

CHAPTER 153: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS**§ 153.01 TITLE.**

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Clay County, Georgia.
(Ord. passed 5-17-1994)

§ 153.02 DECLARATION OF POLICY.

It is declared to be the policy of the Board of Commissioners of Clay County to consider land subdivision plats as part of its program for the orderly, efficient and economical development of Clay County. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, shall be properly related to the proposals shown on the Comprehensive Plan and shall be of such width, grade and location as to accommodate the prospective traffic to facilitate fire protection and to provide access of fire fighting equipment to buildings.
(Ord. passed 5-17-1994)

§ 153.03 PURPOSES.

These regulations are adopted for the following purposes:

- (A) To protect and provide for the public health, safety and general welfare;
- (B) To encourage the development of economically sound and stable land developments;

(C) To assure the provision of required streets, utilities and other facilities and services to land developments;

(D) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments;

(E) To assure, in general, the wise development of new areas in harmony with the Comprehensive Plan of the community;

(F) To assure coordination of improvement plans and programs within Clay County;

(G) To assure proper legal description, identification, monumentation and recordation of real estate boundaries;

(H) To assure equitable handling of all subdivision plats by providing uniform standards and procedures;

(I) To protect individuals from buying lands which are not suited for intended purposes because of lot size, access or flood hazards.
(Ord. passed 5-17-1994)

§ 153.04 AUTHORITY AND ADOPTION.

(A) These subdivision rules and regulations are adopted as an ordinance by the Board of Commissioners of Clay County.

(B) The Joint Planning Commission of Clay County/City of Fort Gaines/City of Bluffton shall be the official platting authority, and no plat of land subdivision shall be entitled to record in the Office of the Clerk of Superior Court of Clay County unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission as required by this chapter is declared to be a misdemeanor.
(Ord. passed 5-17-1994)

§ 153.05 JURISDICTION.

(A) These subdivision regulations shall apply to all subdivisions of land, as described herein, located within Clay County, Georgia.

(B) No subdivider shall proceed with any construction work on a proposed subdivision, including grading, before obtaining preliminary plat approval from the Planning Commission as certified thereon, and approval of construction plans and profiles by the County Engineer and/or the County Road Department and the Local Board of Health.

(C) No land dedicated as a public street or other public purpose shall be opened, extended or accepted as a public street or for any other purpose, and no subdivision of land shall be made, nor shall any subdivision plat or part thereof be recorded before obtaining final approval from the Planning Commission. The approval shall be entered in writing on the final plat prior to filing such plat with the Clerk of Superior Court of Clay County, Georgia.

(D) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.
(Ord. passed 5-17-1994)

§ 153.06 WORD USAGE AND DEFINITIONS.

(A) *Rules of interpretation.* For the purpose of this chapter, certain words or terms used herein are interpreted as follows:

- (1) The word ***BUILDING*** shall be construed as if followed by the words ***OR PART THEREOF***.
- (2) The word ***STREET*** includes road, highway, boulevard, and lane.
- (3) The word ***WATERCOURSE*** includes drain, ditch and stream.
- (4) The words ***SHALL*** or ***WILL*** are mandatory, the word ***MAY*** is permissible.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a difference meaning:

BLOCK. A piece or parcel of land entirely surrounded by public streets or by other man-made or natural boundaries such as railroad tracks or water bodies.

BOARD OF COMMISSIONERS. The legislative body of Clay County, Georgia.

BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters and similar fixtures and the property line when measured perpendicular thereto.

COMPREHENSIVE PLAN. The Joint Comprehensive Plan for Clay County and the Cities of Fort Gaines and Bluffton, dated 1992, and any amendments thereof.

COUNTY ENGINEER. An engineer, licensed and registered in Georgia, to perform the duties of County Engineer as therein specified, particularly as associated with the County Road Department.

CUL-DE-SAC. A street intersecting another street at one end and permanently terminated by a vehicular turn-around at the other.

DOUBLE FRONTAGE LOT. A continuous (through) lot of the same depth as the width of a block containing two tiers of lots and which is accessible from both of the streets upon which it fronts.

DWELLING UNIT. Any structure, or part thereof, designed as a single housekeeping unit and used for living quarters.

