. An application for preliminary plat approval may be processed independently or in conjunction with an application for issuance of a development permit, but a development permit shall not be issued for lands being subdivided and involving public streets, private streets, or any public improvement as defined, without the prior approval of a preliminary plat. Applicants considering the simultaneous submission and consideration of a preliminary plat and development permit application are cautioned, however, that the preliminary plat approval is discretionary with regard to consistency with the comprehensive plan and design requirements of the development code, and therefore, proceeding simultaneously with preliminary plat and development permit applications may result in the revision of civil engineering drawings and construction plans if the layout of the preliminary plat of the proposed subdivision must be significantly modified.

Sec. 15-23. Application for Preliminary Plat Approval.

An application for preliminary plat approval shall be submitted to the community development director. The application shall include the following:

- (a) Completion of an application form with information specified by the community development director, including but not limited to owner information. The owner, or agent if so authorized, shall sign the application attesting to the accuracy of the application and confirming authority and intent to submit the application for consideration.
- (b) Copies of the preliminary subdivision plat in a number as established by the community development director, showing the entire ownership and drawn to the specifications required in Sec. 15-24.
- (c) Payment of the applicable application and review fees as established by the Mayor and City Council from time to time for a preliminary plat.

Sec. 15-24. Preliminary Plat Specifications.

The following specifications are required for a preliminary plat:

- (a) **Proposed name of subdivision.** The proposed name of the subdivision shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in the city or county. If shown to the contrary, the community development director may refuse to accept such subdivision name.
- (b) **Plat scale and sheet size.** The preliminary plat shall be clearly and legibly drawn at a scale of 100 feet or less to 1 inch. The recommended maximum dimensions of the sheet size is 36 inches by 48 inches and the minimum dimensions of 17 inches by 22 inches; however, the community development director may approve other sheet sizes and scales as appropriate. For property of over 100 acres, a smaller scale may be used where, in the judgment of the community development director, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.
- (c) **Owner and professional contact information.** Name, mailing address, telephone and fax numbers and e-mail address of the property owner and the professional preparing the preliminary plat.
- (d) **Miscellaneous.** Date of boundary survey, north point and graphic scale, source of data, date of plan drawing, and, if any, revision dates.
- (e) **Location and tract boundaries.** Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre), and the external boundaries of the tract to be subdivided or developed shown by bearings and distances. The preliminary plat must reference and be based on a boundary survey of the exterior boundaries of the proposed subdivision, prepared by a registered land surveyor.
- (f) **Vicinity map.** A location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, and major water courses. Vicinity maps must be drawn at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey 1: 2000 quadrangle maps may be used as a reference guide or as the required vicinity map, provided that property boundaries are generally superimposed.
- (g) **Abutting property information.** Names of adjoining property owners per recorded deeds, zoning district of all adjoining properties, and if applicable overlay district designations of all adjoining properties.
- (h) **Prior subdivision.** Name of former approved subdivision, if any, for all of the land in the preliminary plat that has been previously subdivided, showing boundaries of same.
- (i) **Zoning.** Zoning district boundaries and zoning designation(s) of the subject property and, if applicable, overlay zone boundaries.

- (j) **Application number and conditions.** Rezoning, special use, and variance application number, date of approval, and conditions of approval, if applicable.
- (k) **Natural features and flood plains.** Natural features within the property, including topographic contours at no less than five-foot intervals, drainage channels, bodies of water, wetlands, streams with required buffer designated, wooded areas and other significant natural features such as groundwater recharge areas and rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be delineated.
- (l) **Streets, easements, political boundaries and built features.** Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, existing buildings to remain, and other features.
- (m) **Subdivision block and lot layout.** The proposed subdivision layout including lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the approximate dimensions of the length and width of each lot. The total number of lots in the subdivision and the total acreage in the tract to be subdivided shall be indicated. Lots shall be numbered consecutively in a clockwise fashion, and the approximate land area of each lot shall be indicated for each lot. The proposed phasing of the subdivision shall be indicated, if it is proposed to be platted in phases.
- (n) **Water and sewage disposal.** A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of soil tests or percolation tests as required and approved by the Cobb County Health Department.
- (o) **Stormwater management.** The approximate location of proposed storm water detention facilities. Compliance with stormwater management requirements of this development code shall not be required at the time of preliminary plat approval but will be required for the issuance of a development permit.
- (p) **Public land reservations.** In addition to public streets, the preliminary plat shall indicate land if any to be dedicated for public use.
- (q) **Additional information.** Additional information as may be required by the community development director to ensure compliance with this article and this development code.
- (r) **Certificate of preliminary plat approval.** A place for the community development director and the public works director to sign the preliminary plat, upon their approval, evidencing that the preliminary plat meets the requirements of this development code. Unless otherwise approved, the certificate of approval shall be provided as follows:

“CERTIFICATE OF PRELIMINARY PLAT APPROVAL

All applicable requirements of the Powder Springs Unified Development Code relative to preliminary platting having been fulfilled, approval of this preliminary plat is hereby granted by the Powder Springs Director of Community Development and the Director of Public Works subject to further compliance with all provisions of said development regulations.

Director of Community Development (or designee)

Date_____

Director of Public Works (or designee)

Date_____

This approval does not constitute approval of a development permit or of a final subdivision plat. This certificate of preliminary plat approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced.

NOT FOR RECORDING”

Sec. 15-25. Preliminary Plat Review and Approval Process.

The community development director is responsible for administering the review and approval process for preliminary subdivision plats, which shall not be inconsistent with the provisions of this article. The procedures of this section, which are described as follows, may be supplemented by the community development director where additional specification is required.

