

Clayton County's Subdivision Ordinance



Adoption Date: May 22, 2008

Enforcement Date: July 24, 2008

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Subdivision Ordinance

Article One: Subdivision Ordinance

1.1 Title

This Ordinance shall be formally known as the "Clayton County Subdivision Control Ordinance of Georgia," and it may be cited and referred to as the "Subdivision Regulations" or "Subdivision Control Ordinance."

1.2 Defined Words & Construction

- A. The definitions contained in this Article shall be observed and applied in the interpretation of all Ordinances included in this Ordinance, except where the context clearly indicates otherwise:
1. Words used in the present tense shall include the future;
 2. Words used in the singular number shall include the plural and the plural the singular;
 3. Words used in the masculine gender shall include the feminine;
 4. The word "shall" is mandatory, not discretionary;
 5. The word "may" is permissive;
 6. The word "lot" shall include the words "tract" and "parcel;"
 7. The word "building" includes all other structures of every kind regardless of similarity to buildings;
 8. The phrase "used for" shall include the phrase "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
 9. The word "person" includes a corporation, firm, partnership or similar, as well as an individual;
 10. All measured distances shall be to the nearest integral foot;
 11. Parenthetical words or statements are integral parts of the definitions in which they are located;
 12. Any words not defined in Article 1.6 shall be construed in their generally accepted meanings as defined by standard dictionaries.

- B. The following rules of construction shall apply to this Ordinance:
 - 1. This document includes, but is not limited to the Clayton County Zoning Ordinance and the Clayton County Subdivision and P.U.D. (Planned Unit Development) Control Ordinance.
 - 2. This document has been adopted as a unified Ordinance, but each part may exist outside of this document if appropriate definitions are provided. The effective date and other basic and administrative provisions of each of the included ordinances are defined in those Ordinances.
- C. The words generally used in this Ordinance are defined in Part A of this Ordinance and shall be viewed in that context.

1.3 Authority

This Subdivision Control Ordinance is adopted by Clayton County pursuant to its authority under the laws of the State of Georgia. Whenever ordinances cited in this Ordinance refer to Georgia Code which has been amended or superseded, this Ordinance shall be deemed amended to refer to the Georgia Code as amended.

1.4 Jurisdiction

This Ordinance shall apply to all land within the jurisdiction of the Clayton County Board of Commissioners.

1.5 Purpose

The purposes of the Subdivision Regulations are to protect and promote public health, safety, and general welfare, and to:

- A. Provide guidance for future growth and development in accordance with the Clayton County Comprehensive Plan and applicable Ordinances;
- B. Provide protection for the character and the social and the economic stability of all parts of the County;
- C. Encourage the orderly and beneficial development of the County;
- D. Provide protection and conservation of the value of land, structures, and other improvements to the land;
- E. Discourage conflicts between the uses of land and structures;
- F. Avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services;
- G. Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land;
- H. Ensure proper legal descriptions, legal recording, and documenting of subdivided land;
- I. Prevent the pollution of air, water, and soil;
- J. Ensure the provision of drainage facilities, the safeguarding of the water table, and the protection from flooding or the causing of increased risk of flooding;
- K. Encourage the protection of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land;
- L. Plan for a balance between land uses, natural resources, open spaces, recreation, and public ways that is beneficial to the community as a whole, both currently and in the future;
- M. Cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent property owners or Clayton

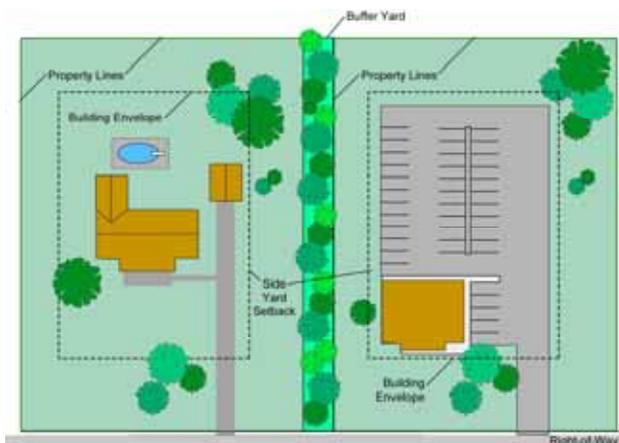
- County as a whole;
- N. To cause the petitioner to bear all costs associated with the approval process, development process, and inspection process; and
- O. To preserve, protect and enhance the aesthetic beauty of the County.

1.6 Defined Words:

For the purpose of these regulations, certain words or terms used shall be defined as follows:

- Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with neither transferring rights to the property to another owner nor of resuming the use of the property.
- Administrative Approval:** Zoning approval that the Zoning Administrator is authorized to grant after an internal review of submitted document, site plan, or application.
- Administrator:** The individual or group responsible for the implementation and enforcement of the Ordinance. The Zoning Administrator, or his/her designee, shall be the administrator for the Zoning Ordinance, Tree Protection Ordinance, and Subdivision Regulations.
- Agriculture:** The use of land for the purpose of farming, dairying, pasturage or livestock yard, apiculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary accessory uses. The operation of any accessory uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, or the commercial feeding of garbage or offal to swine or other animals.
- Alley:** A street which affords only secondary means of access to abutting property, and not intended for general traffic.
- Amend or Amendment:** Any repeal, modification, or addition to a regulation; or any new regulation.
- Applicant:** The owner, owners, or legal representative of real estate who makes application to Clayton County for action affecting the real estate owned thereby.
- Application:** The application for and all accompanying documents and exhibits required of a petitioner by an approving authority for a development review process.
- Arterial Street/Road:** See Street/Road, Major Arterial
- As Built Plan:** A plan and supporting documentation which describes a particular site after construction has been completed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.
- Berm:** A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes.

- Block:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.
- Board of Commissioners:** The elected governing body of Clayton County, Georgia.
- Board of Zoning Appeals:** The Clayton County Board of Appeals as established in Article 10 of the Zoning Ordinance.
- Bond:** See Surety
- Buffer, Conservation:** Any land in permanent vegetation, designed to intercept pollutants, stabilize stream banks and other riparian areas and manage other environmental concerns. Conservation buffers include: riparian buffers, filter strips, grassed waterways, shelter belts, windbreaks, living snow fences, contour grass strips, cross-wind trap strips, shallow water areas for wildlife, field borders, herbaceous wind barriers, and vegetative barriers.
- Buffer Landscaping:** Any trees, shrubs, walls, fences, berms, space, or related landscaping features required by Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.
- Buffer Yards:** An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to, but separate from, the front, rear, or side yard setbacks.
- Building:** A structure having a roof, supported by columns or walls, and intended for the shelter, housings, or enclosure of an individual, animal; process, equipment, goods, or materials of any kind.
- Building Area:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two feet.
- Building, Detached:** A building surrounded by open space on the same lot.
- Building Code:** The International Building Code pursuant to O.C.G.A. §8-2-20.
- Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by



the maximum height regulations, minimum yard setbacks, and buffers when applicable.

- Building Height:** See Structure Height
- Building Inspector:** The person or persons charged with the responsibility of issuing building permits, inspecting buildings, and issuing certificates of occupancy. This person is certified by the State or the International Code Council (ICC) in one or more disciplines; a residential or commercial building inspector, a plumbing, electrical or mechanical inspector or other specialty to inspect structures at different stages of completion.
- Building Permit:** A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of land.
- Building, Principal:** A building or structure in which is conducted the predominant use of the lot, on which it is located.
- Building, Residential:** A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to the following types:
- A. single-family detached dwellings;
 - B. two-family dwellings;
 - C. single-family or two-family attached and semi-detached dwellings developed initially under single ownership or unified control;
 - D. multiple-family dwellings.
- Capacity, Roadway:** The maximum hourly rate at which vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under the prevailing roadway, traffic, and control conditions. See Level of Service.
- Capital Improvement Plan:** A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.
- Certificate of Occupancy:** A certificate stating that the occupancy and use of a structure complies with the provisions of the Clayton County Building Code and all other applicable regulations of Clayton County.
- Collector Road:** See Road, Collector.
- Community Development:** A department within Clayton County government that performs the administrative function for the Zoning Advisory Group, Board of Zoning Appeals and other functions as directed by the Board of Commissioners.
- Comprehensive Plan:** Refers to the Clayton County Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation or thoroughfares, community

facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the County pursuant to the Georgia Planning Act of 1989 and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Comprehensive Transportation Plan: The official plan adopted as part of the Clayton County Comprehensive Plan, as subsequently amended, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares. All proposed right-of-way widths, as shown on the Comprehensive Transportation Plan, whether actually acquired by the County or not, shall be used for the calculation and establishment of front property lines for the purpose of determining front yards and front setbacks except where the existing right-of-way is greater than the proposed right-of-way in which case the existing right-of-way shall be used. In no case shall there be any structures or signs located in the proposed right-of-way.

Condition of Approval: Stipulations or provisions that are provided above and beyond the minimum requirements that are set forth as a prerequisite for the approval of an application.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be built in accordance with the applicable requirements of Clayton County.

Controlled Access Highway: A traffic-way, including freeways, expressways, and other arterial streets, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

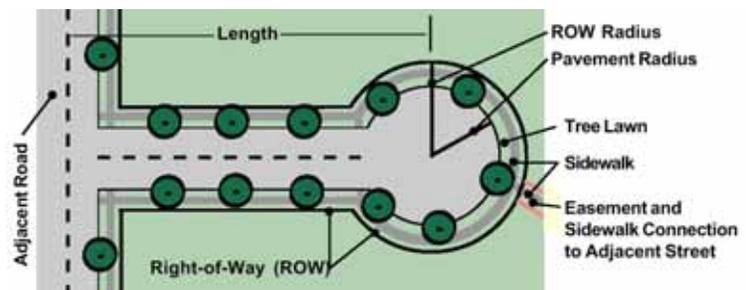
Court: An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.

County Street: For the purpose of this ordinance only, a county street is a street which is owned and/or maintained by Clayton County. Nothing herein shall be construed to designate any street as a county street for other than zoning purposes.

Cul-de-Sac: The turnaround at the end of a dead-end street.

Curb Level: The level of the established curb in front of such building measured at the center of such front.

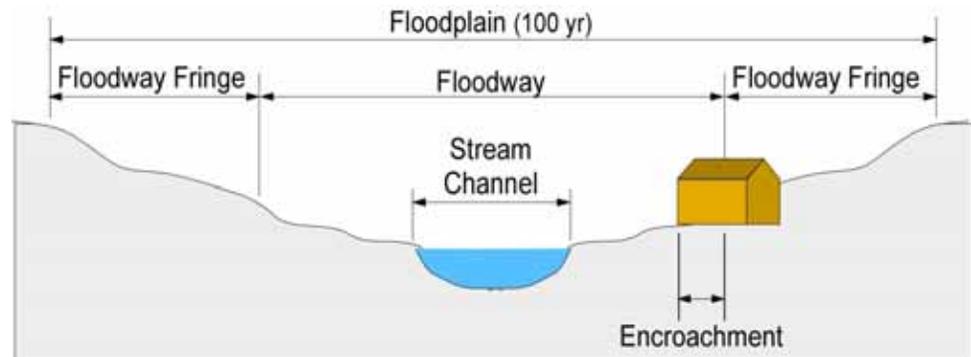
Where no curb level been established, the pavement



elevation at the street center line similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the “curb level.”

- Developer:** An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “sub-divider,” even though the personnel involved in successive stages of the project may differ.
- Development:** Any man-made change to improved or unimproved real estate including but not limited to:
- A. construction, reconstruction, or placement of a structure or any addition to a structure;
 - B. installing a manufactured home on a site, preparing a site for a manufactured home;
 - C. installing utilities, erection of walls and fences, construction of roads, or similar projects;
 - D. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
 - E. mining, dredging, filling, grading, excavation, or drilling operations;
 - F. construction and/or reconstruction of bridges or culverts;
 - G. storage of materials or vehicles; or
 - H. any other activity that might change the direction, height, or velocity of flood or surface waters.
- “Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads, gardening, plowing, and similar agricultural practices.
- Development Plan:** A plan and supporting documentation which describes a particular site which is to be disturbed or developed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.
- Director:** The Director of the County's Transportation and Development Department.
- District:** A section of Clayton County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance.
- Drainage Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of transporting stormwater.

- Driveway:** An access-way connecting one or more dwelling units and/or their parking spaces with a street.
- Duplex:** See Dwelling, Two-Family
- Dwelling:** A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts of the Zoning Ordinance and Clayton County Building Code or Georgia Building Code used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.
- Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, governments, or others, for a specified purpose.
- Erosion:** The process by which land surface is worn away by the action of wind, water, ice, or gravity.
- Expressway:** See Road/Street, expressway.
- Final Plat:** The final map, drawing or chart upon which the sub-divider's as-built plan of subdivision is presented, and which, if approved, will be submitted for recording among the land records for Clayton County.
- Final Stabilization:** All land disturbing activities at a site have been completed and that for unpaved areas and areas not covered by permanent structures, one hundred (100) percent of the soil surface is uniformly covered in permanent vegetation with a density of seventy (70) percent or greater, or equivalent permanent stabilization measures such as the use of rip rap, gabions, permanent mulches or geo-textiles, have been used. For the purposes of this definition, permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.
- Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- Flood, Regulatory Base:** Flood having a one (1) percent chance of being equaled or exceeded in any given year. This is often referred to as a one hundred year flood.