EASEMENT. A grant by the property owner for use, by the public or a person, of a strip of land for specified reasons.

FINAL PLAT. A complete and exact subdivision plan prepared for official recordation as required herein.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other waters.

FLOOD HAZARD AREA. The area or low land adjacent to the channel of a river, stream, watercourse, lake or other water body that is susceptible to periodic inundation during a 25-year flood as defined by the U.S. Corps of Engineers.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or lease to or separate use of another or for development. The word **LOT** includes, but is not limited to, the words plot or parcel.

LOT AREA. The area contained within the property lines of the individual parcels of land as shown on a subdivision plat, excluding space within any street right-of-way, but including the area of any easement.

LOT REMNANT. A portion of land below the minimum lot size as prescribed for in the Rules and Regulations for On-Site Sewage Management System.

PLANNING COMMISSION. The Clay County/City of Fort Gaines/City of Bluffton Planning Commission.

PRELIMINARY PLAT. A tentative subdivision plan indicating the proposed layout of subdivision as required herein.

RESUBDIVISION. A combination or recombination of previously recorded lots or tracts of contiguous land for the purpose of creating new lots.

REVERSE FRONTAGE LOT. A lot extending between and having a frontage on an expressway or arterial and a minor or local street and with vehicular access solely from the latter.

SINGLE TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier, a major arterial, a nonresidential use and to which access from the rear of the lot is usually prohibited.

SKETCH PLAN. A freehand drawing of a proposed subdivision.

STREET. A dedicated and accepted public right-of-way for vehicular and pedestrian circulation. The definition shall include, but is not limited to, the following.

(a) **ARTERIAL.** A street which expedites movement of through traffic to major traffic generators. Arterials collect and distribute traffic from freeways and expressways to less important major streets or directly to traffic destinations.

(b) **COLLECTOR STREET.** A street which collects and distributes traffic from arterials to access streets or directly to traffic destinations. Collectors generally serve neighborhood traffic generators.

(c) **LOCAL STREET.** A street which provides vehicular access to the properties abutting it.

SUBDIVIDER. Any person, firm, corporation, syndicate or other entity who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. Division of a tract or parcel of land into five or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease or building development, including all divisions of land involving a new street or a change in existing streets. The term subdivision does not apply to the division of land into parcels of five acres or more where no new street is involved.

SURFACE DRAINAGE PLAN. A drawing showing all present and proposed grades and facilities for storm water drainage.
(Ord. passed 5-17-1994)

PROCEDURES FOR SECURING APPROVAL OF SUBDIVISIONS**§ 153.20 INTRODUCTION.**

Whenever any subdivision of land is proposed to be made, or before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, or before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his or her duly authorized agent shall apply for approval of such proposed subdivision in accordance with the following procedures.

(Ord. passed 5-17-1994)

§ 153.21 OPTIONAL PRE-APPLICATION PROCEDURE.

(A) At his or her option, a subdivider may prepare a sketch plan of the proposed subdivision for review by the Planning Commission and County Engineer/County Road Department. The sketch plan should include the tentative layout of streets, the total acreage of the proposed development and the approximate number of acres to be devoted to each use if more than one use is being considered, the approximate number and size of lots, any unusual topographical features, such as watercourse, and any and all areas located within the flood hazard areas, river corridor, wetlands and water recharge areas.

(B) The sketch plan and all discussions regarding it will be considered as being confidential between the subdivider and the Planning Commission and County Engineer/County Road Department.

(C) Favorable consideration by the Planning Commission under no circumstances shall be construed as preliminary or tentative plat approval.

(Ord. passed 5-17-1994)

§ 153.22 SUBMISSION OF PRELIMINARY PLAT.**(A) Application.**

(1) Prior to filing of an application for the approval of a final plat which includes the dedication and acceptance of a new public street or other public improvement, the subdivider shall file an application for consideration of a preliminary plat of the proposed subdivision.

(2) The subdivider or his or her agent shall submit at least four black or blue line prints drawn at a scale no smaller than 100 feet to one inch of the proposed subdivision to the Planning Commission for its review. The Planning Commission shall send one copy to the County Engineer/County Road Department, the Local Board of Health and the Georgia Department of Natural Resources for informational purposes.