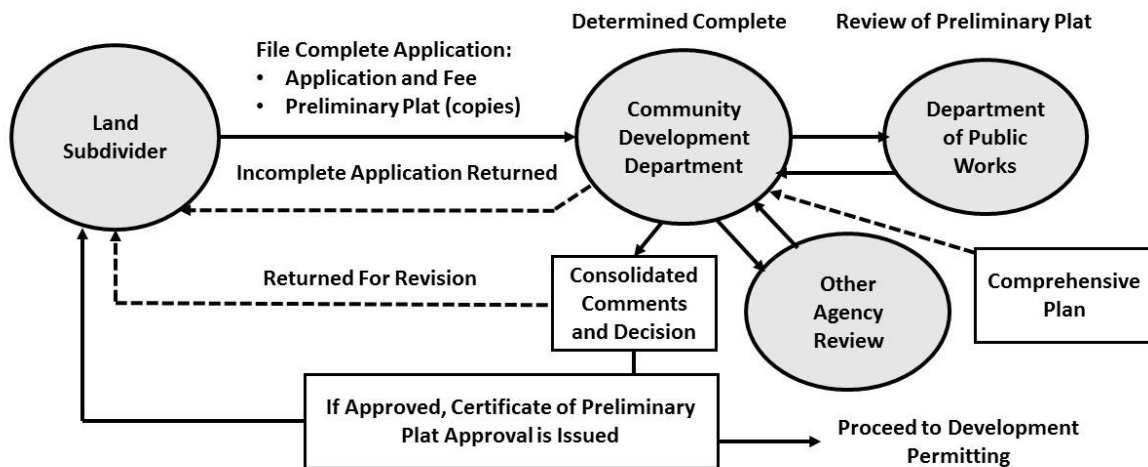
- (a) **Review for completeness and application acceptance.** The community development department shall review the application for completeness within no more than 10 calendar work days from the time of submission. Incomplete applications will not be processed and will be returned to the applicant.
- (b) **Distribution and agency review of preliminary plat.** The community development department shall promptly forward a copy of the complete preliminary plat application to other city departments as may be appropriate, the Georgia Department of Transportation if the proposed subdivision has frontage on or proposes access to a state or federal road, or others as appropriate, for their review and comment. Agency review shall specifically include the approval from the Cobb County Health Department if septic tanks are proposed and public utility providers in cases where connection to public water and/or sewer is proposed or required.
- (c) **Time period for completion of review.** Within no more than 25 calendar work days following the date the application was determined complete, during which agency review shall be completed, the community development department shall indicate on the preliminary plat or in writing all comments related to compliance with this article and the

development code. The community development department shall also review the preliminary plat for compliance with policies of the comprehensive plan. The department shall provide all comments to the applicant for resolution, who shall work with each department as necessary to resolve all issues.

- (d) **Action.** When the department of community development has determined that the preliminary subdivision plat is in compliance with the requirements of this development code and consistent with the comprehensive plan, it shall be approved. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all the noted and written comments. If it is determined that the preliminary plat is not in compliance or is inconsistent in one or more respects with the policies of the comprehensive plan or the requirements of this development code, the department shall disapprove or may conditionally approve the preliminary plat such that it is consistent with the comprehensive plan and meets all applicable requirements of this development code. Action must be taken by the department to approve, conditionally approve, or disapprove the preliminary plat application within no more than 60 days from receipt of a completed application. Applications that are disapproved may be revised and resubmitted; if more than 90 days elapses from the date action was taken by the department, the applicant shall be required to file a new preliminary plat application and pay an additional application fee.

PRELIMINARY PLAT

(Article 15, Division III, Powder Springs Unified Development Code)



Required Before Development Permit Can Be Issued for Land Subdivision Involving a Public Street or Public Improvement
 (Reviewed for Completeness Within 10 Calendar Days; 25 to 60 Days from Complete Application to Final Decision, Depending on Whether Revisions Are Required)

- (e) **Variances.** The community development department shall not approve any preliminary plat that would result in a lot or situation that would clearly require a variance, until or unless such variance is lawfully obtained. An application for variance submitted after submission of the preliminary plat application will extend the time frame for action as specified in this section.

- (f) **Certificate of preliminary plat approval.** Upon approval of the preliminary plat, the community development director or his or her designee and the public works director or his or her designee shall sign and date the certificate of preliminary plat approval stamped or printed on a reproducible copy of the preliminary subdivision plat. One copy of the approved drawing shall be transmitted to the applicant and the community development department shall retain additional copies for distribution to the department of public works and other agencies as may be appropriate.

Sec. 15-26. Duration of Preliminary Plat Approval.

Preliminary plat approval shall remain in effect for a period of 1 consecutive year, after which time it shall become null and void and a new certificate of preliminary plat approval may be required if no permit has been issued or no development activity has begun.

Sec. 15-27. Revision of a Preliminary Plat.

The community development director, in consultation with the director of public works when engineering or utility considerations are involved, is authorized to approve minor amendments to preliminary plats (i.e., those that do not affect the public or private street configuration or that reconfigure lots and which do not increase the number of lots), without the need to reapply for preliminary plat approval. The application requirements and procedures for amending preliminary plats, unless minor in nature, shall be the same as for preliminary plat applications.

Sec. 15-28. Land Development Following Preliminary Plat Approval.

The community development director may authorize a development permit for the land to be subdivided only after a preliminary plat, if required, is approved. The property owner shall submit an application for development permit and submit all required plans and other information required for development and improvement. See article 8 of this development code.

Section 15-29. Model Home Permit

Authorization must be obtained from the Director of the Community Development Agency to construct a model home prior to approval of a final plat. In order for the developer/builder to construct a model home prior to approval of a final plat the following standards shall be met:

Developer of record shall file a written request to the Director of Community Development requesting model home permits utilizing the Model Home Permit Request Application Form. The maximum is six (6) model home permits at any given time per entire development.

[Secs. 15-29 and 15-30 Reserved].

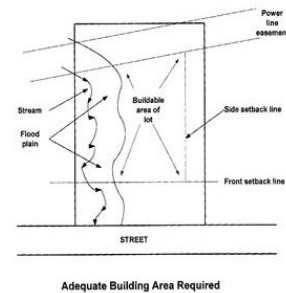
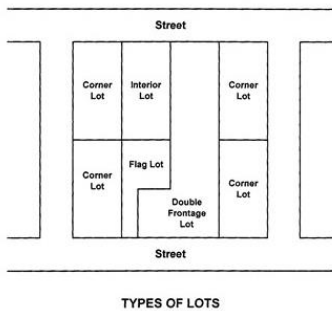
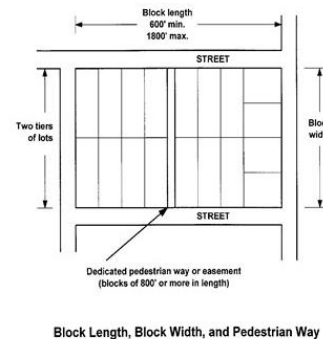
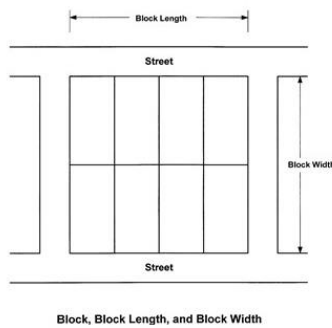
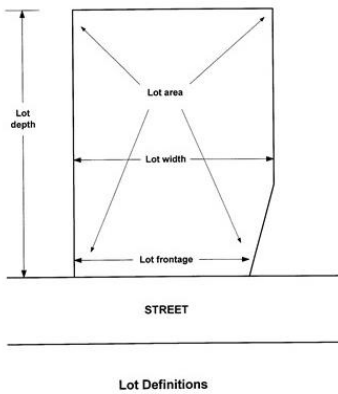
Division IV. Standards for Blocks and Lots.