- Floodplain:** The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.
- Floodway:** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- Floodway Fringe:** Those portions of the floodplain lying outside the floodway.
- Flood Hazard Area:** The floodplain consisting of the floodway and the floodway fringe area.
- Flood Insurance Rate Map:** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and risk premium zones applicable to the community.
- Floor Area (For determining floor area ratio):** The sum of the gross horizontal areas of the several floors of the building enclosed by an exterior wall, excluding however, attic, and basement floors, open porches, breezeways, and garages.
- Floor Area of a Building (For determining off-street parking and loading requirements):** The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use; including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
- Floor Area, Finished:** That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space living rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above

shall not be considered Finished Floor Area.

Floor Area, Ground: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Floor Area Ratio: The floor area of the building or buildings on a lot divided by the area of such lot.

Freeway: See Road/Street, freeway.

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot line: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and for a corner lot, the line marking the boundary between the lot and each of the abutting streets.

Front Yard: The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

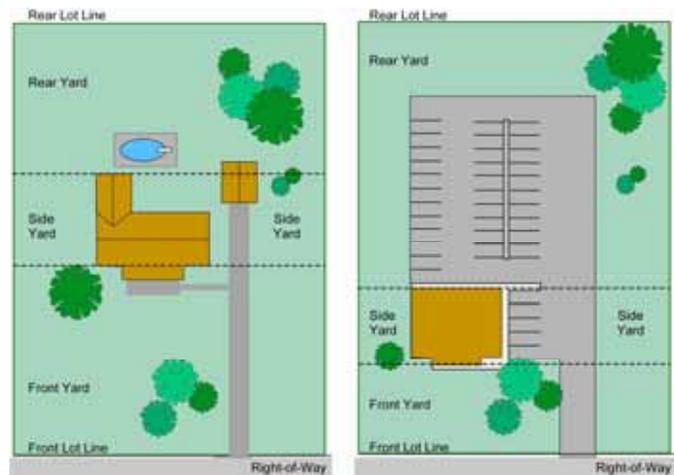
Frontage: See Lot Frontage

Government Projects: Any building, structure, or alteration thereof paid for and used by the local, state or federal government entities.

Grading: Any land-disturbing activity, including clearing, grubbing, stripping, cutting, filling, stockpiling, or any combination thereof, and shall include the land in its cut or filled condition.

Gross Site Area: One or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of the development shown on the site plan or subdivision plat. Gross site area shall include all land needed for required open space, buffer areas, landscaping, drainage facilities, parking, internal access roads or driveways, and other physical design features needed to serve the proposed development. The gross site area shall also include all land in floodplain, floodway, and dedicated easements or road right-of-way.

Ground Coverage: The area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.



- Impervious Surface:** Any material that prevents absorption of stormwater into the ground.
- Interstate:** See Limited Access Highway
- Jurisdiction:** All land within the unincorporated limits of Clayton County, Georgia.
- kennel:** A place primarily for keeping four (4) or more adult dogs, or other small animals that are ordinarily bred for sale as pets. This includes temporary care facility for compensation.
- Land Development Permit:** The authorization necessary to begin a land disturbing activity under the provisions of this ordinance. See also "site development permit."
- Land Disturbance Guidelines:** A document prepared by the Director of The Department of Transportation and Development, setting forth standards and specifications which shall apply to the physical improvements required to be provided and installed by a subdivider in a subdivision, in accordance with this article. In keeping with sound professional and technical practices, the Director may, from time to time, amend such guidelines.
- Land Disturbing Activity:** any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land.
- Landscaping:** The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.
- Level of Service (LOS):** An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.
- Limited Access Highway:** Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.
- Local Street/Road:** A road designed primarily to provide access to abutting properties and discourage through traffic.
- Lot:** A contiguous area of land separated from other areas of land by separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership or separate use.
- Lot Coverage:** The area of a zoning lot occupied by the principal building and any accessory structures.
- Lot Depth:** The horizontal distance between the front and rear lot lines.
- Lot Frontage:** All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

Lot of Record:	A lot which is a part of a subdivision recorded in the office of the Clerk of the Court, or a parcel or lot described by metes and bounds, and a description of which has been so recorded.
Lot Width:	The distance as measured between the side lot lines at the front set back line.
Lot, Buildable:	Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of Clayton County. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available.
Lot, Corner:	A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred thirty-five (135) degrees.
Lot, Developed or Improved:	A lot with buildings or structures.
Lot, Interior:	A lot other than a corner lot with only one frontage on a street other than an alley.
Lot, Through:	A lot fronting on more than one street, other than an alley, or abutting more than one street which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake.
Major Plat:	The plat for a major subdivision.
Major Subdivision:	See Subdivision, Major
Maneuvering Space:	An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but is not used for the parking of or storage of motor vehicles.
Marker (survey):	A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.
Marquee:	A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.
Mature Tree:	An existing hardwood, pine or other valuable tree that is at least four inches in diameter as measured four feet above grade and has attained the capability of flowering and reproducing
Menu Board:	A permanent, on-premise, changeable-copy type signs displayed for the purpose of giving information to those customers visiting a business establishment as to the selection of goods and services available at such establishments with respective price listing.
Mini-warehouse:	A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.
Minor Plat:	The plat for a minor subdivision.

- Minor Subdivision:** See Subdivision, Minor
- Monument (survey):** A permanent physical structure which marks the location of a corner or other survey point.
- Monument Sign:** See "ground sign" under Freestanding Sign.
- Net Usable:** That portion of land capable of being used after public right-of-way is excluded.
- Official Zoning Map:** A map of Clayton County, Georgia, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.
- Open Space:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.
- Out Parcel:** A lot which either temporarily cannot be built upon or is not intended for development and is intended only for aesthetics, safety, common use, or the public good. Out parcels are normally owned in common by individuals, adjoining property owners, or homeowners associations.
- Owner:** Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land.
- Parcel:** See Lot.
- Paved:** A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.
- Performance Surety:** An amount of money or other negotiable security paid by the sub-divider, developer, or property owner or his surety to the County which guarantees that the sub-divider will perform all actions required by the County regarding an approved plat or other land development, and provides that if the sub-divider, developer, or property owner defaults and fails to comply with the provisions of approval, the sub-divider, developer, or property owner or his surety will pay damages up to the limit of the surety, or the surety will itself complete the requirements of the approval.
- Permanent Foundation:** A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.
- Person:** A corporation, company, association, society, firm, partnership, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

- Petition:** See Application
- Petitioner:** A person submitting an application for a development permit or for the rezoning of land.
- Planning Jurisdiction:** The area that a governmental unit has planning authority as drawn by each community in compliance with O.C.G.A §36-66 and §36-67. For the planning jurisdiction of Clayton County, see Jurisdiction Area.
- Planning Office:** The office of the Zoning Administrator and other professional planning staff within the Clayton County Department of Community Development.
- Plat:** A map or chart that shows a division of land and is intended to be filed for record.
- Plat, Final:** The plan or map document of any subdivision in recordable form and any accompanying material as required by this Zoning Ordinance.
- Plat, Preliminary:** The plan or map upon which the approval of a proposed subdivision is based on as described in this Zoning Ordinance, indicating the proposed layout of the subdivision to be submitted to the Community Development Department for approval.
- Pre-Development Conditions:** Those land use conditions that existed prior to the initiation of the development activity in terms of topography, vegetation, land use and rate, volume and direction of stormwater runoff.
- Preliminary Plat:** See Plat, Preliminary.
- Primary Building/Structure:** The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling.
- Primary Use:** The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.
- Private Road:** See Road, Private
- Public Improvements:** Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- Public Sewerage System:** A community sewer system including collection and treatment facilities owned and maintained by a local government or an authority.
- Public Street/Road:** All property dedicated or intended for public highway, freeway, or roadway purpose and subject to public easements therefore.
- Public Utility:** Any person, firm, or corporation duly authorized to furnish

under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

- Public Water System:** A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities owned and maintained by a local government or an authority.
- Public Works Agreement:** A contract, between the developer and the County to complete the necessary improvements in accordance with the approved plans and specifications by a given date.
- Rear Lot line:** The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.
- Rear Yard:** The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.
- Recharge Area:** Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.
- Registered Land Surveyor:** A land surveyor properly licensed and registered through reciprocity permitted to practice in the State of Georgia.
- Registered Professional Engineer:** An engineer properly licensed and registered through reciprocity permitted to practice in the State of Georgia.
- Regulatory Flood:** The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Georgia Department of Natural Resources and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood."
- Regulatory Floodway:** The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.
- Replat/ Resubdivision:** Any change in a map of an approved or recorded subdivision plat.
- Right-of-Way:** A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

- Right-of-Way Width:** The distance between property lines measured at right angles of the centerline of the street.
- Right to Farm:** The state law or local provision which protects farmers and farm operations from public and private nuisance lawsuits. A private nuisance interferes with an individual's use and enjoyment of the property. Public nuisances involve actions that injure the public at large.
- Road/Street:** Any vehicular route that: is an existing state, county, or municipal roadway; or is shown upon a plat approved pursuant to law; or is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; and includes the land between the street lines, whether improved or unimproved.
- Road/Street Capacity:** See Capacity, Roadway.
- Road/ Street , Arterial:** A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.
- Road/Street, Collector:** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets.
- Road/Street, Dual:** A street with opposing lanes separated by a median strip, center island, or other form of barrier, which cannot be crossed except at designated locations.
- Road/Street, Expressway:** A divided multi-lane major arterial street for through traffic with partial control of access and with grade separations at major intersections.
- Road/Street, Freeway:** A limited access highway with no grade crossings.
- Road/Street, Local:** A street designed to provide vehicular access to abutting property and to discourage through traffic.
- Road/Street, Loop:** A local street that has its only ingress and egress at two points on the same collector street.
- Road/Street, Major/Primary Arterial:** A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.
- Road/Street, Minor/Secondary Arterial:** A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.
- Road/Street, Paper:** A street that has never been built, shown on an approved plan, subdivision plat, tax map, or official map.
- Road/Street, Private:** Vehicular streets and driveways which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s), and a road/street that has not been accepted by the County or other

governmental entity.

- Road/Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.
- Road/Street, Service:** A street running parallel to a freeway or expressway and serving abutting properties.
- Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.
- Setback:** The minimum horizontal distance between the wall of the building or foundation and a lot line or right-of-way.
- Special Flood Hazard Area:** Those lands within the jurisdiction of Clayton County that is subject to inundation by the regulatory flood. The SFHA's of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency.
- Shoulder:** The portion of a street or road from the outer edge of the paved surface or back of curb to the right-of-way limit.
- Side Lot line:** A lot boundary line other than a front or rear lot line.
- Side Yard:** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line. unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty four (24) inches into that space.
- Site Development Plan (Site Plan):** The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted to the Community Development Department for approval prior to the release of improvement location permits on the site.
- Site Visibility Triangle:** A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- Stabilization:** The process of establishing an enduring cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
- Street:** See Road/ Street
- Street Grade:** The grade of the centerline of a street measured at any point along the street expressed as a percent.
- Street Tree:** Any existing tree or any tree to be planted on the street right-of-way.

- Structure:** A composition of materials to form a construction for use, occupancy, or orientation whether installed on, above, or below the surface of land or water.
- Structure Height:** The vertical distance of a structure measured from the average elevation to the finished grade surrounding the structure of the highest point of the structure.
- Sub-divider:** A person, individual, firm, partnership, association, corporation, estate, or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision, as herein defined, including any agent of the sub-divider.
- Subdivision:** The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes resubdivision and relates to the process of resubdividing or to the land or territory subdivided.
- Subdivision, Major:** All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street, public or private.
- Subdivision, Minor:** A division of land into not more than four (4) lots, provided:
1. A minor subdivision does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
 2. All lots and any remaining tract shall be consistent with all applicable requirements of the Clayton County Zoning Ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.
 3. At the time of filing, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this Ordinance.
 4. All driveway permits shall be subject to the review of the Clayton County Department of Transportation and Development or the State of Georgia Department of Transportation.
- Subdivision, Non-Residential:** A subdivision whose intended use is other than residential.
- Surety:** An amount of money or other negotiable security paid by the sub divider, developer, or property owner or his surety to the County which guarantees that the sub divider will perform all actions required by the County regarding an approved plat or in other situations, and provides that if the sub-divider, developer, or property owner defaults and fails to comply with the provisions of his approval, the sub divider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.
- Transportation Improvement Plan (TIP):** An annual document prepared by the Clayton County Board of Commissioners indicating local and

state transportation projects which are planned for the following three (3) year period.