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(B) *Information to be submitted.* Preliminary plats shall, at a minimum, show the following:

- (1) Proposed subdivision name or identifying title;
- (2) Name of the owner of the land to be subdivided or his or her authorized agent, if any, and of the subdivider, if other than the owner of the land;
- (3) Date, north point, scale and identification of land district and land lots;
- (4) Existing and proposed streets, utilities, easements, watercourses and structures on the tract;
- (5) Lot and/or block numbers in consecutive order;
- (6) Total number of lots and acreage in proposed development;
- (7) Contours drawn at two-foot intervals or as may otherwise be approved by the Planning Commission;
- (8) Any and all land located within a 25-year flood hazard area as defined by the U.S. Corps of Engineers;
- (9) A sketch of the prospective future street system and utilities of the unsubmitted part when the preliminary plat submitted covers only a part of the subdivider's entire holdings.

(C) *Planning Commission review of preliminary plats.* Before acting on the preliminary plat, the Planning Commission may request a report from any person or agency directly concerned with the proposed development such as the District Highway Engineer, the County Engineer/County Road Department, West Central Georgia Regional Health Department, the Georgia Department of Natural Resources, the Superintendent of Schools and public utility companies. Such reports shall certify compliance with or note deviations from the requirements of these regulations and include comments on other factors affecting the public interest. The Planning Commission is responsible for securing the reports.

(D) *Preliminary plat approval.*

- (1) Within 30 days after the time of submission of a preliminary plat, the Planning Commission shall take action to approve, with or without modifications, or disapprove such preliminary plat.
- (2) Should the Planning Commission fail to act on the proposed subdivision within 30 days after submission of the preliminary plat, such plat shall be deemed to have been approved. The applicant, however, may waive the provisions of this clause and consent to the extension of the period.

(3) If the Planning Commission disapproves or approves conditionally the preliminary plat, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of the regulations with which the preliminary plat does not comply. Notification shall be prepared by the Planning Commission staff and forwarded to the applicant.
(Ord. passed 5-17-1994)

§ 153.23 SUBMISSION OF CONSTRUCTION PLANS.

(A) After obtaining approval of the preliminary plat, the subdivider or his or her agent shall submit four black or blue line prints (or a number as specified by the County Engineer) of construction plans as outlined below to the County Engineer/County Road Department for his or her review. Sanitary sewer systems are under the jurisdiction of the West Central Georgia Regional Health District and plans shall be submitted to that Department as required by law or as is otherwise necessary to obtain final plat approval as required herein.

(B) Detailed construction plans shall be prepared by an engineer registered and licensed in the State of Georgia and shall be prepared in accordance with the design specification set forth in these regulations.

(C) Construction plans shall, at a minimum, consist of the following:

- (1) A topographic map drawn at two-foot intervals showing existing and proposed contours;
- (2) Layout plans and centerline profiles for each proposed street or street extension;
- (3) Layout and profiles of storm drain pipes and structures along with information on any adjacent property such as, but not limited to, topography and structures which might affect the design of the aforementioned utilities;
- (4) Design specifications for any bridges or culverts which might be incorporated into the proposed subdivision;
- (5) Design specifications for sanitary sewer systems as required by the West Central Georgia Regional Health District;
- (6) Results and locations of percolation test for on-lot sewage systems;
- (7) Complete curve data for all horizontal and vertical curves. To include delta angle, radius, tangent and P.C. and P.T. stations for horizontal curves and length of curve, tangent grades, PVC and PVT stations for vertical curves;
- (8) The minimum design speed used in computing curve data;

(9) Layout plans and profiles of water supply and treatment facilities, water lines, fire hydrants and other structures along with information on any adjacent property such as, but not limited to, topography and structures which might affect the design of the aforementioned utilities.
(Ord. passed 5-17-1994)

§ 153.24 SUBMISSION OF FINAL PLAT.

(A) *Application.*

(1) No street shall be accepted and maintained by Clay County, Georgia nor shall any permit be issued by any department in Clay County for the construction of any building or other improvement requiring a permit unless and until a final plat prepared by a licensed and registered land surveyor or engineer of the State of Georgia has been approved by the Planning Commission.