Sec. 15-31. Suitability of Land.

Land physically unsuitable for subdivision because of flooding, poor drainage, steep slopes, rock formations or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the subdivider for solving the problems.

STANDARDS FOR BLOCKS AND LOTS

Article 15, Division IV
Powder Springs UDC



Sec. 15-32. Conformance with Comprehensive Plan.

All proposed subdivisions shall conform to the comprehensive plan and development policies in effect at the time of submission to the community development director. All highways, streets and other improvements recommended in the comprehensive plan shall be platted by the developer in the location and to the dimension indicated in the comprehensive plan.

When features of other plans adopted by the Mayor and City Council (such as schools or other public-building sites, parks or other land for public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

Sec. 15-33. Block Length.

Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic and connectivity. Blocks in residential subdivisions should not exceed 1800 feet nor be less than 600 feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than 800 feet, pedestrian ways and/or easements through the block shall be required near the center of blocks. In addition, for blocks longer than 800 feet in length,

the community development director may require one or more public easements of not less than 20 feet in width to extend entirely across the block for fire protection or utilities.

Sec. 15-34. Block Width.

The width of a block shall be sufficient to allow two tiers of lots of appropriate depth, except where reverse frontage lots on arterial streets are provided, or when prevented by topographic conditions or size of the property, or for lots along the periphery of the subdivision, in which case the community development director may approve a single row of lots.

Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking, deliveries, and service.

Sec. 15-35. Lot Depth.

The depth of lots intended for detached, single-family residential shall not be greater than four times the width of the lot at the regulatory building line, unless unusual circumstances make these limitations not practicable. Lots intended for other uses should observe this maximum lot depths standard where practicable.

Sec. 15-36. Adequate Building Site.

Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or required building setback lines.

Sec. 15-37. Lot Lines.

All side lot lines shall be perpendicular to street lines, and all rear lot lines shall be parallel or radial to street lines, unless not practicable because of topographic or other features.

Sec. 15-38. Double Frontage Lots.

Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or overcome specific disadvantages of topography or orientation. The community development director may require a no-access, planting screen easement of at least 10 feet, across which there shall be no right of access, along the line of lots abutting such a traffic artery or other disadvantageous use.

Sec. 15-39. Flag Lots.

Flag lots, which meet minimum lot area requirements and meet the minimum lot width at the front building setback line where the building is placed, may be allowed where conditions of hardship make standard design or frontage impossible, impractical, or inefficient with regard to land use. Where such lots are allowed, the street frontage of each panhandle portion of the lot shall not be less than 30 feet wide, and the panhandle portion of the lot shall be no less than 30

feet wide and not more than 200 feet long. Not more than two such panhandle access points shall abut each other. The community development director may require shared driveways for abutting flag lots.

Sec. 15-40. Lot Remnants Not Permitted.

All remnants of lots less than the required minimum lot size which may be left over after subdividing a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable or noncompliant parcels. The community development director may permit a lot remnant for a specific purpose such as a detention pond or buffering, provided that access and design is appropriate and the lot remnant is restricted to specific public, utility, or conservation use.

[Secs. 15-41 to 15-50 Reserved].

Division V. Subdivision Improvements.

Sec. 15-51. Generally.

Improvements as required by this section and article 8 of this development code, as applicable, shall be provided by the developer or at the developer's expense in every subdivision.

Sec. 15-52. Survey Monuments.

- (a) Survey monuments of the public streets and lot lines in a subdivision shall be provided, where applicable. For all subdivisions, a Georgia registered land surveyor shall install permanent survey monuments at all property corners, at each point at which a property line changes direction, and land lot lines, prior to final plat approval.
- (b) 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 6 inches above the finished grade. Existing permanent monuments that, in the professional opinion of a registered land surveyor, are of sufficiently durable construction may be maintained in lieu of a new concrete monument.
- (c) Permanent survey monuments shall be installed in accordance with the most recent edition of Section 180-7 .05," Monument," of the Rules of State Board of Registration for Professional Engineers and Land Surveyors and the Georgia Plat Act (O.C.G.A. 15-6-67).

Sec. 15-53. Reference to Standards.

Public streets, or if authorized, private streets, providing access to the subdivided property and to all lots in a subdivision, including the extension of streets required to provide access to adjoining properties shall be installed in accordance with article 8 and article 21 of this development code. All other required improvements specified in article 8 of this development code shall be provided

in a subdivision, including but not limited to traffic control devices, street lighting, sidewalks, stormwater drainage and detention or retention facilities (see article 11), water, fire hydrants, sewer, and other utilities, and all appropriate easements for utilities and facilities (see article 8).

Sec. 15-54. Additional Subdivision Access Standards and Requirements.

- (a) 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.
- (b) A single entrance to a subdivision shall serve no more than 100 lots. Where the property configuration prohibits or makes impractical the installation of two entrances, the public works director may waive this requirement following sound engineering practice.
- (c) Where a residential subdivision abuts or contains a State or U.S. numbered highway, a street approximately parallel to such right-of-way shall be constructed as a frontage road to provide access to the lots, or double frontage lots shall be provided. Residential lots in a subdivision shall have no direct access to a State or U.S. numbered highway unless approved by the Georgia Department of Transportation.

Sec. 15-55. Inspections.

It shall be unlawful for any person, owner, or contractor to proceed with land development activities except as inspected for compliance in accordance with the requirements of this development code. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. The owner shall be responsible for correcting any deficiencies identified by subdivision and land development inspections prior to approval of a final subdivision plat.

Sec. 15-56. Responsibilities Limited.

- (a) Approval of preliminary plats and development plans by the department of community development shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, urban planning, or any other profession, from the professional, corporation, or individual under whose hand or supervision the plans were prepared.
- (b) The completion of inspections by the City and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation, or individual under whose hand or supervision the plans were prepared.

[Secs. 15-57 to 15-60 Reserved].

Division VI. Subdivision Improvement Guarantees.

Sec. 15-61. Guarantees Generally.

All public improvements required for subdivisions shall have been properly installed and completed in accordance with all requirements and standards of this development code (other than traffic signs, street name signs, street striping, and signalization) prior to final plat approval; provided, however, that the Mayor and City Council may upon application by the property owner and recommendation by the director of public works receive and approve a subdivision improvement guarantee in lieu of completed improvements, prior to final plat approval.

Sec. 15-62. Subdivision Improvement Guarantees.