- Transportation Level of Service Standards:** A measure that describes the operational condition of the travel stream and acceptable adequacy requirements. Such standards may be expressed in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety.
- Tree:** Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.
- Undisturbed Vegetation:** The natural vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herbs, flowers or grasses.
- Use:** The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.
- Use, Principal:** The main use of land or buildings as distinguished from a subordinate or accessory use. (May be either “permitted” or “conditional”)
- Use, Permitted:** A use which may be lawfully established in a “particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such district.
- Variance, Development Standards:** A specific approval granted by a Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards that the Ordinance otherwise prescribes.
- Wetland:** An area that is inundated or saturated by surface or ground water at a frequency and duration that under normal circumstances supports a prevalence of hydrophytic vegetation.
- Yard:** An open space on the same lot with a building or structure, unoccupied and unobstructed from the general ground level to the sky, except as otherwise permitted. (a “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such lot is located).
- Yard, Front:** A yard extending along the full length of the front lot line between the side lot lines.
- Yard, Rear:** A yard extending along the full length of the rear lot line between the side lot lines.
- Yard, Side:** A yard extending along a side lot line from the front yard to the rear yard.
- Yard, Corner Side:** A side yard which adjoins a public street, road, or highway.
- Yard, Interior Side:** A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

- Yard, Transitional:** A yard which must be provided on a lot in a Business District which adjoins a lot in a Residential District, or a yard which must be provided on a lot in a Manufacturing District which adjoins a lot in either a Residential or Business District.
- Zoning Administrator:** The person appointed by the Board of Commissioners and having the duties and responsibilities set forth within the Ordinance.
- Zoning Advisory Group:** The advisory body appointed by the governing body of Clayton County under the procedures contained in the Zoning Ordinance.
- Zoning District:** See District
- Zoning Map:** See Official Zoning Map
- Zoning Ordinances:** an ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.” O.C.G.A. § 36-66-3.
- Zero Lot Line:** The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

1.7 Compliance

No person shall divide, record, transfer or sell any parcel before the proposed subdivision has been approved in accordance with the processes and provisions of this Ordinance, and filed with the Clerk of Superior Courts, unless otherwise specified by this Ordinance.

- A. **Subdivision Defined:** The division of any land for the purpose of sale, transfer, gift, or lease resulting in the creation of 2 or more new lots shall be considered a subdivision and shall be subject to the requirements of this Ordinance.
- B. **Public Safety:** Land to be subdivided and developed must be able to be divided so without adding peril to public safety, welfare, or health from flooding or other menace.
- C. **Accessibility:** Land shall not be subdivided unless it has the minimum required road frontage as defined within each zoning classification in Article 3 of the Zoning Ordinance.
- D. **Public Facilities:** Land shall not be subdivided unless all required public facilities are in place, or improvements and proper provisions have been planned and a surety given by the petitioner to meet all requirements for drainage, water, sewerage, transportation facilities, public schools, local police and fire departments, and other public service providers.
- E. **Zoning Advisory Group Approval:** No plat or re-plat of a subdivision of land located within the jurisdiction of the Clayton County Board of Commissioners shall be recorded until it has been approved by the Zoning Advisory Group, and such approval has been certified on the plat by the Chairman and/ or Vice Chairman of the Zoning Advisory Group.
- F. **Permitted Uses:** No land shall be subdivided unless the intended use of the individual lot is in conformance with the Clayton County Zoning Ordinance, now or hereafter adopted.
- G. **Natural/Historic Features:** In all subdivisions, due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses,

wetlands, floodways, and scenic views.

- H. **Permits:** No Soil Erosion & Sedimentation Control Permit, Grading Permit, 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 these Subdivision Regulations, which is not in conformity with, the provisions of. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with all additional construction standards adopted by Clayton County.
- I. **Legal Non-Conforming Subdivisions:** Any parcel surveyed, recorded, sold, leased, contracted for, or transferred prior to the effective date of this Ordinance that was officially approved and met all the requirements of the subdivision ordinance, or subdivision ordinances in effect at the time the proposed lot was established, and was recorded will be a grandfathered or legal nonconforming subdivision.

1.8 Exemptions

The following subdivisions of land are exempt from the provisions of this Subdivision Control Ordinance subject to the specifications of this section. All exempt divisions shall be recorded through metes and bounds legal descriptions in the office of the Clayton County Clerk of Superior Court.

- A. **Legal Description Correction:** A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional lots are created, and no additional public improvements are required or created.
- B. **Right-of-Way Acquisition:** A division of land for federal, state, or local government to acquire right-of-way.
- C. **Transfer Between Adjoining Property Owners:** A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional lots are created, and no additional public improvements are required or created by the subdivision.

1.9 Replats

- A. Any change in an approved or recorded subdivision plat, if such change affects any street layout shown on such plat, creates an additional lot, reduces the size of any lot, or alters any right-of-way or easement; such change shall be considered by the Technical Review Committee and the Zoning Advisory Group by the same procedure and regulations as for a major subdivision plat.
- B. Any change in an approved or recorded subdivision plat, which results in only the combination of 2 lots, or the division of a lot between adjoining property owners in a manner that does not result in the creation of an additional site, partial remaining tract, or lot in violation of the provisions of the Zoning Ordinance, shall be considered by the Technical Review Committee in accordance with the provisions of Article 2.5 of this Ordinance for petitions for which the Technical Review Committee has approval authority.

1.10 Severability

If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.11 Interpretation

The provisions of this Ordinance shall be the minimum requirements necessary for the

protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.12 Application

When this Ordinance, along with County conditioned commitments, permits, agreements, state laws, federal laws, or other regulations regulates a structure or parcel of land, the greater restriction shall control.

- A. **Public Provisions:** These regulations are not intended to interfere with, abrogate, or annul any other Ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other Ordinance, rule, regulation, or other provision of law; whichever provisions are more restrictive or impose higher standards shall control.
- B. **Private Provisions:** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, and such private provisions are not inconsistent with these regulations, then such private provisions shall be supplemental to these regulations. (Note: Private provisions can only be enforced privately, unless a public agency has been made party to such agreements.)

1.13 Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous subdivision ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.14 Contracts with Municipal Corporations or other Counties

If a proposed subdivision lies partially within the unincorporated area of the County and partially within the incorporated area of a municipality or within the unincorporated area of another county, the Clayton County Board of Commissioners may provide by contract with the governing authority of the municipal corporation or other counties involved so that either the provisions of this article shall apply to the entire subdivision or so that the provisions of an ordinance of the municipal corporation or the other county regulating the subdivision of land shall apply to the entire subdivision. Lacking such an agreement, that portion of the subdivision lying within the County shall conform to the provisions of this article. Further, the Department of Community Development, the Department of Transportation and Development, or the Zoning Advisory Group may disapprove all or part of a subdivision where proper access and the provision of services affecting the health, safety, and welfare of the subdivision are jeopardized by reliance upon the performance of another jurisdiction.

1.15 Transition Rules

- A. **Subdivision Regulations:** Any subdivision either fully approved or submitted and/or docketed for a public hearing prior to the adoption of this Ordinance shall be regulated by the terms and conditions of the Subdivision Control Ordinance which were in place at the time of the approvals. However, all administrative procedures and penalties shall follow those set forth by this Subdivision Control Ordinance.
- B. **Permit applications:** Any application for an Erosion & Sedimentation Control Permit, Grading Permit and/ or Building Permit which has been filed with the Department of Transportation and Development or the Department of Community Development or its designees and which is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Subdivision Control Ordinance which was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance.
- C. **Property Splits:** All new lots shall meet the requirements of this Ordinance unless:
 - 1. An Erosion & Sedimentation Control Permit, Grading Permit and/ or Building Permit for the site has been issued and is still valid, or
 - 2. A parcel was approved as a buildable lot by the Department of Community Development or the Board of Zoning Appeals prior to the effective date of this Ordinance.
- D. **Previous Approvals:** All plats and other petitions regulated by this Ordinance which were approved prior to the effective date of this Ordinance and not yet received a Erosion & Sedimentation Control Permit and Grading Permit, though consistent with the provisions of the Ordinance under which they were approved, shall expire and become void 1 year following the effective date of this Ordinance. All approvals which expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.

1.16 Amendments

- A. The legislative body of Clayton County may amend or partially repeal the text of this Ordinance. The Clayton County Board of Commissioners, Zoning Advisory Group, or the Community Development Department may initiate a proposal to amend or partially repeal the text according to the Rules and Procedures identified within Article 10.3 of the Zoning Ordinance.
- B. In its review of the text amendments, the Board of Commissioners and Zoning Advisory Group shall pay reasonable regard to:
 - 1. The most recently adopted Clayton County Comprehensive Plan;
 - 2. The most recently adopted Clayton County Zoning Ordinance;
 - 3. The current conditions and character of structures and uses in each district;
 - 4. The most desirable use for which the land in each district is adapted;
 - 5. The conservation of property values throughout Clayton County;
 - 6. Responsible development and growth; and
 - 7. The public health, safety and welfare.

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Article Two: Administration

2.1 Administration and Enforcement

- A. **Administrator Defined:** The administrator of this Ordinance shall be the Clayton County Zoning Administrator (Administrator) and the Director of Transportation and Development (Director). The Zoning Administrator and Director of Transportation and Development are hereby authorized and directed to enforce and carry out all provisions of this Ordinance both in letter and spirit, pursuant to state statute.
- B. **Delegation Authority:** The Administrator and Director are hereby empowered to delegate the duties and the powers granted to, and imposed upon him/her under this Ordinance. As used in this Ordinance, the Administrator and Director shall include any authorized representative(s) within the Department of Community Development and Department of Transportation.
- C. **Inspections:** The Zoning Administrator and Director or their designees are hereby empowered to enter and inspect any structure, or premises in the jurisdictional area of this Ordinance to insure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours, unless an emergency exists.
 - 1. Investigations of property may be done by the Zoning Administrator and Director either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.
 - 2. In the event that the Zoning Administrator or Director is denied entry to any property necessary to carry out an inspection, he/she may apply to a court of competent jurisdiction to invoke an order for the inspection of the property and the enforcement of this Ordinance or any other applicable Codes adopted under state code.

2.2 Notice of Public Hearing

Within 30 calendar days of the receipt of the proper documents, and after the granting of any required approvals or favorable recommendations by the Technical Review Committee, the Zoning Administrator shall set a date for a public hearing before the Zoning Advisory Group. For all public hearings, notice to the public consistent with the requirements of this section shall be given as provide herein. Required public notice shall include the following:

- A. **Notice Sign:** The petitioner shall allow the Department of Community Development staff to post on

the subject property a sign giving notice of the hearing provided by the Department of Community Development. The sign shall remain on the property until the final decision on the request is made by the Zoning Board of Appeals, Zoning Advisory Group, or Board of Commissioners.

- B. **Legal Notice:** The Department of Community Development staff shall prepare a legal notice for publication in a local newspaper of general circulation specified by the Rules and Procedures of the Zoning Advisory Group, Zoning Board of Appeals, and the Board of Commissioners. The legal notice shall appear in the newspaper no less than 1 time at least 15 calendar days prior to the date of the public hearing. Legal notices shall include each of the following:
1. The general location of the subject property and a legal description of the land;
 2. The street or common address of the real estate;
 3. That the project plans are available for examination at the office of the Clayton County Department of Community Development;
 4. That a public hearing will be held and giving the date, place, and hour of the hearing; and
 5. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Zoning Administrator.
- C. **Notice to Interested Parties:** The petitioner shall prepare and distribute written notice of the petition to all property owners within 500 feet of the boundaries of the subject property.
1. The notice shall contain the same information as the legal notice which is published in the newspaper.
 2. The distribution and cost of the notice shall be the responsibility of the petitioner.
 3. The petitioner shall obtain the names and mailing addresses of those to be notified from the Property Transfer Books contained in the Clayton County Tax Assessors' Office. The names and addresses of these property owners shall be submitted to the Zoning Administrator at the time of filing for a petition requiring a public hearing as specified by this Ordinance.
 4. The notices shall be sent to each property owner at least 1 time, and must be postmarked a minimum of at least 10 calendar days before the date of the public hearing. The mailing shall be via certificate of mailing through the United States Postal Service.
 5. A copy of the materials provided to each property owner, all certified mail return receipts, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Zoning Administrator a minimum of 4 business days prior to the date of the public hearing.

2.3 Waivers of Subdivision Regulations

- A. **General Provisions:** Where the Zoning Advisory Group finds that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations, or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may grant waivers of the subdivision regulations set forth in this Ordinance so that substantial justice may be done and the public interest served. No waiver shall be granted in relief of mere inconveniences or financial disadvantages of the sub-divider.
- B. **Decision criteria:** The Zoning Advisory Group shall not approve any waivers of the subdivision regulations unless it makes written findings based upon the evidence presented to it in each specific case, such that:
1. The granting of the waiver will not be detrimental to the public safety, health, or welfare;
 2. The granting of the waiver will not be injurious to the reasonable use and development of other property;
 3. The conditions upon which the request for waiver is based are unique to the property for which it is sought and are not applicable generally to other property;
 4. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out; and
 5. The waiver will not contradict the intent of the Clayton County Zoning Ordinance or Comprehensive Plan.
- C. **Public Facility Waiver:** Where the waiver impacts the design, construction or maintenance of public

facilities, it shall not be granted unless the appropriate public agency has reviewed and approved in writing the proposed waiver to the Zoning Advisory Group.

- D. **Conflict of Authority:** No waiver of these Subdivision Regulations shall conflict with the powers and duties of the Board of Zoning Appeals.
- E. **Procedure:** The procedure for review of waiver requests is as follows:
 1. At the time of filing a subdivision request consistent with this Ordinance, the petitioner must submit a detailed written statement documenting all waivers requested as part of the petition and reasons for the waiver request(s) consistent with the decision criteria outlined above.
 2. Only those standards specifically described in the waiver request may be reviewed by the Zoning Advisory Group.
 3. Waivers may only be granted in a public hearing, and shall generally be considered at the time the Preliminary Plat for the proposed subdivision is reviewed by the Zoning Advisory Group. The Zoning Advisory Group may make reasonable conditions an element of any waiver approval.
 4. All waiver requests which are granted, and the reasons for approval shall be recorded in the minutes of the Zoning Advisory Group. Any conditions imposed by the Zoning Advisory Group as part of the waiver approval shall be included in writing on the recorded plat of the subdivision.