(2) The subdivider or his or her agent shall acquire the signatures of the land surveyor or engineer, licensed and registered in the State of Georgia, the owner or his or her duly authorized agent of the tract to be subdivided, the County Engineer/County Road Department and, as required herein, the Public Health Inspector before submitting the final plat to the Planning Commission for its review. Three black or blue line prints of the final plat (or a number as specified by the Planning Commission) shall be submitted.

(3) The final plat shall conform substantially to the preliminary plat and shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time.

(4) The final plat shall be drawn at a scale no smaller than 100 feet to one inch and shall be drawn on a sheet 18 inches by 24 inches in width, with a margin in one end of two inches for binding purposes and one-half-inch margin on the other three sides. If the final plat is drawn in two or more sections, it shall be accompanied by a key map showing the location of the sections and their relationship to one another.

(B) *Information to be submitted.*

(1) The final plat shall show the following information:

- (a) Name of the owner of the tract to be subdivided or his or her duly authorized agent;
- (b) Name of the subdivision;
- (c) North point, scale, date and legal land lots and land districts;

(d) The names of all adjacent subdivisions and record owners of unsubdivided property adjoining the proposed subdivision;

(e) Block and lot numbers in consecutive order. Lots and blocks shall be numbered and continue, without duplication, throughout the subdivision;

(f) Total number of lots and acreage of the section being platted;

(g) Lot lines and dimensions with accurate bearings;

(h) Location and material of all permanent monuments and lot markers;

(i) All areas to which title is reserved by owner;

(j) The location of all watercourses, streams or creeks adjoining or within the proposed subdivision;

(k) Easements for utilities and limitations on such easements;

(l) Names and accurate locations of all existing and proposed streets, water supply and treatment facilities and fire hydrants within or immediately adjoining the proposed subdivision;

(m) Accurate dimensions and bearings of all street lines;

(n) Accurate distances and directions to the nearest street corner or official monument. Reference corners shall be accurately described on the plat;

(o) Complete data for all horizontal curves included in the plat, including radius, delta angle and tangent.

(2) All dimensions shall be measured to the nearest one hundredth of a foot and angles to the nearest minute.

(C) *Final plat approval.*

(1) Before acting on the final plat, the Planning Commission may request reports from any person or agency directly affected by the proposed development. At a minimum, the Planning Commission shall obtain from the County Engineer/County Road Department a signed statement that the proposed street names (except in the case of extension of existing streets) do not duplicate the names of streets now in existence. Such reports shall certify compliance with or note deviations from the approved preliminary plat and requirements of these regulations. The Planning Commission shall be responsible for securing said reports.

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(2) Should the Planning Commission fail to act on the final plat within 30 days after its submission, such plat shall be deemed to have been approved. The applicant, however, may waive the provision of this clause and consent to the extension of said period.

(3) If the Planning Commission disapproves the final plat, the reasons for such action shall be stated in writing and reference shall be made to the specific section of these regulations with which the plat does not comply. Notification shall be prepared by the Planning Commission and forwarded to the subdivider or his or her agent.

(4) The following certifications shall be shown on the final plat:

(a) Pursuant to the Subdivision Regulations of Clay County, Georgia, all requirements of approval having been fulfilled, this final plat was given final approval by the Planning Commission on _____, 20____. This plat is approved for recording in the office of the Clerk of the Superior Court of Clay County, Georgia.

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(b) Streets and storm drainage design, construction plans and easements meet the requirements of the Board of Commissioners of Clay County, Georgia, and are approved by the County Engineer/County Road Department of Clay County, Georgia on _____, 20 _____.

By: _____
County Engineer/County Road Department

(c) Certification, with seal, by a Land Surveyor or Engineer, licensed and registered in the State of Georgia to the effect that the survey and plat are correct and in accordance with the Subdivision Regulations and Plat Law.

In my opinion, this is a correct representation of the land platted and has been prepared to conformity with the minimum standards and requirements of the law.

On _____, 20 _____.

BY: _____

Georgia Registration Number: _____

(d) Owner's Certification

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey.