In the event that Mayor and City Council approve a subdivision improvement guarantee in lieu of completed improvements prior to final plat approval, as provided in Sec. 15-61, the following types of guarantees may be considered and accepted, subject to the approval of the city attorney:

- (a) An escrow of funds with the City; or
- (b) An escrow with a bank or savings and loan association upon which the City can draw; or
- (c) An irrevocable letter of commitment or credit upon which the City can draw; or
- (d) A certificate of deposit with assignment letter.

Sec. 15-63. Maintenance Guarantee – Required.

Prior to approval of a final subdivision plat, a maintenance guarantee specified in Sec. 15-62 and in a form acceptable to the public works director and city attorney is required for all completed improvements shown on the as-built surveys required by this development code.

Sec. 15-64. Maintenance Guarantee – Duration.

- (a) Prior to final plat approval, the owner of a subdivision involving public improvements shall submit a maintenance guarantee providing adequate surety for the maintenance of all public improvements required by this development code in the subdivision for a period of two years following the date of recordation of the final plat or completion of all required improvements, whichever occurs later.
- (b) Prior to final plat approval, the owner of a subdivision involving private streets, utilities within private street right of ways, and/or private drainage facilities serving the subdivision shall submit a maintenance guarantee providing adequate surety for the maintenance of such private improvements required by this development code in the subdivision for a period of two years following the date of recordation of the final plat or completion of the improvements, whichever occurs later.

Sec. 15-65. Maintenance Guarantee – Amount.

The value of the maintenance guarantee shall be equal to 20 percent of the actual cost of construction of the improvements shown on the as-built surveys or final plat if they are 100 percent complete. The cost of construction shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined by the public works director.

[Secs. 15-66 to 15-70 Reserved].

Division VII. Final Plat.

Sec. 15-71. Final Plat – When Required.

A final plat shall be required for any subdivision, resubdivision, lot combination, boundary line adjustment, and dedication of public land or public improvement.

Sec. 15-72. Exemption from Final Plat Approval.

The following types of land subdivisions, transfers, and sales are specifically exempted from the final plat approval requirements of this article; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements or compliance with other applicable requirements of this development code:

- (a) The creation and sale of cemetery plots.
- (b) The sale of lots consistent with previously approved and recorded plats or deeds.
- (c) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use.
- (d) The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (e) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the city to issue permits if the resulting lots or parcels fail to meet any applicable zoning provisions regarding lot size, lot width, or other dimensional requirements.
- (f) Any other plat entitled to record per state law.

Sec. 15-73. Application for Final Plat Approval.

Applications for final plat approval shall include the following:

- (a) **Application form.** Completion of an application form with information specified by the community development director, including but not limited to owner information. The owner, or agent if so authorized, shall sign the application attesting to the accuracy of the application and confirming authority and intent to submit the application for consideration.
- (b) **Copies of plat.** Copies of the final subdivision plat in a number as established by the community development director, showing the entire ownership and drawn to the specifications required in Sec. 15-74.
- (c) **Legal description of lots.** A legal description for each lot in the subdivision shall be provided.
- (d) **Fee.** Payment of the applicable application and review fees as established by the Mayor and City Council from time to time for a preliminary plat.
- (e) **Payment for materials and installations.** Payment to the City for materials and installation of traffic signs and street name signs. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included in the application.
- (f) **Financial guarantee of improvements.** A maintenance guarantee, and if authorized to defer any public improvements, subdivision improvement guarantee as specified in this article.
- (g) **Homeowner's association documents.** If required by provisions of this development code, a homeowners' association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. Similarly, if a property owners association is required by this development code or established by the developer, such association shall be created and instruments of creation and financial endowment shall be required at the time of final plat recording. Two copies of the recorded instruments or instruments to be recorded shall be filed with the community development department.

Sec. 15-74. Final Plat Specifications.

A final plat shall be prepared by a registered land surveyor. In addition, if the subdivision involves public dedications of improvements, the final plat shall be approved and stamped by a professional engineer.

The final subdivision plat shall be drawn on an appropriate material and sheet size, and using minimum line weights and letter heights as required by Georgia law for the recordation of maps and plats (O.C.G.A. 15-6-67, as amended), and as acceptable to the Clerk of the Superior Court.

The final plat shall meet the following specifications:

- (a) **Legal requirements.** All data required by Georgia law pertaining to the recordation of maps and plats (O.C.G.A. 15-6-67, as amended).
- (b) **Name of subdivision.** The name of the subdivision shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in the city or county. If shown to the contrary, the community development director may refuse to accept such subdivision name. The phasing of the subdivision shall be indicated in the subdivision name, if the subdivision is being platted in phases.
- (c) **Plat scale and sheet size.** The final plat shall be clearly and legibly drawn at a scale of 100 feet or less to one inch. The dimensions of the sheet size is 36 inches by 48 inches shall be 17 inches by 22 inches.
- (d) **Owner and professional contact information.** Name, mailing address, telephone and fax numbers and e-mail address of the property owner and the professional preparing the final plat.
- (e) **Miscellaneous.** Date of boundary survey, north point and graphic scale, source of data, date of plan drawing, and, if any, revision dates.
- (f) **Location and tract boundaries.** Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre), and the external boundaries of the tract subdivided shown by bearings and distances. All final 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 re-locate 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 located from maps, plats, or other documents in public records.
- (g) **Abutting property information.** Abutting property boundaries with names of current property owners.
- (h) **Vicinity map.** A location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, and major water courses. Vicinity maps must be drawn at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey 1: 2000 quadrangle maps may be used as a reference guide or as the required vicinity map, provided that property boundaries are generally superimposed.
- (i) **Prior subdivision.** Name of former approved subdivision, if any, for all of the land in the final plat that has been previously subdivided, showing boundaries of same.

- (j) **Zoning.** Zoning district boundaries and zoning designation(s) of the subject property and, if applicable, overlay zone boundaries.
- (k) **Application number and conditions.** Rezoning, special use, and variance application number, date of approval, and conditions of approval, if applicable.
- (l) **Hydrology.** Bodies of water, wetlands, and streams with required buffer designated. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, and the effective base flood elevation, if any, shall be delineated.
- (s) **Streets, easements, and political boundaries.** Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements (location, dimensions and purpose), city and county political boundary lines, and other significant information such as location and dimensions of bridges.
- (t) **Subdivision block and lot layout.** The subdivision layout including lot lines and street right-of-way lines, with street names, right-of-way widths, and pavement widths, along with the front building setback line and the exact dimensions of the length and width of each lot. All final plats shall show bearings of all lines of all lot lines, and distances of all lot lines. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves. All corner markers and markers of pertinent reference points shall be fully described and indicated. The total number of lots in the subdivision and the total acreage in the tract to be subdivided shall be indicated. Lots shall be numbered consecutively in a clockwise fashion, and the exact land area of each lot shall be indicated for each lot. Blocks, if so indicated, shall be lettered consecutively.
- (u) **Water and sewage disposal.** A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of soil tests or percolation tests as required and approved by the Cobb County Health Department.
- (v) **Stormwater management.** The location of storm water detention facilities, any easements thereto, and reference to any stormwater management agreement required by this development code.
- (w) **Public land dedications.** In addition to public streets, the final plat shall indicate the amount in acres and the location of land if any to be dedicated for public use.
- (x) **Private covenants.** Reference to private covenants if any, including recording information (deed book and page number); and references to homeowner's association establishment (deed book and page number).