2.4 Inspections and Permits

- A. **Notification Required:** The petitioner shall notify each appropriate County Department 72 hours prior to the planned installation of improvements within the development. After proper notification, the appropriate County Departments that shall have the responsibility for inspecting and testing streets, curbs, sub-bases, pavement depth and quality, sidewalks, sewer lines, water lines, utilities, drainage improvements, and any other site improvements will see that all construction conforms to the regulations of this Ordinance, all other applicable construction standards of Clayton County, and accepted engineering standards.
- B. **Permits:** In addition to any other remedy and/or penalties which may be imposed on the petitioner by this Ordinance or by any other Ordinance of Clayton County, the Zoning Administrator or his/ her designee, shall reserve the right to withhold Building Permits for the lots in a Final Plat if the subdivider has failed to properly install, maintain, or otherwise provide for, all of the public improvements shown on the Final Plat and the Construction Plans.
 1. A Certificate of Occupancy shall not be issued for any lot until sidewalks and street trees are installed for said lot or a performance bond is posted to the Clayton County Board of Commissioner by the petitioner in an amount equal to the cost of installation of the sidewalk and/or trees.
 2. However, 3 years from the date of the approval of the Final Plat by the Board of Commissioners, the petitioner is responsible for installing all sidewalks and/or trees shown on the Final Plat, whether all lots in the development are built upon or not.
 3. The developer shall be responsible for installing sidewalks through any park and open space areas included in the Final Plat and connecting them to existing and/or proposed sidewalks in other areas of the subdivision, or adjacent sidewalk/pedestrian paths in other developments at the time the streets and other public improvements in each phase of construction are completed.

2.5 Technical Review Committee

- A. **Committee Intent:** The Clayton County Technical Review Committee (also known and referred to in this Ordinance as the “TRC” and “the Committee”) is hereby formed for the purpose of providing technical review of certain types of petitions and applications. The intent of the Technical Review Committee is to provide efficiency in the work load of Clayton County Departments as well as applicants by establishing a body to make determinations regarding petitions for which the only criteria is consistent with the applicable adopted standards of Clayton County. Further, the County Technical Review Committee shall provide for efficiency in the approval process of petitions determined by the Zoning Advisory Group and Board of Commissioners by providing an initial examination and report based on all applicable adopted requirements of Clayton County.
 1. Approval Authority: The Technical Review Committee shall have the authority to approve the

- following types of petitions and applications:
- a. Subdivision Construction Plans,
 - b. Final Subdivision Plats
2. Review Authority: The Technical Review Committee shall have the authority to review Preliminary Subdivision Plats, forwarding comments to the Clayton County Zoning Advisory Group.
 3. Appeal Rights: All decisions of the Technical Review Committee may be appealed to the Board of Zoning Appeals following the procedure outlined in this Article.
- B. Committee Structure:** The Department of Community Development staff shall also serve as the staff for the Technical Review Committee. They shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:
1. The Technical Review Committee shall, at a minimum, consist of the following members:
 - a. The Zoning Administrator and other staff of the Department of Community Development as determined by the Community Development Director;
 - b. A member of the staff of the Clayton County Water Authority and/ or his/her appointee;
 - c. A member of the staff of the Clayton County Department of Transportation and Development and/ or his/her appointee;
 - d. A member of the staff of the Clayton County Fire Department and/ or his/her appointee;
 - e. A member of the staff of the Clayton County Department of Emergency Management and/ or his/her appointee;
 - f. A member of the staff of the Clayton County Board of Health and/ or his/her appointee;
 - g. A member of the staff of the Clayton County Department of Economic Development and/ or his/her appointee;
 - h. A member of the staff of the Clayton County Board of Education and/ or his/her appointee.
 2. Members of the Technical Review Committee shall either be present at the time of the scheduled Committee meeting or submit written comments regarding each specific petition to the Zoning Administrator prior to the appropriate meeting.
 - a. Each committee member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of Clayton County.
 - b. If no comments are received from a member of the committee it shall indicate that they have no objection to any aspect of the applicable petition, and therefore grant their individual approval.
 - c. The Zoning Administrator shall determine the action taken on each petition by the Technical Review Committee based on the comments of the Committee members.
 3. The Zoning Administrator shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a petition on which members of the Technical Review Committee disagree. In cases of disagreement and at his/her discretion, the Zoning Administrator may forward any petition before the Technical Review Committee to the Zoning Advisory Group for a determination on the request.
 4. All petitions which are not approved by the Technical Review Committee and not forwarded to the Zoning Advisory Group shall be tabled and placed on the agenda for the next suitable Technical Review Committee meeting.
 - a. Prior to that meeting the petitioner shall address the comments of the Committee, making proper modifications to the application materials.
 - b. The petitioner shall provide the revised materials to be reviewed prior to the next Technical Review Committee meeting based on the adopted calendar of meeting and filing dates.
 - c. The petitioner may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Zoning Administrator. Any petition which is withdrawn and is subsequently re-filed shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.
- C. Attendance Required:** Either the petitioner or a representative of the petitioner shall be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If either

the petitioner or their representative is not present, the petition shall automatically be tabled and placed on the agenda for the next appropriate Technical Review Committee meeting.

- D. **Meeting Record:** The Zoning Administrator shall cause a written record to be made of all comments and findings of the Technical Review Committee for each petition and make those written findings available to the petitioner within 3 business days of the Technical Review Committee's review. The written documentation shall consist of the following:
1. A letter to the petitioner stating the action taken by the Technical Review Committee, and
 2. A list of all outstanding recommendations or requirements made by the members of the Technical Review Committee, including references to appropriate sections of adopted, applicable requirements of Clayton County, the State of Georgia, and/or the Federal government.
- E. **Decision Criteria:** In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Clayton County Zoning Ordinance, any adopted Clayton County construction or improvements standards, any adopted standards of the Water Authority, any adopted standards of the Department of Transportation and Development, any adopted standards of the Fire Department, and any other adopted and applicable standards of Clayton County, the State of Georgia, and/or the Federal government.
1. In all cases in which the Technical Review Committee has approval authority and a petition conforms to the applicable standards, that petition shall be approved.
 2. In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and/or unadopted standards of any member of the Committee. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding a petition being forwarded to the Zoning Advisory Group.
- F. **Appeal Procedure:** Any applicant may appeal the decision of the Technical Review Committee to the Board of Zoning Appeals.
- G. **Variance Procedure:** Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain a variance approval from the Board of Zoning Appeals.
1. The applicant shall be required to provide the Zoning Administrator with written notice of the appeal within 30 calendar days of the date of the Technical Review Committee's decision.
 2. The Zoning Administrator shall place the appeal on the agenda for the next appropriate Board of Zoning Appeals meeting consistent with the adopted calendar of meetings and filing dates.
 3. Public notice for the meeting shall be required. Notice shall be given in accordance with Article 2.2 of this Ordinance.
 4. The Board of Zoning Appeals shall consider the provisions of this Ordinance and all other applicable standards in deciding the appeal.

2.6 Commercial and Industrial Subdivisions

It is recognized by this Ordinance that the development of commercial and industrial subdivisions may deviate from the standard procedures used for residential subdivisions.

- A. **Review Emphasis:** In reviewing commercial and industrial subdivisions, the initial emphasis of the Department of Community Development, the Department of Transportation and Development, other County Departments, and additional reviewing agencies shall be on street layout and block arrangement.
- B. **Procedure:** The sub-divider shall follow the procedure for Major Subdivisions provided in Article 4 of this Ordinance, but in terms of lot arrangement shall only be required to show two defined lots and a block layout.
1. The sub-divider shall prepare Construction Plans and the Final Plat for only the lots to be developed, and shall re-plat the approved Preliminary Plat as additional lots become necessary.
 2. The approval of all commercial and industrial Preliminary Plats shall expire within 2 years of the date of Preliminary Plat approval by the Zoning Advisory Group.

2.7 Violations and Penalties

- A. **Violations:** A failure to comply with any of the requirements of this Ordinance, including violations of conditions and safeguards established in connection with the granting of waivers, as well as subdivision approval, shall constitute a violation of this Ordinance.
- B. **Legal Proceedings:** The Board of Commissioners or any designated enforcement official may bring to the attention of the Zoning Administrator and/or County Attorney a violation of the provisions of this Ordinance in order to initiate legal proceedings pursuant to statute.
- C. **Mandatory Injunction:** The Board of Commissioners or any designated enforcement official may request the County Attorney to bring an action for a mandatory injunction directing any person to remove a structure and/or to discontinue working in violation of the provisions of this Ordinance pursuant to state statute.
- D. **Common Nuisance:** Any structure erected, raised or converted, or land or premises used in violation of any provision of this Ordinance or of the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.
- E. **Fines:** Any person who violates this Ordinance shall, upon conviction, be fined not less than \$50 nor more than \$1,000.00 for each offense. For the purposes of this Ordinance, each day a violation of terms of this Ordinance exists shall constitute a separate offense.
- F. **Person in Violation:** Any person who attempts, commits, participates in, assists or maintains a violation of this Ordinance may be found guilty and suffer the penalties herein provided.
- G. **Remedy for Failure:** The remedies provided in this section for failure to comply with any of the requirements of this Ordinance, whether civil, criminal or otherwise, shall be cumulative and shall be in addition to any other remedy provided by law. The civil penalty hereinafter described shall be used in preference to the criminal penalty for all violations except in the case of repeated, malicious, willfully prolonged or flagrant violations.
- H. **Assurance of Discontinuance:** For all violations, the Zoning Administrator may accept an assurance of discontinuance of any act or violation. Such assurance shall specify a time limit in which the act or violation shall be discontinued or cured.

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Minor Subdivision

Article Three: Minor Subdivisions

3.1 Intent

The intent of this Article is to provide a simplified procedure for the creation of low-density development consistent with the residential characteristics of Clayton County

3.2 Minimum Standards for a Minor Subdivision

- A. **Parcel Zoning and Density Standards:** Minor subdivisions shall be permitted in the zoning districts as established by the Clayton County Zoning Ordinance:
- B. **Design Standards:** All minor subdivisions shall conform to the following design standards:
 - 1. A minor subdivision shall be a subdivision which contains not more than 4 lots and which does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
 - 2. All lots and any remaining tract shall be consistent with all applicable requirements of the Clayton County Zoning Ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.
 - 3. At the time of filing, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this Ordinance.
 - 4. All driveway permits shall be subject to the review of the Clayton County Department of Transportation and Development or the State of Georgia Department of Transportation.

3.3 Minor Subdivision Application and Review Procedure

- A. **Application Requirements:** In order to begin the minor subdivision process the applicant shall file an application for Minor Subdivision Approval with the Zoning Administrator. This application shall:
 - 1. Be made on forms available at the Department of Community Development and

- be signed by the owner and developer and notarized;
 - 2. Be accompanied by the specified number of copies of a Minor Subdivision Concept Plan which meets the requirements provided by this Article;
 - 3. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Zoning Administrator. No docket number shall be released until a complete application and all applicable fees have been paid for the application.
- C. **Zoning Administrator Review:** Within ten (10) calendar days of the receipt of an application which is in compliance with this Article, the payment of all fees required herein and the determination by the Zoning Administrator that the proposes minor subdivision complies with all of the requirements of this Ordinance, the Zoning Administrator shall provide the applicant with a letter of Minor Subdivision Concept Plan Approval.
- D. **Final Plat:** After obtaining Minor Subdivision Concept Plat approval from the Zoning Administrator, the applicant shall file an application for Final Plat approval pursuant to Article 4, Major Subdivision. The application for Final Plat approval shall be submitted to the Technical Review Committee for review. It shall be consistent with the approved Concept Plat and the requirements of this Ordinance and any other applicable improvement standards and processes. The Committee shall approve the Final Plat if all the required materials provided are consistent with this Ordinance. The Zoning Administrator shall then sign the Final Plat on behalf of the Technical Review Committee and provide it to the applicant for recording with the Clayton County Clerk of Superior Court. Approval of the Final Plat shall be effective for a maximum period of 1 year from the date of approval, unless it is signed and recorded as required by this Ordinance.

3.4 Specifications for Minor Subdivision Documents to Be Submitted

The Minor Subdivision application shall be accompanied by a Minor Subdivision Concept Plat prepared by a surveyor or engineer, drawn to a convenient scale of not more than 100 feet to an inch, and showing the following information:

- A. **Property Name:** The property address, general location, and name (if there is a name by which the property is locally known).
- B. **Property Ownership:**
 - 1. The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property to the owner identified in the application, giving grantor, grantee, date, and land records reference.
 - 2. Citations of any existing covenants on the property.
 - 3. The name and address, including telephone number, of the professional(s) responsible for the subdivision design and for surveys.
- C. **Property Legal Description:** The location of the property, the name of the land lot, district, parcel, and county, graphic scale, north arrow, and date.
- D. **Development Description:**
 - 1. A legend and notes, including a graphic scale, north point, and date.
 - 2. An indication of the lot to be considered the remainder of the parent tract.
 - 3. The approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or public sanitary sewer systems.