Agent: _____ Owner: _____

Date: _____ Date: _____

(e) Certificate of approval by the West Central Georgia Regional Health District (when on-site water supply or sewage disposal systems are to be utilized).

Requirements for use of on-lot sewage disposal and/or water systems have been fulfilled. Each lot and system is subject to approval prior to development/ construction.

BY: _____ Date: _____

West Central Georgia Health
District Inspector

(f) Certificate of approval by the Georgia Department of Natural Resources and/or the West Central Georgia Regional Health District when a public water supply or sewage disposal system is to be utilized.

BY: _____ Date: _____

Georgia Department of
Natural Resources/
West Central Georgia Health
District Inspector

(D) *Acceptance of improvements and requirements for performance and for certified check.*

(1) Before the plat is signed by the Chairperson of the Planning Commission, all applicants shall be required to complete all improvements as required by these regulations.

(2) If the subdivider does not wish to construct and install required public improvements as described herein prior to submitting the subdivision plat to the Planning Commission for final approval, a performance bond shall be required. Such bond shall be equal to the estimated cost of construction of the incomplete improvements. A certified check may be placed in escrow with Clay County in lieu of performance bonds. When construction has been completed and approved in accordance with the

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requirements herein, the Board of Commissioners shall release 95 % of the funds in escrow with a letter of approval to the subdivider. The remaining 5% shall remain in escrow for a period of two years to cover compliance against failure.

(3) The performance bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which the required improvements must be completed shall be incorporated in the bond and shall not in any event exceed three years from date of final plat approval.

(E) *Filing of final plat by Clerk of Superior Court.*

(1) The final plat shall be properly signed and executed as required by these regulations before it is recorded by the Clerk of the Superior Court of Clay County, Georgia.

(2) Certificate of approval for recording on the final plat is as follows:

Pursuant to the Subdivision Regulations of Clay County, Georgia, all requirements of approval having been fulfilled, this Final Plat was given Final Approval by the Planning Commission on _____, 20____. This plat is approved for recording in the Office of the Superior Court of Clay County, Georgia.

Chairperson, Clay County
Planning Commission

Secretary, Clay County
Planning Commission

(3) When the approved plat has been recorded, copies of the plat (the amount of copies to be determined by the Planning Commission) with the restrictive covenants will be furnished to the Planning Commission staff for distribution to the appropriate departments of the county.

(F) *Replat or resubdivision.* The replatting or resubdivision of land shall follow the same procedures, rules and regulations as are required for the approval and recordation of a final plat. (Ord. passed 5-17-1994)

**GENERAL REQUIREMENTS AND MINIMUM STANDARDS
OF DESIGN AND CONSTRUCTION**

§ 153.35 GENERAL REQUIREMENTS.

(A) *Suitability of the land.* Land shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate a flood hazard.

(B) *Conformity to map and plans.* Subdivisions shall be in conformity with the existing and/or amended plans of the Planning Commission and Board of Commissioners and the Georgia Department of Transportation and the Georgia Department of Natural Resources and any other local, state or federal plans or regulations.

(C) *Specifications for required improvements.* All improvements, as are required herein, shall be constructed or installed to conform with design specifications of the county or any other agency of the state or federal government.

(D) *Subdivision names.* Subdivision names shall not duplicate or be confused with existing names. All subdivision name changes are subject to approval by the Planning Commission.
(Ord. passed 5-17-1994)

§ 153.36 STREET LAYOUT.

(A) *Conformity to mapped streets ordinance and transportation plan.* The location and width of all proposed streets shall be in conformity with the Standard Roadway Specifications for Clay County.

(B) *Continuation of adjoining street system.* The proposed street layout shall be coordinated with the street system of the surrounding area, with the topography, with such natural features as streams and tree growth, with public convenience and safety and with the proposed use of the land to be served by such streets.

(C) *Access to adjacent properties.*

(1) Where, in the opinion of the county, it is desirable to provide for street access to an adjoining property, proposed roadways shall be extended by dedication to the boundary of such property and joined with the existing roadways where such exists or with other proposed roadways. Where no roadway exists or where the adjoining property is in alignment with a proposed roadway, a temporary turnaround shall be provided at the boundary of said property.