- (y) **Additional information.** Additional information as may be required by the community development director to ensure compliance with this article and this development code.

- (z) **Certificates and signatures.** A place for the community development director to sign the final plat, upon approval, evidencing that the final plat meets the requirements of this development code. Unless otherwise approved, the certificate of approval shall be provided below. Plat recording and signature blocks for the Clerk of Superior Court shall also be provided. For subdivisions involving the dedication of public improvements, there shall also be a signature block for the Mayor and the public works director. For subdivisions involving septic tank or on-site sewage management systems, there shall also be a signature block for the Cobb County Health Department. The surveyor and owner shall also sign the plat using the certificate language provided below.

CERTIFICATE OF FINAL PLAT APPROVAL

All applicable requirements of the Powder Springs Unified Development Code relative to final plats having been fulfilled, approval of this is hereby granted by the Powder Springs Director of Community Development and is entitled to be recorded.

Director of Community Development

Date: _____

Note: For subdivisions involving public improvements, signatures of approval of the Director of Public Works and the Mayor of Powder Springs are required and shall be provided:

Director of Public Works

Date: _____

Mayor, City of Powder Springs

Date: _____

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Cobb County Health Department and are approved for final platting and recording.

By _____

Title _____

Date: _____

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist.

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.

By (name): _____

Registered Georgia Land Surveyor No. _____ [affix stamp)

Date: _____

For use when a public dedication is involved:

OWNER'S CERTIFICATE AND DEDICATION

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, I do hereby convey to Cobb County, Georgia all water mains, water lines, sanitary sewer lines and the like to function as part of the Cobb County Water System and further convey all streets and rights-of-way shown hereon in fee simple to the City of Powder Springs and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements, and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this final plat and other valuable considerations, I further release and hold harmless the City of Powder Springs and Cobb County 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 liens, 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, I warrant that I own fee simple title to the property shown hereon and agree that the City of Powder Springs and Cobb County shall not be liable to me, my heirs, successors, or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, 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 owners and myself subsequent in title to defend by virtue of these presents.

Owner's name: _____

Owner's address: _____

Date: _____

For use when for public dedication and private streets are involved:

OWNER'S CERTIFICATE AND DEDICATION

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, with the express exception of the streets which are shown to remain private, I do hereby convey to Cobb County, Georgia all water mains, water lines, sanitary sewer lines, and the like to function as part of the Cobb County Water System and further dedicate to the use of the City of Powder Springs and the public forever, with the express exception of any detention or retention pond or ponds, all alleys, parks, watercourses, drains, easements, and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this final plat and other valuable considerations, I further release and hold harmless the City of Powder Springs and Cobb County 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 liens, 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.

For use when no public dedication is involved:

OWNER'S CERTIFICATE AND DEDICATION

I hereby certify that I own fee simple title to the property shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, In consideration of the approval of this final plat and other valuable considerations, I release and hold harmless the City of Powder Springs from any and all claims, damages, or demands arising: on account of the design, construction, and maintenance of the property shown hereon. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

Owner's name: _____
Owner's address: _____
Date: _____

Sec. 15-75. Additional Specifications for Final Plats Involving Private Streets.

No final plat involving a private street shall be approved by the community development director for recording unless and until it shall contain the following on the face of the plat:

- (a) The private street shall be located within an exclusive and irrevocable access and utility easement granted to the City. The access and utility easement shall be no less wide than that required for right-of-way for a similar public street. All lot area requirements, setbacks and other requirements of the applicable zoning district shall be measured outside of or from such access and utility easement. As an alternative, the private street may be located within a separate parcel of land, no less wide than that required for right-of-way for a similar public street, owned by a homeowner's association for the development and granting an exclusive and irrevocable access and utility easement to the City.
- (b) Covenants, or reference to the deed book and page of the recorded covenants.

- (c) “The City of Powder Springs has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat.”
- (d) “Grant of Easement. The general purpose access and utility easement(s) shown on this plat for private street(s) is (are) hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City of Powder Springs, and to public or private utility providers serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

Signature of Property Owner”

- (e) A note shall be included as follows: “The City of Powder Springs is not responsible for the maintenance of landscaping installed per the development code. It shall be unlawful to remove landscaping required by the development code without permission from the city’s department of community development.

Sec. 15-76. Purchaser’s Acknowledgement for Lot Served by Private Street.

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

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

- (I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description).
- (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorneys fees. (I) (we) further understand that the City has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other

appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

Purchaser"

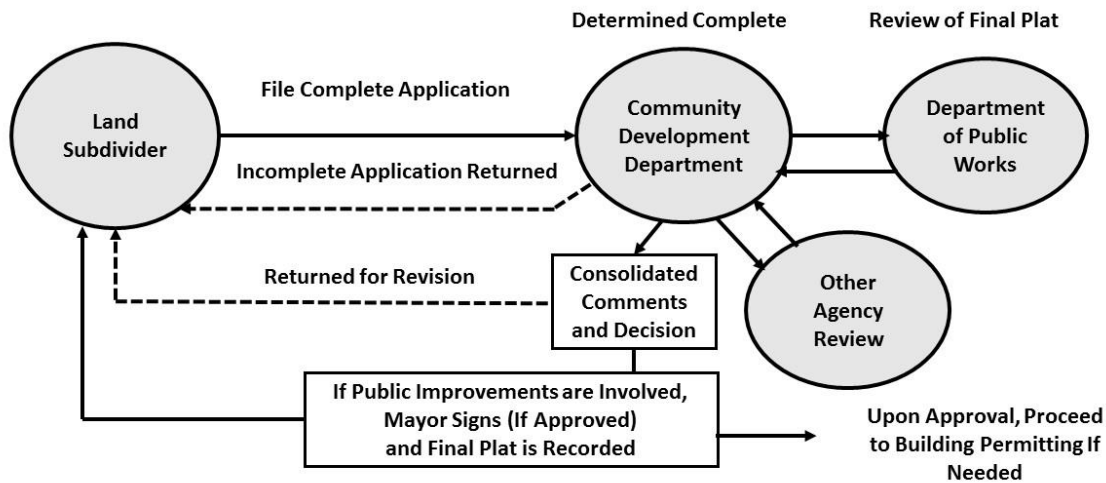
Sec. 15-77. Process for Review and Approval of a Final Plat.