4. The approximate location of any existing or proposed wells and/or public water systems.
 5. Lot numbers and the area for each lot which may be created on the parent tract (listed in square footage and acres), including all setback lines, lot dimensions and road frontage widths.
 6. All existing and proposed easements including the location, width, and purpose of the existing and/ or proposed easement.
 7. All existing rights-of-way on and adjoining the site of the proposed subdivision showing the street names and pavement widths.
 8. The location, size, and invert elevation of any utilities existing and proposed adjacent to, and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.
 9. The location(s) of any existing structure(s) on the site and a description of the future use.
 10. The location of natural streams, regulated drains, 100-year flood plains, floodways, water courses, marshes, wooded areas, and other structures or significant features.
 11. The location and results of tests, as required by any county, state, or federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
 12. The location of all existing and proposed driveways, and a copy of agreement providing for the construction and maintenance of shared driveways, and no-access easements.
 13. The proposed phasing of the development, if more than one lot is involved and development will occur over time.
- E. **Subdivision Covenants:** In Final Plat any protective covenants applicable to the subdivision shall be prepared by the petitioner and be legally sound. The covenants shall be subject to the approval of the Zoning Administrator and/ or County Attorney and, at a minimum, shall provide a means for the maintenance and upkeep of any common areas. All covenants shall be recorded in the office of the Clayton County Clerk of Superior Courts, with a copy of the recorded covenants being provided to the Department of Community Development prior to the issuance of an Improvement Location Permit and or Building Permit.
- F. **Vicinity Description:** On a separate sheet a vicinity map must be submitted that includes the following information:
1. The location of the proposed subdivision within the County.
 2. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
 3. Existing and proposed driveways located on either side of all roads adjacent or within 200 feet of the subject property.
 4. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.

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Major Subdivision

Article Four: Major Subdivision

4.1 Intent

The intent of this Article is to provide procedures and standards for review of all applications for the subdivision of all land not exempt or not considered a minor subdivision under Article 3 of this Ordinance.

4.2 Preliminary Plat Application and Review Procedure

- A. **Application Requirements:** In order to begin the subdivision process the applicant shall file an application for Preliminary Plat Approval and the specified number of copies with the Zoning Administrator. This application shall:
1. Be made on forms available at the Department of Community Development and be signed by the owner and developer and notarized;
 2. Be accompanied by the specified number of copies of a Preliminary Plat meeting the requirements provided by this Article;
 3. Be accompanied by a fee in the amount established by the adopted fee schedule; and
 4. Be accompanied by a copy of all comments received from the appropriate local utility providers. (At a minimum, the sub-divider shall provide an affidavit indicating that a copy of the proposed Preliminary Plat has been provided to all appropriate local utilities).
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Zoning Administrator. No docket number shall be released until the complete application has been submitted and all applicable fees have been paid for the application.
- C. **Technical Review Committee:** The Zoning Administrator shall place the application for Preliminary Plat Approval on the agenda for the applicable meeting of the Clayton County Technical Review Committee
1. In reviewing the application, the Technical Review Committee shall consider the provisions of this Ordinance, the Zoning Ordinance, and other applicable adopted requirements.
 2. The Technical Review Committee shall make comments regarding the application. Based on those comments, the Zoning Administrator shall either forward the application to the Zoning Advisory Group or require further review.
 - a. The Zoning Administrator shall forward the application for Preliminary Plat Approval to the Zoning Advisory Group if addressing the comments made will not require the applicant to

significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features. The applicant shall revise the Preliminary Plat consistent with the comments received from the Technical Review Committee and supply revised application materials and the specified number of copies to the Zoning Administrator in preparation for the Zoning Advisory Group hearing by the date specified on the adopted calendar of meeting and filing dates.

- b. The Zoning Administrator shall require further review of the application for Preliminary Plat Approval if addressing the comments made will require significant alterations in the layout of streets, lots, utility systems, topography, drainage ways, or other proposed subdivision features. The application shall be placed on the agenda for further review at the next Technical Review Committee meeting. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials and the specified number of copies to the Zoning Administrator in preparation for further review by the Technical Review Committee by a date specified on the adopted calendar of meeting and filing dates.
- D. **Notice of Public Hearing:** Notice of public hearing shall be given in accordance with the requirements of Article 13 of the Zoning Ordinance prior to the Zoning Advisory Group meeting when the proposed Preliminary Plat is to be heard.
- E. **Zoning Advisory Group Hearing:** The Zoning Administrator shall place all applications forwarded to the Zoning Advisory Group by the Technical Review Committee on the agenda for a public hearing at the appropriate Zoning Advisory Group meeting based on the adopted calendar of meeting and filing dates.
1. The Zoning Advisory Group shall hold a public hearing on the petition, considering the Preliminary Plat application materials, the report of the Technical Review Committee prepared by the Zoning Administrator, and testimony from the petitioner and any interested parties. At the public hearing, the Zoning Advisory Group shall approve, approve with conditions, table, or deny the application for Preliminary Plat approval.
 - a. The Zoning Advisory Group shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria provided by this section.
 - b. The Zoning Advisory Group shall approve the Preliminary Plat with conditions if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements.
 - c. The Zoning Advisory Group shall table the Preliminary Plat consistent with the adopted Rules and Procedures of the Zoning Advisory Group.
 - d. The Zoning Advisory Group shall deny the Preliminary Plat if it is found to be inconsistent with the decision criteria provided by Article 2.3 and requires modifications that would result in changes to the layout of public improvements, lots, drainage systems, or other characteristics of the subdivision.
 2. The Zoning Advisory Group shall make written findings documenting its decision. The Zoning Administrator shall return 1 copy of the application for Preliminary Plat approval and the plat to the petitioner with the date of approval, conditional approval, continuance, or disapproval and a copy of the written findings of the Zoning Advisory Group within ten (10) business days of the date of the decision. The Zoning Administrator shall maintain one (1) file copy of the Preliminary Plat application and plat.
 3. Approval of a Preliminary Plat by the Zoning Advisory Group is not final approval of the subdivision.
 4. The approval of the Preliminary Plat shall expire 18 months from the date of the Zoning Advisory Group's decision if the applicant has not proceeded with the development by applying for Construction Plan approval.
 - a. Extensions of time may be granted by the Zoning Advisory Group upon the request of the petitioner.
 - b. In the case of Preliminary Plats which are divided into sections for the purpose of a phased construction, the Preliminary Plat shall expire 5 years after the date of approval of the Construction Plans for the most recently developed section if Construction Plans for the

subsequent section have not been approved and the installation of public improvements in that section commenced. Non-residential Preliminary Plats shall expire 7 years from the date of approval.

5. If the Preliminary Plat application is denied, the petitioner may not resubmit the same application for 6 months from the date of disapproval. Fees on a resubmitted Preliminary Plat application shall be the same as if it were an original submittal.
- F. **Decision criteria:** In reviewing applications for Preliminary Plat approval, the Zoning Advisory Group shall consider the following criteria.
1. The degree to which the proposed Preliminary Plat is consistent with the provisions of the Comprehensive Plan;
 2. The degree to which the proposed Preliminary Plat is consistent with the requirements of this Ordinance;
 3. The degree to which the proposed Preliminary Plat is consistent with the intent and standards of the zoning district in which it is located; and
 4. The degree to which the proposed Preliminary Plat is consistent with all adopted construction standards for public improvements in Clayton County, and standard engineering practices.

4.3 Specifications for Preliminary Plat Documents to be Submitted

The proposed Preliminary Plat shall be prepared by a land surveyor or professional engineer and certified by a land surveyor registered by the State of Georgia. It shall be designed on state plane coordinates, drawn at a scale of 100 feet to 1 inch on sheets not exceeding 24 inches by 36 inches in area. The proposed Preliminary Plat shall include:

A. Property Name:

1. The name of the subdivision if the subject property is within an existing subdivision; or
2. A proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which Preliminary Plat approval is still in effect.

B. Property Ownership:

1. The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property to the developer involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
2. Citations of any existing covenants on the property.
3. The name and address, including telephone number, of the professional person(s) responsible for the subdivision design, for the design of the public improvements, and for surveys.

C. Property Description:

1. A dimensioned drawing of the parcel of land which is being subdivided, including any remaining tract.
2. Subdivision boundary lines showing dimensions, bearings, and references to map number, land lot, district, parcel, and county.

D. Development Description:

1. A legend and notes, including a graphic scale, north point, and date.
2. The approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system.
3. The approximate location of any existing or proposed wells and/or the municipal water system.
4. Preliminary Plat approval certificate for signing by the Zoning Advisory Group Chairman and/ or Vice Chairman.
5. Lot numbers, including the location of monuments and the area for each lot (listed in square footage and acres), and the buildable areas of each lot per applicable zoning district setback requirements and any other regulatory or natural limitations.
6. All existing and proposed easements including the location, width, and purpose of each easement.
7. All existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, approximate gradients, types and

- widths of pavements, curbs, and sidewalks
8. Any parcels of land proposed to be dedicated or reserved for common areas, schools, parks, playgrounds, or other public, semi-public, or community purposes.
 9. The location, size, and invert elevation of utilities existing and proposed adjacent to and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.
 10. The location(s) of any existing structure(s) on the site and a description of its future demolition or incorporation into the proposed subdivision.
 11. The location and results of tests, as required by any county, state, or federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
 12. All proposed sidewalks or pedestrian trails.
 13. All locations of existing and proposed street lights and street signs.
 14. A statement of the expected demand of the subdivision for capacity at the applicable waste water treatment facility.
 15. All proposed landscaping, signage, development entrance features, screening, and attempts at preserving natural terrain and open space. (The Zoning Advisory Group, Technical Review Committee, or Zoning Administrator may request a landscaping plan or buffering plan, prepared by a registered landscape architect, architect, surveyor, or engineer to be submitted on a separate sheet).
 16. The estimated traffic count increase on adjacent streets resulting from the proposed development; a description of type and condition of roads serving the subdivision site; the total number of motor vehicles expected to use or be stationed in the subdivision; and a description of on and off-site parking to be supplied.
- E. **Subdivision Phasing Description:** If the Preliminary Plat is to be divided into sections for the phasing of development, the preliminary boundaries and numbers of such sections shall be shown. In no case may any section contain less than 10% of the proposed lots.
- F. **Subdivision Covenants:** Any protective covenants applicable to the subdivision shall be prepared by the petitioner and be legally sound. Covenants shall be incorporated in the plat and subject to the approval and enforcement of the Board of Commissioners. At a minimum, covenants shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features.
- G. **Contiguous Holding Description:** Whenever the Preliminary Plat covers only a part of a petitioner's contiguous holdings, the petitioner shall submit, at the scale of no more than 1 inch equals 200 feet, a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.
- H. **Soils Description:** On a separate sheet, a soils map shall be provided showing soil boundaries and their identification, the existing and proposed street pattern, any mineral resource areas, and 100-year flood plains.
- I. **Drainage Plan and Report:** The sub-divider shall provide a drainage report describing the existing and proposed drainage conditions and evaluating the ability of the proposed water courses, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to accommodate the additional run-off generated by the proposed subdivision.
1. **Drainage Report:** A registered professional engineer shall prepare the report, which shall include:
 - a. The conditions of the watershed which may affect run-off, such as subsoil type, positive drainage, and obstructions.
 - b. The location of all subsurface known drainage tiles and a plan to preserve or relocate the tiles.
 - c. Estimates of the water entering the subdivision (computations for major drainage-ways shall assume that the upper watershed has been developed according to current growth estimates).
 - d. A description of minor and major drainage systems. The minor drainage system shall consist of storm sewers, drainage ditches, grassed swales, and storm inlets or infiltration structures. The major system shall consist of roadways, culverts, bridges, and drainage flow-ways.
 2. **Watershed Map:** On a separate sheet, a watershed map complementing the Drainage Report using USGS contour information shall be provided, showing:

1. The delineation of the drainage area in which the subdivision is located.
 3. The location of drainage courses and the existing direction of surface water flow within the drainage area.
 4. **Drainage Plan Description:** On a separate sheet, a description of drainage/topography/natural environment complementing the Drainage Report shall be provided which includes the following information:
 - a. The location of natural streams, regulated drains, 100-year flood plains and floodways.
 - b. The location of any existing or proposed subsurface drain tile, structures, culverts, or swales.
 - c. A map noting significant physical and topographical features of the tract. This map shall also show the proposed direction of the flow of surface water runoff from the site.
 - d. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
 5. **Residential Drainage Plan:** Certain residential lots, which have the possibility of creating drainage problems, may be designated as needing an individual residential drainage plan. Such lots shall be marked "RDP." Prior to issuance of a building permit, the applicant shall submit plans showing the intended building location; driveway location; other impervious surfaces; grading plan; ditches, swales and other drainage features; and related drainage features, so that the impact of the individual lot on the drainage of the subdivision can be reviewed. The staff must approve the RDP prior to a permit being issued, and the home must be built and the lot graded in compliance with the plan.
- J. **Vicinity Description:** On a separate sheet a vicinity map must be submitted that includes the following information:
1. Location of the proposed subdivision within the County.
 2. Existing subdivisions and lots adjacent to or within 400 feet of the proposed subdivision. The owners of each of these tracts shall be identified on the drawing with the date and book and page (or instrument number) of the last conveyance of ownership.
 3. Existing schools, parks, playgrounds, or other similar public facilities that will serve the proposed subdivision.
 4. Location and size of all utilities adjacent to or within 400 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, and cable television lines.
 5. All public thoroughfares/rights-of-way adjacent to or within 400 feet of the site.
 6. Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, surface types, and widths of pavements and curbs.
 7. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
 8. All section and municipal corporate boundaries lying within or contiguous to the tract.
- K. **Engineering Feasibility Report:** A feasibility report prepared by a registered professional engineer covering sewage, water, and drainage facilities for the subdivision shall be provided which includes, but is not limited to, the following:
1. **Utility Systems:** A description of the feasibility of connecting to existing storm and sanitary sewers and water supply. This portion of the report shall include the distance from the nearest public sewer and the capacity of the existing system intended to handle the additional waste load and any additional requirements of the Clayton County Water Authority.
 2. **Street Construction:** A preliminary report on the types of street construction based on the specifications provided by this Ordinance and any additional requirements of the Department of Transportation and Development.
 3. **Traffic Study:** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any commercial development deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.