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(2) In the event adjacent properties are separated by a watercourse or stream and where the adjoining property line runs to a centerline of the stream or watercourse, the County Engineer/County Road Department shall require that street access to adjoining property be provided. The first subdivider shall construct the streets to the edge of the stream or watercourse and shall provide sufficient bond or escrow account to adequately cover one-half the estimated cost of the proposed public crossing facility. Such bond or escrow account shall be held by Clay County for a period not to exceed two years. If after such period, work has not commenced on the second subdivision, such funds shall be returned to the first subdivider. The second developer shall be responsible for completing the crossing (with the bond or escrow funds if work is initiated within the two year period).

(3) Where subdivisions are developed abutting existing, dedicated or platted streets whose rights-of-way are inadequate, the developer shall make available to Clay County at fair market value the additional rights-of-way necessary to meet the minimum standards of these regulations. The necessary additional rights-of-way width shall be indicated on the preliminary and final plats.

(D) *Discouragement of through traffic.* Subdivisions shall be laid out so as to discourage through traffic on local streets. However, the provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission shall require marginal access streets, single tier lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street and separation of local and through traffic.

(E) *Private streets and reserve strips.* There shall be no private streets, reserve strips or access easements platted in any subdivision.

(F) *Street names.*

(1) Proposed streets which are extensions of, or in alignment with, existing or other proposed streets shall bear the same name. In no case shall the name of the proposed street duplicate or be phonetically similar to existing street names, irrespective of the suffix (street, boulevard, drive, place, court and the like).

(2) All street names shall be subject to the approval of the Clay County Board of Commissioners.

(Ord. passed 5-17-1994)

§ 153.37 STREET DESIGN STANDARDS.

The design standards which shall apply to roadways are as follows.

(A) *Right-of-way widths.* Minimum right-of-way widths shall be as follows:

- (1) Arterial: 120 feet;
- (2) Collector: 80 feet;
- (3) Subdivision: 60 feet.

(B) *Pavement widths.* Pavement widths shall be not less than the following:

- (1) Arterial w/curb and gutter: 53 feet;
w/out curb and gutter: 24 feet (w/12-foot shoulder);
- (2) Collector w/curb and gutter: 45 feet;
w/out curb and gutter: 24 feet (w/10-foot shoulder);
- (3) Subdivision streets w/curb and gutter: 33 feet;
w/out curb and gutter: 24 feet (w/10-foot shoulder);
- (4) Base thickness: 5 inches minimum residential,
all others by design;
- (5) Pavement thickness: 2 inch-minimum residential, all
others by design.

(C) *Grades.*

(1) Roadway grades shall not be more than 12% nor less than 0.5%, unless approved by the county.

(2) Grades approaching intersections may not exceed 8% for a distance of not less than 100 feet from the centerline of the intersection unless otherwise approved by the county.

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(D) *Horizontal curves.* Where a centerline deflection angle of more than five degrees occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

- | | |
|-------------------------|-----------|
| (1) Arterial roadways: | 500 feet; |
| (2) Collector roadways: | 350 feet; |
| (3) Subdivision roads: | 150 feet. |

(E) *Vertical curves.* All vertical curves shall have such length as necessary to provide safe stopping sight distance. The stopping sight distance shall be specified as a line of sight measured along the centerline from a point 3.75 feet above the surface of the pavement to a fixed object six inches in height. The following distance shall apply.

<i>Design Speed</i>	<i>Stopping Sight Distance</i>
20 mph	150 feet
30 mph	200 feet
40 mph	275 feet
50 mph	350 feet

(F) *Tangents.* There shall be a tangent of at least 100 feet between reverse curves, unless otherwise approved by the county.

(G) *Intersections.*

(1) Roadways shall intersect as nearly as possible at right angles, and no streets intersect at less than 60 degrees.

(2) Intersections with arterial roadways shall be at least 800 feet apart measured from centerline to centerline.

(3) Street jogs shall not be less than 125 feet measured from centerline to centerline.

(4) Proper sight lines shall be provided and maintained at all intersections. Measured along the centerline, 3.75 feet above grade, there shall be a clear sight distance triangle of 300 feet on major arterials, 200 feet on collector roadways and 100 feet on subdivision roadways, measured from a point of the centerlines intersection.