Upon completion of all requirements, the subdivider or property owner can file an application for final plat approval. The procedures for final plat review and action shall be as specified in this section.

- (a) **Review for completeness and application acceptance.** The community development department shall review the final plat application for completeness within no more than ten calendar work days from the time of submission. Incomplete applications will not be processed and will be returned to the applicant.
- (b) **Distribution and agency review of final plat.** The community development department shall forward a copy of the final plat application to other city departments as may be appropriate, the Georgia Department of Transportation if the proposed subdivision has frontage on or proposes access to a state or federal road, or others as appropriate, for their review and comment. Agency review shall specifically include the approval from the Cobb County Health Department if septic tanks are proposed and public utility providers in cases where connection to public water and/or sewer is proposed or required.
- (c) **Time period for completion of review.** Except for final plats that have frontage on or propose access to a state or federal road which require review by the Georgia Department of Transportation (which require a 30 day review period, within no more than 25 calendar work days following receipt of a complete final plat application, during which agency review shall be completed, the community development department shall indicate on the final plat or in writing all comments related to compliance with this article and the development code. The department shall provide all comments to the applicant for resolution, who shall work with each department as necessary to resolve all issues.
- (d) **Action.** When the department of community development has determined that the final subdivision plat is in compliance with the approved preliminary plat for the subdivision (if applicable) and the requirements of this development code and consistent with the comprehensive plan, it shall be approved. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all the noted and written comments. If it is determined that the final plat is not in compliance with the requirements of this development code, the department shall disapprove the final plat. Action must be taken by the department to approve, conditionally approve, or disapprove the final plat application within no more than 60 days from receipt of a completed application.

FINAL PLAT

(Article 15, Division VII, Powder Springs Unified Development Code)



Required For the Division of Any Land Into Two Or More Parcels For Any Purpose Unless Exempt
 (Reviewed for Completeness Within 10 Calendar Days; 25 to 60 Days from Complete Application to Final Decision, Depending on Whether Revisions Are Required)

- (e) **Variances.** The community development department shall not approve any final plat that would result in a lot or situation that would clearly require a variance, until or unless such variance is lawfully obtained. An application for variance submitted after submission of the final plat application will extend the time frame for action as specified in this section.
- (f) **Assignment of addresses.** If the final plat is approved, the community development director shall ensure that an address is assigned to each lot in the subdivision.
- (g) **Certificate of final plat approval.** Upon approval of the final plat, the community development director or his or her designee and, if public improvements are to be dedicated the Mayor of Powder Springs, shall sign and date the certificate of final plat approval stamped or printed on a reproducible copy of the final subdivision plat. One copy of the approved drawing shall be transmitted to the applicant and the community development department shall retain additional copies for distribution to the department of public works and other agencies as may be appropriate.

Sec. 15-78. Recording of Final Plat.

Once the final subdivision plat has received approval as evidenced by the certificate of final plat approval, it shall be recorded by the community development director (or by the applicant if permission is granted to the applicant) with the Clerk of the Superior Court of Cobb County. The community development director shall collect from the applicant an amount equal to costs of recording. Recordation of a final plat constitutes approval to begin the sale or transfer of subdivision lots.

Sec. 15-79. Distribution of Approved Final Plat.

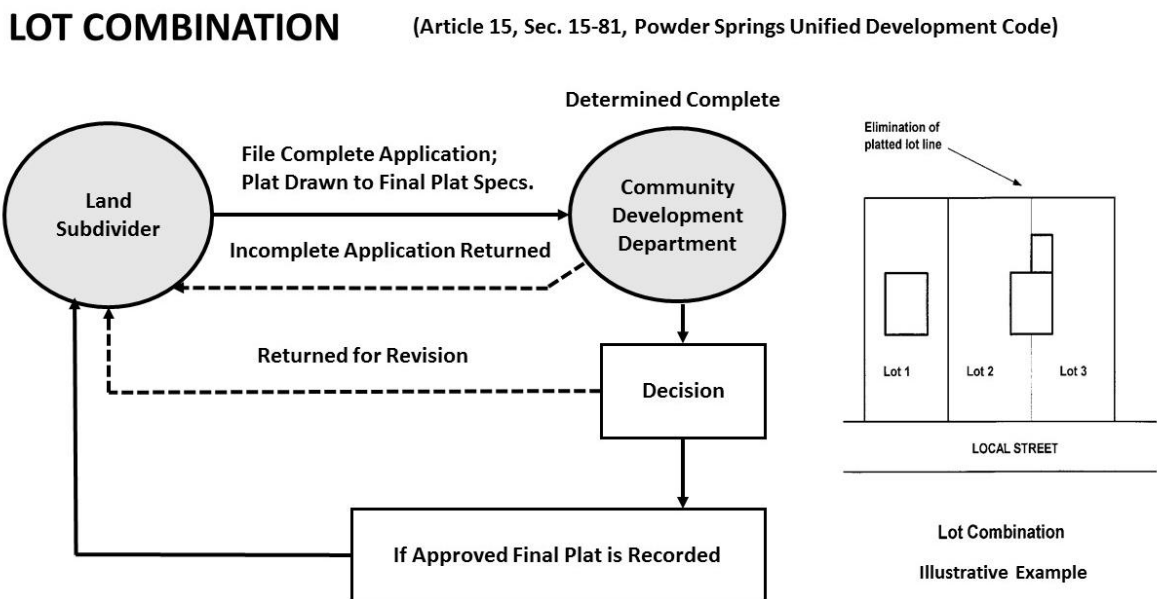
The final plat is a source of essential information to tax officials, public safety officials, and utility officials, among others. The community development director or designee shall be responsible for ensuring that appropriate departments and agencies receive a copy of the final recorded plat with addresses assigned: E-911 Department; the city building inspector; the City public works director; and The United States Postal Service (local postmaster). At the discretion of the community development director, additional agencies or persons may be added to the above list.

Sec. 15-80. Revision of a Final Plat.

The application requirements and procedures for amending final plats shall be the same as for final plat applications.

Sec. 15-81. Lot Combinations.

An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat revision process which conforms to the final plat requirements of this article. Where separate lots of land are proposed to be combined, they shall be submitted to the community development director as a final plat for review, approval and recording. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the community development director and recorded as a final plat. Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the re-plat is for the purpose of removing the lot line between specific lots.