4.4 Construction Site Plan Application and Review Procedure

- A. **Application Requirements:** It shall be the responsibility of the petitioner to prepare and have certified, by a registered professional engineer in the State of Georgia, a complete set of Construction Site Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The applicant shall file an application for Construction Plan approval and the specified number of copies with the Department of Transportation and Development. This application shall:
1. Be made on forms available at the Department of Transportation and Development and be signed and notarized by the owner and developer;
 2. Be accompanied by the specified number of copies of the Construction Site Plans meeting the requirements provided by the Department of Transportation and Development; and
 3. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Director of Transportation and Development.
- C. **Technical Review Committee:** The Director of Transportation shall contact the Zoning Administrator to place the application for Construction Site Plan Approval on the agenda for the applicable meeting of the Clayton County Technical Review Committee and distribute copies of the submittals to the Committee members.
1. The applicant shall be responsible for obtaining the necessary approvals of utility providers, or other county, state, or federal agencies not represented on the Technical Review Committee.
 2. In reviewing the application, the Technical Review Committee shall consider whether or not the Construction Plans meet the requirements of this Ordinance and any other adopted and applicable construction standards or common engineering practices, and are consistent with the approved Preliminary Plat.
 3. The Technical Review Committee shall make comments regarding the application and either approve, approve with modifications, table and recommend modifications, or deny the Construction Site Plan approval request.
 - a. The Technical Review Committee shall approve the Construction Site Plans if they are consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices.
 - b. The Technical Review Committee shall approve the Construction Site Plans with modifications if minor modifications are required for the plans to be consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. Minor modifications are those which can be adequately agreed upon by the Technical Review Committee and the applicant at the Technical Review Committee meeting and which do not impact other aspects of the subdivision's construction which would require subsequent review. The specified modifications shall be made by the petitioner and the specified number of Construction Site Plan sets provided to the Director of the Department of Transportation and Development within 90 calendar days of the Technical Review Committee meeting.
 - c. The Technical Review Committee shall table and recommend modifications to Construction Site Plans which require significant modifications to be consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. The petition shall be placed on the agenda for the next applicable Technical Review Committee meeting. The petitioner shall provide the specified number of revised sets of Construction Site Plans to the Director of The Department of Transportation and Development for review prior to that meeting consistent with the adopted calendar of meeting and filing dates. The Director shall notify the Zoning Administrator of the receipt of the Construction Site Plans for placement on the next available agenda for the Technical Review Committee Meeting and distribute copies of the submittals to the Committee members.
 - d. The Technical Review Committee shall deny the Construction Site Plans if they are found to be generally inconsistent with the approved Preliminary Plat and any applicable provisions of

this Ordinance, construction standards, and common engineering practices. Applicants may again apply for Construction Site Plan approval following a denial, and shall be required to pay all applicable fees consistent with the procedure for original petitions established by this Ordinance.

4. Upon approval of Construction Plans by the Technical Review Committee, the Director and/ or Zoning Administrator shall mark one set as “approved” and return it to the applicant with a Soil Erosion & Sedimentation Control Permit and/ or Grading Permit for the approved construction.

4.5 Specifications for Construction Plan Documents to be Submitted

The Construction Plans shall be based on the approved Preliminary Plat. Construction Plans shall be prepared for all required improvements. Construction Plans shall be submitted in both paper (hard copy) and electronic format (on a disk in a format specified by the Department of Transportation and Development). Plans shall be drawn on standard 24 inch by 36 inch sheets at a scale of no less than 1 inch equaling 50 feet. The plans shall show the following:

- A. A map noting significant physical and topographical features of the tract. For plats containing more than two lots, a topographical map at typical intervals of 2 feet contours, which shall be extended 400 feet beyond the boundary lines of the proposed tract, shall be submitted. This map shall also show the direction of the flow of surface water runoff to and from the site.
- B. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, central angles on all streets, and the intersection details shall be shown.
- C. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
- D. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams.
- E. Any other construction details required to be shown by the Zoning Administrator or Technical Review Committee.

4.6 Completion of Improvements

The petitioner shall obtain from the Department of Transportation information regarding the current Clayton County policies regarding the installation and inspection of public improvements. The applicant shall construct the subdivision, or section thereof, consistent with the approved Construction Plans, and the policies and procedures of the appropriate inspecting agencies or persons. No site work or earthwork shall be allowed until a Erosion and Sedimentation Control Permit and Grading Permit has been issued.

- A. All required improvements shall be made by the petitioner, at his/her expense, without reimbursement by the local government or any improvement district therein.
- B. The petitioner shall be required to retain at his/her expense a licensed civil engineer or surveyor who shall certify that the subdivision construction is in compliance with the approved Construction Site Plans at the time the Final Plat approval request is submitted to the Zoning Administrator.
- C. If the Department of Transportation and Development or any other County reviewing agent finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance surety, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to the appropriate specifications.

4.7 Final Plat Application and Review Procedure

- A. **Application Requirements:** The applicant shall file an application for Final Plat Approval and the specified number of copies with the Department of Community Development. This application shall:
1. Be made on forms available at the Department of Community Development and be signed by the owner and developer and notarized;
 2. Be accompanied by the specified number of copies of the Final Plat meeting the requirements provided by the Department of Community Development;
 3. Be accompanied by the original documents and the specified number of copies of the maintenance bonds or surety required by this Ordinance for all public improvements.
 4. Be accompanied by “as-built” drawings showing the location, dimensions, and materials used to construct all improvements within the subdivision.
 5. Be accompanied by a computer disk containing an electronic version of the Final Plat and “as built” drawings in a format specified by the Zoning Administrator.
 6. Be accompanied by the specified number of copies of a map showing the locations of all street signs, street lights, and fire hydrants.
 7. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Zoning Administrator.
- C. **Technical Review Committee:** The Zoning Administrator shall place the application for Final Plat Approval on the agenda for the applicable meeting of the Clayton County Technical Review Committee and distribute copies of the submittals to the Committee members.
1. In reviewing the application, the Technical Review Committee shall consider whether or not the proposed Final Plat drawing, the public improvements, and the surety provided is consistent with the approved Preliminary Plat, the approved Construction Site Plans, and the requirements of this Ordinance and any other applicable improvement standards and processes.
 2. The Technical Review Committee shall review all Final Plat approval materials submitted in a meeting with the applicant, and shall either approve, table and require modification, or deny the Final Plat application.
 - a. The Technical Review Committee shall approve the Final Plat if all required application materials are provided in a manner consistent with this Ordinance and any other adopted procedures of the County.
 - b. The Technical Review Committee shall table and require modifications of the Final Plat application if additional information is needed or modifications are required for the Final Plat drawing or the accompanying materials to be consistent with the approved Preliminary Plat, Construction Site Plans, and/or the requirements of this Ordinance.
 - c. The Technical Review Committee shall deny the Final Plat if the application materials are inconsistent with the approved Preliminary Plat or Construction Site Plans.
- D. The Zoning Administrator shall sign the Final Plat as an indication of the Technical Review Committee approval. The approval of the Final Plat by the Technical Review Committee shall be certified on behalf of the Zoning Advisory Group by the Chairman and/or Vice Chairman who shall affix their signatures to the Final Plat original and all other relevant documents which also may require such signatures.
- E. If the Committee disapproves the Final Plat, the Zoning Administrator shall make written findings and notify the petitioner in writing, stating the specific reasons for disapproval. Reapplication shall be through the process for original applications described in this section.
- F. Approval of the Final Plat shall be effective for a maximum period of one (1) year from the date of approval unless it is signed and recorded as required by this Ordinance. An extension of time may be approved by the Zoning Advisory Group, upon the request of the petitioner.

4.8 Specifications for Final Plat Documents to be Submitted

- A. All Final Plats shall be prepared at a scale of one inch equals 100 feet. Sheet size shall not exceed 17 inches by 22 inches. If the entire final plat cannot be depicted on one sheet, the plat may be drawn on two or more sheets with an index provided on each sheet. In no event shall the sheet size for a

multiple sheet submittal be less than 8 1/2 by 11 inches. The following information shall be shown:

1. Accurate boundary lines, with dimensions and angles, which provide a survey per state statute in state plane coordinates.
 2. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
 3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 4. Accurate metes and bounds description of the tract boundary.
 5. Source of title of petitioner to the land as shown by the last entry in the books of the County Tax Assessor.
 6. Name of subdivision followed by the words "Final Plat."
 7. Name, address, and phone number of the petitioner.
 8. North point, graphic scale, and date.
 9. Street names.
 10. Complete curve table for all curves included in the plat.
 11. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
 12. Lot numbers and dimensions including the square footage of each lot.
 13. Accurate locations of easements, description of their use, and any limitations on such semi-public or community use.
 14. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
 15. Building lines and setback dimensions throughout the subdivision.
 16. Location, type, material, and size of all monuments and markers.
 17. Listing of rezoning petition identification number, date of rezoning approval, and any conditions placed on the property/ development by the Board of Commissioners.
 18. Construction Plans and specifications for the improvements required by this Ordinance.
 19. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
 20. Certification by a registered land surveyor.
 21. Certification by the petitioner(s) and lien holder(s) (if any) of dedication of streets and other public property, and an agreement executed by the petitioner(s) to make and install all improvements in accordance with the plans and specifications approved by the Board of Commissioners shall accompany the Final Plat.
 22. Certificate of approval by the Zoning Administrator and Zoning Advisory Group.
- B. All Final Plats shall also show any other information or data requested by the Zoning Administrator or Director of Transportation and Development necessary to clarify conditions and terms of plat approval.
- C. Required maintenance bonds and/ or surety shall be posted prior to submission and further approval of all Final Plats.

4.9 Acceptance of Public Improvements

Approval of the Final Plat and certification by the Zoning Advisory Group shall not be deemed as an acceptance of any public improvements by Clayton County. Following the signing of the Final Plat by the Zoning Advisory Group Chairman and/ or Vice Chairman, the Zoning Administrator shall place the application on the agenda of the Board of Commissioners.

- A. The Board shall review the application materials, the Technical Review Committee report prepared by the Zoning Administrator, and the condition of the public improvements and surety. The Board shall consider input from the County Attorney, County Department of Transportation and Development, and any other County Departments responsible for the maintenance of the improvements.
- B. If the conditions of the public improvements and the maintenance bonds and/ or surety are deemed to be acceptable, the Board of Commissioners shall sign the Final Plat, accepting the improvements.

4.10 Recording of Final Plat

- A. It shall be the responsibility of the petitioner to file the approved and signed Final Plat with the Clayton County Clerk of Courts within 15 calendar days of the date of signature by the Board of Commissioners. Simultaneously with the filing of the Final Plat, the petitioner shall record any agreements of dedication together with any other legal documents as shall be required to be recorded by the Board of Commissioners or other applicable governmental agency. The filing and recording of a plat is without legal effect unless signed by the Zoning Advisory Group's Chairman and/ or Vice-Chairman and by the Board of Commissioners.
- B. The applicant shall be required to submit a mylar copy of the recorded final plat to the Zoning Administrator for the records of the Department of Community Development. No Building Permits shall be issued for any lot in the subdivision until such a copy is provided.

4.11 Permit Restrictions

- A. No Building Permit shall be issued by the Department of Community Development for any structure on any subdivision lot prior to addresses being approved, and the installation and completion of all facilities, including grading, as shown on the plans approved by the Board of Commissioners except in the case of an asphalt road surface, sidewalks, and street trees, as specified in Article 6 of this Ordinance.
 - 1. The installation of the final asphalt road surface coat may, subject to the approval of the Department of Transportation and Development, be postponed until the end of the maintenance period.
 - 2. The installation of street trees and sidewalks may be delayed until structures are completed on each lot.
- B. No structure shall receive a Certificate of Occupancy until the required sidewalk and street trees are installed on the lot.
- C. All street trees and sidewalks and the final coat of asphalt shall be installed prior to the release of performance surety and the acceptance of those improvements for maintenance.