(H) *Temporary turn-around.* A temporary turn-around, 40 feet in radius, shall be where the logical extension of a subdivision roadway is terminated.
(Ord. passed 5-17-1994)

§ 153.38 BLOCKS.

Block lengths and widths shall be as follows:

(A) Blocks shall not be greater than 1,800 feet nor less than 400 feet in length, except in unusual circumstances;

(B) Blocks shall be wide enough to provide two tiers of lots of minimum depth except where abutting upon major streets, limited access highways or railroads or where other situations make this requirement impractical.
(Ord. passed 5-17-1994)

§ 153.39 LOTS.

(A) *Lot sizes.* Residential lots shall meet the area requirements necessary for adequate sewer treatment and water availability and for compliance with the Rules and Regulations for On-Site Sewage Management Systems, Ga. Code Ann., Ch. 290-5-26, the intent of the Clay County Comprehensive Plan and the rules and regulations of the West Central Georgia Health District. Depending on the results of soil percolation tests, topography or other limiting conditions, the size of lots required may change. The subdivider or his or her agent shall consult with the West Central Georgia Health District after performing a percolation test for each proposed lot and before establishing a lot size and designing a subdivision for any area within Clay County. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to use as intended and to meet local requirements. Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets.

(B) *Lots abutting public streets.* Each lot shall abut a dedicated public street by at least 50 feet. Each lot shall meet the minimum driveway sight distance requirements of the Geometric Design Standards of the Georgia Department of Transportation.

(C) *Lot width.* Lot width shall not be less than minimum road frontage required by this chapter and shall not narrow between the right-of-way and building line.

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

(E) *Building lines*. All building lines shall meet the setback requirements established in the Rules and Regulations for On-Site Sewage Management Systems, Ga. Code Ann., Ch. 290-5-26.
(Ord. passed 5-17-1994)

§ 153.40 EASEMENTS.

Utility and other easements shall be provided as follows:

(A) When the county deems it necessary, utility easements shall be provided. All easements shall be a minimum of 60 feet in width. All easements accepted by the county for utility construction shall be cleared, grubbed and graded by the subdivision developer;

(B) Where a subdivision is traversed by a natural or manmade watercourse, drainageway, channel or stream or a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourses, drainageway, channel or stream shall be provided as determined by the county.
(Ord. passed 5-17-1994)

§ 153.41 BUFFER STRIPS.

In addition to meeting the minimum lot requirements specified in the Rules and Regulations for On-Site Sewage Management Systems, Ga. Code Ann., Ch. 290-5-26, all lots adjacent to railroads, limited access highways, major arterials, commercial and industrial development and airport facilities shall be provided with a minimum 20-foot wide buffer strip on the side adjacent to the aforementioned items unless otherwise approved by the Planning Commission. Within the buffer strip, the building of structures is prohibited. Unless it can be demonstrated beyond a reasonable doubt that existing trees and shrubs are detrimental to the health, safety and welfare of the potential resident, the removal of trees and shrubs in this area is prohibited.
(Ord. passed 5-17-1994)

§ 153.42 STORM DRAINAGE.

(A) Storm drainage shall be designed for 25-year return frequency storms.

(B) Every subdivision shall be served by storm drainage facilities, including drains, sewers, catch basins, culverts and other facilities as required by standards and specifications of the county.

(C) Drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed easement of appropriate width.

(D) Use of catch basins at road intersections are specified and shall be arranged in such a manner that will not permit water to cross intersections. Unless otherwise specified by the county, cross drainage of roadways or intersections via valley gutter is prohibited.
(Ord. passed 5-17-1994)

§ 153.43 WATER SUPPLY.

(A) When, in the written opinion of the Georgia Department of Natural Resources through the local Health Department, public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. The installation shall be prior to the paving of the street. The public water supply shall be installed by the developer adhering to all state and local permit requirements at the developer's cost.

(B) Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system acceptable to and approved by the Georgia Department of Natural Resources through the local Health Department.
(Ord. passed 5-17-1994)

§ 153.44 INSPECTION DURING CONSTRUCTION.