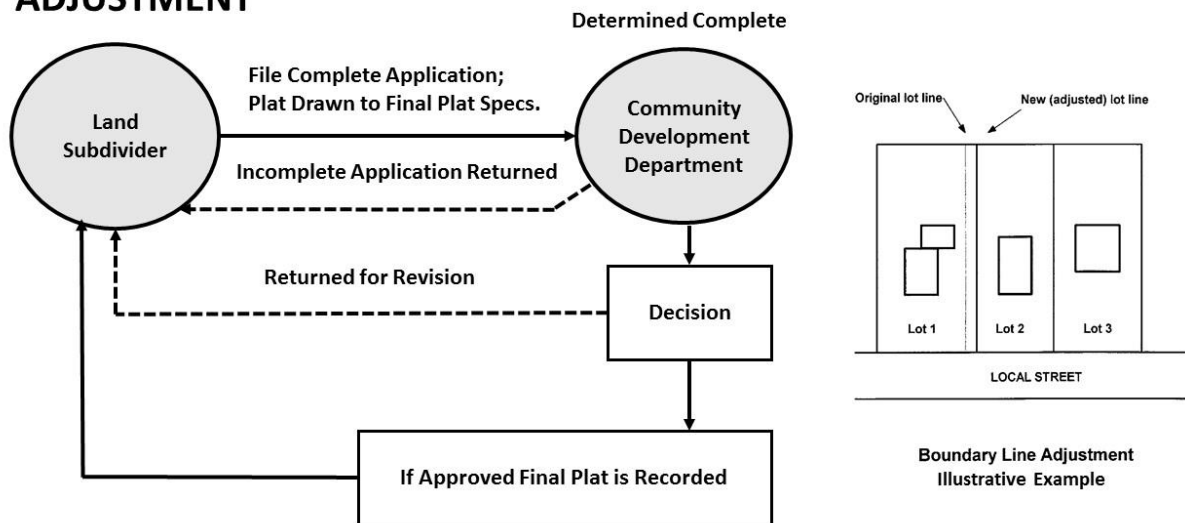


Sec. 15-82. Boundary Line Adjustments.

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

BOUNDARY LINE ADJUSTMENT

(Article 15, Sec. 15-82, Powder Springs Unified Development Code)



[Secs. 15-83 to 15-90 Reserved.]

Division VIII. Dedications and Acceptance of Public Improvements.

Sec. 15-91. Maintenance Period.

The subdivider shall maintain the improvements in the subdivision for a period of two years. The two-year maintenance period shall begin upon recordation of the final subdivision plat or upon completion of all deferred improvements, whichever occurs later. The subdivider shall not assign this responsibility to another entity without permission of the city attorney and community development director.

Sec. 15-92. Inspection.

Prior but close to the end of the maintenance period, the public works director shall perform an inspection of the subdivision's public improvements. The subdivider shall be notified of the inspection results in writing at least 30 days prior to the date of expiration of the two-year maintenance period.

Sec. 15-93. Repairs.

If repairs are needed for the improvements to meet city specifications during the two-year maintenance period, the subdivider shall be required to make such repairs within 30 days, after written notification by the public works director. If the repairs are not completed, the maintenance guarantee shall be called to pay for the repairs. Should the amount of the maintenance guarantee be inadequate to pay for the repairs, the developer shall pay the remaining amount. Should the developer complete necessary maintenance repairs, he shall request in writing to the public works director for inspection of the maintenance repairs. The public works director shall make inspection and notify the developer of the inspection results.

DEDICATION OF PUBLIC IMPROVEMENTS



Article 15, Division VIII, Powder Springs Unified Development Code

Sec. 15-94. Certification of Improvements by Director of Public Works.

If construction of any required public improvements was authorized by the Mayor and City Council to be deferred at the time of final plat approval, said work shall have been completed within the first year of the two-year maintenance period for the subdivision. If at the end of the two-year maintenance period, the work is free from defects the public works director shall prepare a written report for Mayor and Council certifying the improvements, which are the subject of the maintenance guarantee.

Sec. 15-95. Warranty Deed and Resolution of Acceptance.

Subdivision streets and right-of-ways and other lands to be dedicated to the public shall be accepted by the City only upon the delivery to the Mayor and City Council of a general warranty deed conveying fee simple title of such right-of-ways and lands. The warranty deed shall be accompanied by a certificate of title and a tax transfer form addressed to the Mayor and City Council, certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the

individual executing such deed has full authority to do so. The subdivider shall forward executed deeds for the streets, easements and dedication of other public properties, to the community development director who will schedule the matters for the next available meeting of the Mayor and City Council for consideration, and if approved, recording, along with a resolution accepting the improvements for perpetual maintenance.

Sec. 15-96. Release of Maintenance Guarantee.

Upon adoption by Council of a resolution accepting the improvements for perpetual maintenance, the maintenance bond shall be released by the community development director.

[Secs. 15-97 to 15-100 Reserved.]

Division IX. Conservation Subdivisions.

Sec. 15-101. Purposes of Conservation Subdivisions.

The purposes of this division are: to provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure; to provide a by-right use as of right in selected residential zoning districts that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land; to preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat; to permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development; to promote interconnected greenways and corridors throughout the community; to promote greenspace contiguous with adjacent jurisdictions; to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood; to encourage street designs that reduce traffic speeds and reliance on main arteries; to promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles; to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and to preserve important historic and archaeological sites.

Sec. 15-102. Definitions Pertaining to Conservation Subdivisions.

For purposes of this division, the following terms are defined:

Conservation subdivision: A subdivision for detached, single-family dwelling units, each on its own lot, with lot sizes and lot widths which may be less than minimum requirements established for the underlying zoning district, and which ensures that all primary conservation areas and some or most of the secondary conservation areas are permanently protected open space as defined in this section. Conservation subdivisions are like a golf course design without a golf

course, where instead conservation areas are used as the unifying design theme. All, or a sizable majority, of the lots contained in a conservation subdivision have a lot boundary that abuts open space, as defined in this section.

Open space: 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. The only activities and uses that are authorized within open spaces of conservation subdivision are as follows: conservation of natural, archeological or historical resources; meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas; walking or bicycle trails, provided they are constructed of porous paving materials; passive recreation areas; active recreation areas, provided that they are limited to no more than 10 percent of the total open space and are not located within primary conservation areas as defined in this section; and 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 as defined in this section. The community development director may also authorize inclusion of above-ground utility rights-of-ways within areas designated as open space, if such existed on the tract prior to preliminary plat approval; further, easements necessary for drainage, access, and underground utility lines may be authorized by the community development director to be included within the area defined as open space within a conservation subdivision.

Open space management plan: A plan submitted by an applicant for a conservation subdivision that: allocates responsibility and guidelines for the maintenance and operation of open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements; 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; provides that any changes to the plan be approved by the community development director; and, provides for enforcement of the plan.