Article Five: Surety

5.1 Surety

- A. At the time when the Final Plat approval request is provided to the Zoning Administrator and before the plat is certified by the Chairman and/ or Vice-Chairman of the Zoning Advisory Group, the petitioner shall provide appropriate performance and/or maintenance bonds or irrevocable letters of credit as surety for the public improvements and/ or recreational improvements within the subdivision.
- B. For plats which have been divided into sections for the purpose of a phased development, surety shall only be required to be provided for the public improvements included in the section which is the subject of the Final Plat approval request. This provision shall not be interpreted as relieving the subdivider of surety requirements for public improvements and/ or recreational improvements in previously recorded or future sections, which were/ shall be required at the time of their respective Final Plat approval.
- C. The surety shall be in a format and amount consistent with the requirements of this Article, including the following requirements:
 1. The surety shall be drawn in favor of the Clayton County Board of Commissioners.
 2. The surety shall be in an amount and time period determined by the Zoning Administrator and/ or Director of Transportation and Development, sufficient to adequately maintain completed improvements and to install yet incomplete improvements in compliance with this Ordinance. The petitioner's engineer or contractor shall supply an estimate of the cost of the improvements and their installation to aid the Zoning Administrator and/ or Director of Transportation and Development in the determination of the amount of the bond. The petitioner's estimate, however, shall not be binding. All surety shall be filed in the Department of Community Development, the Department of Transportation and Development and/ or the designated department within Clayton County.
 3. The surety shall specifically list the name of the subdivision and section, if applicable, to which it applies, the date from which it is valid, the time period for which it is valid, the public improvements to which it applies, and whether it is "maintenance" or "performance" surety. The surety shall further 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.
4. Maintenance surety shall be provided in an amount equal to twenty-five (25) percent of the cost of the public improvements and/ or recreational improvements and their installation and shall be provided for a period of twenty-four (24) months from the date the improvements are accepted by the Board of Commissioners, Department of Community Development, Department of Transportation and Development and/ or the designated department within Clayton County.
 5. Performance surety shall be provided in an amount equal to one hundred twenty-five (125) percent of the cost of the yet incomplete public improvements and/ or recreational improvements and their installation and shall be provided for a time period sufficient to ensure the installation for the improvements.
 - a. Performance surety shall be provided for sidewalks, bikepaths, street trees, erosion control, the street surface, and recreational facilities and amenities, which are generally not complete at the time of Final Plat acceptance, subject to the provisions for the installation of such improvements provided by this Ordinance.
 - b. Performance surety shall also be provided for any other public improvements and/ or recreational improvements which are incomplete in total or in part at the time of Final Plat acceptance. The acceptance of performance surety rather than complete improvements in the case of items other than sidewalks, bikepaths, street trees, erosion control, the street surface and recreational facilities and amenities shall be considered by the Board of Commissioners, upon the recommendation of the Zoning Administrator, Director of Transportation and Development, and/ or any other County department or agency based on the following considerations:
 - (1) Whether or not the failure to complete the public improvements was the result of a situation specific to the physical conditions or unique design requirements of the subdivision or a natural event beyond the control of the sub-divider.
 - (2) Whether or not the incomplete improvements would negatively affect public safety, health or welfare.
 - (3) Whether or not the incomplete improvements would negatively affect property values or pose a hazard to adjacent property, or structures to be completed in the development prior to the completion of the improvements.
 - (4) Whether or not the sub-divider is able to complete the public improvements in a satisfactory and timely manner.
 - c. In no case may the initial time period for the performance surety for these improvements exceed twenty-four (24) months. The Board of Commissioners may, upon review and advice of the Zoning Administrator and Director of Transportation and Development, extend the time period allowed for the completion of improvements and the validity of the performance surety.
 6. Either maintenance or performance surety shall be provided for all public improvements, including but not limited to, street compaction, subsurface, base, and surface; sanitary sewers; curbs; gutters; sidewalks; surface swales; subsurface and storm drainage systems; seeding/erosion control; landscaping; and any other public improvements and/ or recreational improvements or amenities required by the Zoning Advisory Group or other appropriate public agency through the Preliminary Plat and Construction Plan review and approval process.
 7. A developer may request permission of the Board of Commissioners to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the 1 inch surface layer of asphalt.

5.2 Release of Performance Surety

- A. Upon completion of the public improvements for which performance surety has been provided, the sub-divider shall make a written request to the Community Development Director and/ or Zoning Administrator for the release of the surety. The request shall include the following:

1. A description of the public improvements which have been completed;
 2. A report from the sub-divider's engineer certifying that the improvements were completed consistent with all applicable requirements and standards; and
 3. Maintenance surety for the public improvements consistent with the requirements of this Article.
- B. The Community Development Director, Zoning Administrator, and County Engineer(s) shall provide appropriate inspections of the public improvements and the matter shall be placed on the agenda for the appropriate meeting of the Board of Commissioners.
- C. Before any performance surety covering a street installation is released, the Community Development Director, Zoning Administrator, County Engineer, or Board of Commissioners may request that core borings of the street be done at the sub-divider's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis.
- D. If the Community Development Director, Zoning Administrator and County Engineer(s) report that the public improvements were completed consistent with all applicable standards and appropriate maintenance surety is provided, the Community Development Department shall release the performance surety and accept the public improvements.
- E. If the Community Development Director, Zoning Administrator and County Engineer(s) report that the public improvements have not been completed in a satisfactory manner then the Community Development Department may deny the request for the release of the performance surety, providing a written statement of denial to the sub-divider which includes a detailed list of required corrections. The petitioner shall make the required corrections and reapply for the release of the surety.
- F. In reviewing requests for the release of performance surety, Community Development Director, Zoning Administrator and County Engineer(s) shall consider the following:
1. Whether or not the improvements were completed in a manner consistent with the approved Preliminary Plat, approved Construction Plans, and all applicable standards and requirements;
 2. Whether or not the report provided by the sub-divider's engineer is complete and satisfactory; and
 3. Whether or not the public improvements are in good condition and appropriate for use by the public.
 - a. All streets and sidewalks shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
 - b. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
 - c. All erosion control measures shall be consistent with applicable standards for the limiting of erosion and sedimentation.
 - d. The areas adjacent to all sidewalks shall be graded and seeded.
 - e. All street trees shall be healthy and the planting area shall be graded.
- G. In any case where the required public improvements have not been completed 2 months prior to the date the performance surety will expire and the Community Development Department and the sub-divider are unable to reach agreement on an extension of the time frame for the surety and the completion of the public improvements, the County Department may declare the surety to be in default. The required public improvements may then be installed by the County, using the funds from the surety.

5.3 Release of Maintenance Surety

- A. The sub-divider shall be required to ensure that the public improvements and/ or recreational improvements covered by the maintenance surety remain free of construction related defects for the term of the surety.
1. The public improvements and/ or recreational improvements shall be subject to periodic inspection by the County. Written notice shall be provided to the sub-divider of any defects that are detected and any corrections that are required. The sub-divider shall make the necessary corrections consistent with all applicable construction requirements.
 2. The County may require, upon review and advice of the Zoning Administrator and/ or Director of Transportation and Development, that additional maintenance surety be provided for the

- portion of the public improvement and/ or recreational improvements which was subject to repair for a time period of twenty-four (24) months from the date the repair was completed.
- B. Two months prior to the expiration of the surety, the sub-divider shall make a written request to the appropriate County Department for the release of the surety on the expiration date. The request shall include the following:
 1. A description of the public improvements and/ or recreational improvements to which the surety applies; and
 2. A report from the sub-divider's engineer certifying that the improvements remain free of construction related defects.
 - C. The Zoning Administrator and/ or Director of Transportation and Development, or their designees shall provide appropriate inspections of the public improvements and/ or recreational improvements and the matter shall be placed on the agenda for the appropriate meeting of the Board of Commissioners.
 - D. If the Community Development Director, Zoning Administrator and County Engineer(s) report that the public improvements are in satisfactory condition and free of construction related defects, the Board of Commissioners shall release the maintenance surety and assume complete responsibility for the upkeep of the improvements.
 - E. If the Zoning Administrator and/ or Director of Transportation and Development report that the public improvements and/ or recreational improvements are not in satisfactory condition and do contain unresolved construction related defects then the Board of Commissioners may deny the request for the release of the maintenance surety, providing a written statement of denial to the sub-divider which includes a detailed list of required corrections. The petitioner shall make the required corrections and reapply for the release of the surety.
 1. Subject to the approval of the Board of Commissioners, the sub-divider may provide a performance surety for any portion of the public improvements and/ or recreational improvements to be corrected in lieu of the completion of the correction in order to obtain the release of the maintenance surety.
 2. Generally, the use of performance surety in this manner shall be limited to instances when weather conditions or other features unique to the subdivision or nature of the public improvements and/ or recreational improvements prevent the timely completion of the required corrections. In no case may the time period provided for the completion of the corrections and the performance surety be more than 1 year from the date of the Board of Commissioners meeting at which notice of the required corrections is provided to the sub-divider.
 - D. In reviewing requests for the release of maintenance surety, the Zoning Administrator, Director of Transportation and Development, and Board of Commissioners shall consider the following:
 1. Whether or not the improvements are free of construction related defects;
 2. Whether or not the report provided by the sub-divider's engineer is complete and satisfactory;
 3. Whether or not the public improvements and/ or recreational improvements are in good condition and appropriate for use by the public.
 - a. All streets and sidewalks shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
 - b. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
 - c. All erosion control measures shall be effective consistent with applicable standards for the limiting of erosion and sedimentation.
 - d. The areas adjacent to all sidewalks and or bikepaths shall be graded and seeded.
 - e. All street trees shall be healthy and exhibiting a normal growth pattern.
 - f. All recreational facilities and amenities are properly installed.
 - G. In any case where the public improvements and/ or recreational improvements are not deemed to be free of construction defects and otherwise in satisfactory condition 2 months prior to the date the maintenance surety will expire, and the Board of Commissioners and the sub-divider are unable to reach agreement on an extension of the time frame for the surety and the correction of the public improvements and/ or recreational improvements, the Board of Commissioners may declare the surety to be in default. The required corrections to the public improvements and/ or recreational

improvements may then be made by the County, using the funds from the surety.

5.4 Homeowners Association

- A. The developer will enact a Homeowners Association. The developer or its representative will serve as executive director of the association until fifty (50) percent of the lots have received a Certificate of Occupancy or until the association has the capacity to adequately manage the association and fund all of its maintenance and insurance obligations. This is to provide stability to the enactment and enforcement of community covenants within the development.
- B. If for any reason a homeowners association becomes nonexistent, the developer shall again establish a new homeowners association and shall again serve as its executive director until the association has been successfully in operation for one (1) full year.
- C. Homeowner association dues shall be collected regardless of the status of the association. These dues will be used for maintaining the common areas of the subdivision or PUD.
- D. The homeowner association shall register with the Department of Community Development and provide a copy of the covenants and restrictions for the association for record keeping purposes.
- E. At the time when the Final Plat approval request is provided to the Zoning Administrator and before the plat is certified by the Chairman and/ or Vice-Chairman of the Zoning Advisory Group, the developer shall provide a three (3) year performance and/or maintenance bonds or irrevocable letters of credit as surety for the maintenance and up-keep of the amenities and property to be served by the Homeowners Association.

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SDC Standards of Design & Construction

Article Six: Standards of Design and Construction

6.1 Purpose and Use

- A. The following pages state the design standards for all subdivisions. Each section is broken down into specific categories. These categories include:
- 6.1 Purpose and Intent
 - 6.2 General Standards
 - 6.3 Lot Standards
 - 6.4 Block Standards
 - 6.5 Street Location and Arrangement Standards
 - 6.6 Street Geometric Standards
 - 6.7 Cul-de-sac Standards
 - 6.8 Curb & Gutter Standards
 - 6.9 Sidewalk Standards
 - 6.10 Street Lighting Standards
 - 6.11 Subdivision and Street Name Standards
 - 6.12 Addressing Standards
 - 6.13 Easement Standards
 - 6.14 Public Sites and Open Space Standards
 - 6.15 Street Tree Standards
 - 6.16 Sanitary Sewer Standards
 - 6.17 Water Supply Standards
 - 6.18 Private Utility Standards
 - 6.19 Environmental Standards
 - 6.20 General Drainage Standards
 - 6.21 Flood Hazard Area Standards
 - 6.22 Monuments and Marker Standards
 - 6.23 Installation and Enforcement
 - 6.24 Completeness Prior to Final Plat
 - 6.25 Maintenance
- B. The purpose of these regulations is to:
1. Promote the proper arrangement of roads,
 2. Prevent congestion of streets and promote traffic safety,

3. Secure adequate public spaces,
4. Insure proper densities of population,
5. Provide adequate utilities and public improvements,
6. Insure the accurate survey and proper preparation of plats, and
7. Protect the health, safety, and general welfare of the people.

6.2 General Standards

- A. No land shall be subdivided for any use if the land is considered by Clayton County to be unsuitable for such use by reason of known flooding problems, objectionable earth or rock formations, topography or other features harmful to the health, safety and welfare of future residents or visitors and by the community as a whole.
- B. The Department of Community Development, Board of Health, and/ or Water Authority may require either a general or operational soil survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics.
- C. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:
 1. The local zoning ordinance, building and housing codes, and all other applicable laws of Clayton County and the statutory provisions of the State of Georgia.
 2. The current Comprehensive Plan and Thoroughfare Plan as adopted by the Board of Commissioners.
 3. The rules and regulations of the Georgia Department of Community Affairs, the Georgia Department of Natural Resources, the Clayton County Water Authority, the Clayton County Board of Health, and other appropriate agencies.
 4. The rules, regulations and standards of the Clayton County Department of Transportation and/ or the Georgia Department of Transportation (if the subdivision or any lot contained therein abuts a state highway).
 5. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control codes, and other applicable guides published or adopted by Clayton County.
 6. The Federal “Manual of Uniform Traffic Control Devices” for placement and installation of traffic control devices.
 7. Whenever access to the subdivision is required across land in another governmental jurisdiction, the Department of Community Development may request assurance from the County Attorney that access is legally established, and from the Director of the Department of Transportation and Development that the access road is adequately improved, or that an improvement guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross governmental boundary lines.