The contractor shall provide all testing designated by the county. All construction performed under the auspices of these regulations shall be subject to inspection by the county. The contractor shall be responsible for notifying the county in writing prior to commencement of any such work. If the contractor fails to make this notification, he or she shall then be responsible for the expense of any operation or laboratory testing by the county to ascertain compliance with specifications.
(Ord. passed 5-17-1994)

§ 153.45 ACCEPTANCE OF IMPROVEMENTS.

The county shall have the authority to reject any material or work which does not meet the requirements or specifications adopted by the county.
(Ord. passed 5-17-1994)

§ 153.46 GUARANTEE OF WORK.

The developer shall guarantee all work performed by him or her or his or her agent against failure for a period of two years after completion of work. To insure compliance with the above, a maintenance bond in an amount determined by the county shall be placed.
(Ord. passed 5-17-1994)

§ 153.47 ADDITIONAL REQUIREMENT.

The subdivision developer shall be required to secure necessary permits for connecting new subdivision construction to exiting federal, state and county highways. The developer will construct all approaches, acceleration/deceleration lanes, drainage and pavement in accordance with approved plans and permits. The developer will be required to provide the county with a letter of approval of the connection to an existing highway.

(Ord. passed 5-17-1994)

§ 153.48 CONSTRUCTION SPECIFICATIONS.

After the effective date of these regulations, the county will not accept any dedicated improvements until the improvements have been completed by the subdivider of the subdivision in accordance with these regulations.

(Ord. passed 5-17-1994)

ADMINISTRATION**§ 153.60 GENERAL.**

These rules and regulations shall be administered by the Planning Commission of Clay County/City of Fort Gaines/City of Bluffton, Georgia. The Commission may from time to time issue instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be informed and the approval of the plats may be expedited.

(Ord. passed 5-17-1994)

§ 153.61 EXCEPTIONS.

(A) *Construction design standards.* Where the County Engineer/County Road Department finds that due to particular circumstances, existing standards and specifications of the county are inappropriate, he or she may waive such requirements subject to specifying in writing other similar requirements that are not detrimental to the public health, safety or welfare or injurious to other property owners.

(B) *Substandard lot subdivisions.* In areas developed prior to the enactment of the subdivision regulations of Clay County, Georgia, dwelling units were constructed on what would now be substandard lots when subdivided. In situations where a resubdivision of land is required in order to sell existing dwelling units, such lots are exempted from the lot size requirements of this chapter.

(Ord. passed 5-17-1994)

§ 153.62 VARIANCES.

(A) Where the Board of Commissioners finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alterative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not recommend a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property;

(2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

(4) The variances will not in any manner vary the provisions of the Rules and Regulations for On-Site Sewage Management Systems, Ga. Code Ann., Ch. 290-5-26, this chapter, the Comprehensive Plan or Official Map.

(B) In approving variances, the Board of Commissioners may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations. (Ord. passed 5-17-1994)

§ 153.63 AMENDMENTS.

(A) These regulations may be amended from time to time by the County Commission Chairperson and members of the Board of Commissioners, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Commission for review and recommendations. The Planning Commission shall have 45 days within which to submit its report. If the Planning Commission fails to submit a report within the 45-day period, it shall be deemed to have approved the amendment.

(B) Before enacting an amendment to this chapter, the Planning Commission, acting for the county, shall hold a public hearing thereon, at least 15-days' notice of the time and place of which shall be published in a newspaper deemed as the official organ for legal notices for Clay County, Georgia. (Ord. passed 5-17-1994)

§ 153.64 APPEALS.

In the event a subdivider desires to appeal any final decision made by the Planning Commission under these subdivision regulations, the subdivider shall first present his or her appeal to the Board of Commissioners of Clay County who shall hold a hearing on the decision of the Planning Commission. Any further appeals shall be as provided by law after the aforesaid procedure has been followed.
(Ord. passed 5-17-1994)

§ 153.65 CONFLICT WITH OTHER REGULATIONS.

Whenever the provisions of this chapter and those of some other ordinance, resolution or statute apply to the same subject matter, that ordinance or resolution requiring the highest or more strict standard shall govern.
(Ord. passed 5-17-1994)