Primary conservation areas: The regulatory 100-year floodplain; buffer zones of at least 75 feet in width along all perennial and intermittent streams; slopes above 25 percent of at least 5,000 square feet contiguous area; wetlands that meet the definition used by the U.S. Army Corps of Engineers pursuant to the Clean Water Act; populations of endangered or threatened species, or habitat for such species; and, archaeological sites, cemeteries and burial grounds.

Secondary conservation areas: important historic sites; existing healthy, native forests of at least one acre contiguous area; individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line; other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads; prime agricultural lands of at least five acres contiguous area; and, existing trails that connect the tract to neighboring areas.

Sec. 15-103. Conservation Subdivision – Where Permitted.

A conservation subdivision is a use by right in R15, R20, R30, and MDR zoning districts, subject to compliance with all other provisions of this development code and all other applicable laws, except those that are specifically exempted from applicability in this division.

Sec. 15-104. Conservation Subdivision Density, Lot Size and Lot Width.

Minimum lot sizes, minimum lot widths, and maximum density of the residential zoning district in which the conservation subdivision is located, as specified in Table 2-2 of this development code, shall not apply to conservation subdivisions.

No lot shall be platted in a conservation subdivision that is less than 50% of the required lot size or lot width for the zoning district in which it is located, as specified in Table 2-2. The maximum density for a detached, single-family residential development within a conservation subdivision shall not exceed 120% of the maximum density established for the zoning district in which it is located, as specified in Table 2-2.

Sec. 15-105. Building Setbacks in Conservation Subdivisions.

Detached single-family dwellings on lots within a conservation subdivision shall not be subject to the minimum setbacks for principal buildings from street rights-of-ways and rear lot lines as established in Table 2-2 for the zoning district in which the conservation subdivision is located. Front and rear setbacks for lots within conservation subdivisions shall be as approved and shown on an approved preliminary plat; provided, however, that no front or rear setback shall be less than 50% of the front or rear setback, as the case may be, required for the zoning district in which the conservation subdivision is located.

All lots within conservation subdivisions shall remain subject to the required minimum principal building setback from side property lines as established in Table 2-2 for the zoning district in which the conservation subdivision is located, with no reductions permitted except by variance.

Sec. 15-106. Exceptions to Improvement Requirements for Conservation Subdivisions.

Certain improvement requirements of this development code are established with conventional suburban subdivisions in mind and therefore may be considered incompatible with the character of a conservation subdivision. Accordingly, the following waiver of certain requirements of this development code shall be permitted, as follows:

- (a) **Private Open Spaces and Recreational Amenity in MDR districts.** When located within a Medium Density Residential zoning district, conservation subdivisions shall not require private open space and a recreational amenity as specified in Sec. 2-14 of this development code.
- (b) **Architectural appearance requirements.** Conservation subdivision applicants shall describe and provide examples of the architectural appearance of detached, single-family residences to be constructed within the conservation subdivision, and the community

development director may require compliance with certain standards of architectural appearance (specified in Article 5) via restrictive covenants.

- (c) **Low impact development in place of curb and gutter.** Because curbs detract from rural character of subdivisions, natural drainage systems are encouraged in lieu of curbs. Conservation subdivisions may be authorized by the public works director to use low impact development methods of stormwater management in lieu of curb and gutter on subdivision streets.
- (d) **Unpaved trails in place of concrete sidewalks.** A system of unpaved trails may be authorized by the community development director in lieu of concrete sidewalks required for conventional subdivisions, as specified in article 8 of this development code; provided, however, that such alternative pedestrian facilities, shall provide more or less the same distance, and equal accessibility to that which would be obtained with the application of the conventional sidewalk requirements.

No other deviations from improvement requirements established in this development code shall be authorized administratively; any other such deviations shall be by variance approved in accordance with article 14 of this development code.

Sec. 15-107. Review and Approval Process for Conservation Subdivisions.

Conservation subdivisions shall be reviewed and approved and processed as if they were a conventional subdivision, thus being subject to all other provisions of this article except as specifically indicated otherwise.

An application for preliminary plat for a conservation subdivision shall meet all requirements specified in this article for a preliminary plat, and in addition, shall provide a separate site analysis map which delineates all primary conservation areas and secondary conservation areas, as defined in this division, on the tract to be subdivided. The site analysis map shall be prepared by a qualified professional and shall document sources used in preparing the site analysis map. Priorities for conserving or developing secondary conservation areas should be based on an understanding of what features of the given property are more special, unique, irreplaceable, environmentally valuable, historic, scenic, or otherwise significant when compared with other similar features and in relationship to neighboring parcels.

Sec. 15-108. Specifications for Open Space in Conservation Subdivisions.

- (a) **Percentage of site.** A conservation subdivision shall provide at least 40% of the total area to be subdivided as permanently protected open space.
- (b) **Contiguity requirement.** At least 60% of the permanently protected open space shall be provided in a single, contiguous tract.
- (c) **Minimum area of any isolated open space tract.** Portions of open space not part of the single contiguous tract specified in (b) above shall be an area of at least one contiguous

acre; the purpose of this requirement is to prevent the platting of small, scattered open spaces that would not functionally contribute to the overall open space network of the subdivision and surrounding area.

- (d) **Width.** The width of any open space tract should be, at minimum, sufficient to accommodate a path, given the existing terrain, the center of which is at least 25 feet from any property line. In cases other than where the open space serves exclusively to provide a buffer or trail, open space tracts should not have a length-to-width ratio in excess of 4:1. The purpose of this width requirement is to ensure open spaces provide suitable wildlife habitat.
- (e) **Name.** Each open space shall be given a name appropriate to its purpose and design. Acceptable identifying types of names for open spaces include but are not limited to “common,” “park,” “green,” “meadow,” “woods,” “farm,” and “historic site,” subject to the approval of the community development director.
- (f) **Connectivity to greater open space system.** When a conservation subdivision site abuts an existing conservation area, park, nature preserve, or public undeveloped land, the length of the common boundary between the abutting conservation area and open space within the conservation subdivision should be maximized to the greatest extent possible.

Sec. 15-109. Open Space Management Plan Required.

An open space management plan, as defined, shall be prepared and submitted by the subdivider and must be approved by the community development director prior to the issuance of a development permit for the conservation subdivision. The subdivider must identify in the open space management plan the owner of the open space who is responsible for maintaining the open space and facilities located thereon. No later than the time a final plat is approved, an instrument of permanent protection, such as a conservation easement or permanent restrictive covenant, shall be placed on the open space within the conservation subdivision.

[Sec. 15-110 Reserved].