6.3 Lot Standards

- A. All lot sizes, setbacks, widths, width to depth ratios, and other dimensions shall comply with the minimum standards provided by the Clayton County Zoning Ordinance.
 1. When not served by public water and sewer, the lot sizes and other dimensions shall also conform with any additional requirements for the adequate provision of sewage treatment and water supply as determined by the Clayton County Board of Health.
 2. In cases where the provisions of the Zoning Ordinance and requirements of the Board of Health are in conflict, the more restrictive shall apply.
- B. The minimum lot frontage of a lot located on a cul-de-sac may be reduced by 70 percent. However, the minimum lot width must be met in accordance with Article 3 of the Zoning Ordinance.
- C. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots, such as flag lots shall be avoided.
- D. The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to the

street and block design and to existing and proposed topographical conditions.

- E. Each lot shall have a minimum rear yard property line width equal to 50 percent of the minimum required lot frontage as identified within Article 3 of the Zoning Ordinance.
- F. Every lot shall abut on a public and/ or private street consistent with the requirements of this Ordinance and the Clayton County Zoning Ordinance.
- G. Double Frontage lots (also known as through lots, shown below) shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

1. For all through lots, a landscaped common area shall be provided between the rear yard of the lots and the right-of-way of the adjacent street.

2. The landscaped area shall be a minimum of 15 feet in width and meet the following requirements:

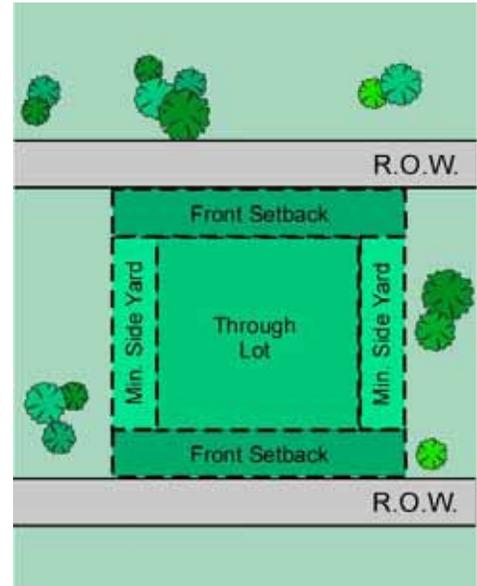
1. A row of deciduous canopy trees shall be planted parallel to the adjacent street, within the common area with trees placed an average of 20 feet apart. The trees shall measure 2 1/2 inches in diameter at nursery height (6 inches above the root ball) at the time of planting.

2. A 6 feet tall opaque wooden fence or brick or stone wall, a 4 feet tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed within the landscaped common area between the deciduous trees and the rear yard of the lots.

(1) If an undulating mound is used to fulfill the requirements, 1 shrub for every 10 feet of continuous boundary shall be planted on the mound. All required shrubs shall measure 18 inches in height measured from grade at the time of planting.

(2) If a row of evergreen trees is used to meet the requirements, 1 tree shall be placed every 10 feet long the common area. Evergreens shall measure 6 feet in height at the time of planting.

- F. Corner lots shall be required to provide front yard setbacks on both frontages, and shall be designed with adequate size and width to accommodate the required setbacks and adequate buildable area.
- G. Lots shall be numbered consecutively throughout the entire subdivision and shall be consistent with any phasing that may be planned for the development.
- H. Lots abutting a watercourse, drainage way, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate lot and afford the minimum usable area required by the Zoning Ordinance from front, rear, and side yards.
- I. Direct vehicular access from lots to arterial streets shall be prohibited. Lots in all developments shall generally be designed so as to prevent vehicles from having to back into any collector Street. All nonresidential lots (including multifamily residential lots) shall generally be designed so as to prevent vehicles from having to back into any public street.
- J. No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste materials of any kind shall be buried in any right-of-way easement or under any proposed structures.



6.4 Block Standards

- A. Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted where reverse or double frontage lots are used in blocks adjacent to arterial or collector streets, watercourses, or industrial or commercial areas.
- B. Block length, width, and acreage within bounding streets shall be such as to accommodate the size of lot required by the Zoning Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic.
- C. Blocks shall not exceed 800 feet in length, nor be less than 300 feet in length. In the case of a block

exceeding 400 feet in length, a pedestrian sidewalk a minimum of 5 feet in width shall be provided within an easement not less than 10 feet in the width near the center and entirely across the block to provide circulation or access to schools, playgrounds, common open space, shopping centers, transportation and other community facilities.

1. The sidewalk shall be constructed consistent with the sidewalk construction standards provided in Article 6.9 of this Ordinance.
2. An association of lot owners in the subdivision shall be responsible for the maintenance of the sidewalk and easement.

6.5 Street Location and Arrangement Standards

- A. **General Requirements:** The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and the proposed uses of the land to be served by such streets.
 1. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
 2. The street layout shall provide adequate vehicular access to all lots and parcels of land within the subdivision.
- B. **Design Considerations:** In designing and approving subdivision streets, the following factors shall receive consideration:
 1. Accessibility for emergency vehicles and school buses;
 2. Safety for both vehicular and pedestrian traffic;
 3. Efficiency of service for all users;
 4. Connectivity between subdivisions and the development of complete communities;
 5. Liabilities or amenities as affected by traffic elements in the circulation system; and
 6. Economy of both construction and use of land.
- C. **Street Arrangement:** The arrangement of streets in all subdivisions shall promote the continuation of existing streets, proposed future streets, and streets to be provided as a result of the subdivision construction.
 1. **Continuation of Existing and Proposed Streets:** The arrangement of streets in all subdivisions shall provide for the continuation and projection of existing and proposed streets on immediately adjacent properties and in surrounding areas generally, or conform to a street plan of the general area approved and adopted by the Board of Commissioners.
 2. **Continuation of Subdivision Streets:** Right-of-way of proposed streets shall be extended to the boundary lines of the proposed subdivision so that either (1) at least one connection may be made to each adjacent undeveloped property, or (2) at least one connection may be made for every 1,600 feet of property line shared between the subdivision and adjacent undeveloped property. In cases where these provisions are in conflict, that which provides the most points of connectivity shall apply.
 - a. The Zoning Advisory Group may waive this requirement in cases where the Department of Community Development and the Department of Transportation and Development deems that any such extension is not feasible due to topography or other physical conditions, or the extension is not necessary or desirable for the coordination of existing and future streets or not appropriate for the development of adjacent property consistent with the Comprehensive Plan.
 - b. No subdivision shall be designed so as to create or perpetuate the land-locking of any adjacent undeveloped tract.
 3. **Temporary Dead-End Streets:** A temporary dead-end street shall be permitted in any case in which a street is designed to be extended to adjacent properties in the future.
 - a. Any dead end street which extends more than 300 feet in length shall be provided with a temporary cul-de-sac or other turn-around consistent with the requirements of the County Department of Transportation and Development.
 - b. Any temporary turn-around shall be included in a roadway easement which shall be vacated to the property owners at the time the street is extended or the Board of Commissioners, upon recommendation of the Department of Transportation and Development, Fire Department, and/

or the Department of Development Department, determines that the turn-around is no longer needed.

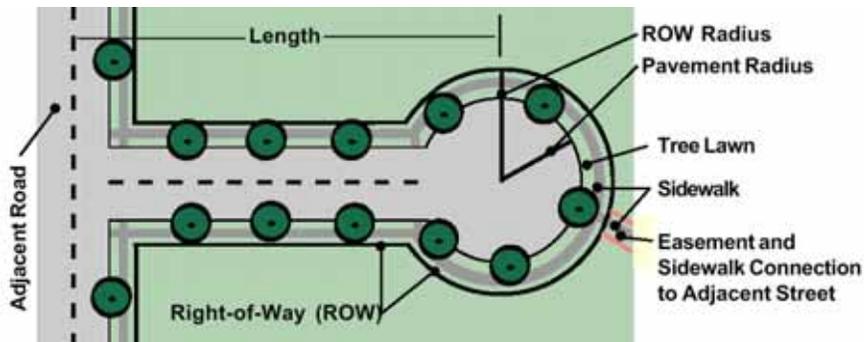
- c. All temporary dead end streets shall be provided with street signage that indicates the road as being a “dead end” and “Future Planned Roadway Connection” per the direction of the Department of Transportation and Development. The sub-divider shall assume all costs of the installation of the signs.
- D. **Service Road Requirements:** Where a subdivision borders on, or contains an existing or proposed interstate or other limited access highway or a railroad right-of-way, the Department of Transportation and Development may require a street approximately parallel to, and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land (such as for park purposes in residential districts).
1. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
 2. The Community Development Department, Department of Transportation, and/ or Fire Department may require that the intervening land strips be dedicated to the County or to a lot owners association for the subdivision in which it is located. The land strip shall be maintained by the involved government unit or lot owners association from the date of any such dedication.
- E. **Half-Streets:** Half-streets shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.
- F. **Improvement of Existing Streets:** Whenever a proposed subdivision borders or includes an existing street, the Department of Community Development and Department of Transportation and Development may require, as a condition of plat approval, the reconstruction or widening of such street, the provision of sidewalks, and any other improvement consistent with the requirements of this Ordinance for new streets developed as a part of the subdivision.
1. Additional dedication of right-of-way may be required consistent with the adopted policies of Clayton County.
 2. Except for situations where a passing blister is required at the entrance to a subdivision, this provision shall not be interpreted as requiring the acquisition and dedication of right-of-way or the completion of improvements extending onto property on the opposite side of a street adjacent to the subdivision, where such property is not included in the street right-of-way and not owned or otherwise controlled by the sub-divider.
- G. **Access Requirements:** Subdivisions of 40 lots or less shall be limited to one point of access onto any arterial or collector road. For subdivisions of greater than 40 lots, two or more streets, driveways, or points of vehicle access may be approved or required by the Zoning Advisory Group and/ or Technical Review Committee if such accesses are determined by the Department of Community Development and Department of Transportation and Development to be required for safe and efficient traffic circulation or the continuation of existing streets.
- H. **Private Streets:** Private streets shall be prohibited.
1. When there is a situation of unusual physical conditions or a controlled design environment in evidence, and it can be satisfactorily demonstrated to the Department of Community Development, the Department of Transportation and Development, and the Fire Department that a waiver of the public street requirement, and the provision of a private street, is the only feasible solution, said private street may be permitted and shall be equal in all aspects of construction to like-classified public streets, including pavement section and width.
 - a. A road way easement shall be provided which equates the right-of way requirements for like classified public streets.
 - b. Required setbacks from the private street roadway easements shall be equal to those which are required from the rights-of-way of like-classified public streets.
 - c. Street lights, curbs and gutters, and sidewalks shall be provided for all private streets consistent with the requirements for like-classified public streets.
 - d. Adequate covenant provisions shall be made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to any current or future governing jurisdiction.

6.6 Street Geometric Standards

- A. **General Requirements:** The classification of all streets shall be defined by the Comprehensive Transportation Plan. The Clayton County Department of Transportation shall assign a classification, based on the provisions of the Comprehensive Transportation Plan, to all proposed streets at the time of Preliminary Plat review and approval. All street standards shall be in compliance with the Department of Transportation's Land Disturbance and Right-of-Way Construction Guidelines.

6.7 Cul-de-sac Standards

- A. **General Requirements:** Cul-de-sacs may be permitted by the Department of Community Development and Department of Transportation and Development only in locations where either of the following conditions exist:
1. The construction of a through street is not possible due to the presence of natural barriers, or
 2. The construction of a through street is not possible due to the presence of an adjacent development which provides no opportunities for connecting any through street.
- B. All cul-de-sacs shall meet the following design requirements:
1. The maximum length of all cul-de-sacs shall be 300 feet, measured along the centerline from its intersection with the centerline of another street to the center of the turn-around right-of-way.
 2. The minimum pavement radius of all cul-de-sacs shall be 60 feet.
 3. The minimum right-of-way radius of all cul-de-sacs shall be 75 feet. Sufficient right-of-way shall be provided to allow a minimum of 12 feet of right-of-way between all sides of the cul-de-sac turn-around pavement and adjacent properties.
 4. The intersection of the cul-de-sac street segment and cul-de-sac turn around shall be rounded by a radii of at least 30 feet.
 5. A sidewalk 5 feet in width shall be provided around the entire turn-around of the cul-de-sac. A 6 feet wide tree lawn shall be provided between the back of curb of the cul-de-sac pavement and the sidewalk.
 6. In no case may an arterial or collector road terminate in a cul-de-sac.
 7. A sidewalk shall be provided between two lots located on the turn-around of the cul-de-sac connecting the sidewalks adjacent to the turn-around with those on adjacent streets and/or within adjacent developments.



- a. The sidewalk shall be a minimum of 5 feet in width and shall be located in an access easement which is a minimum of ten (10) feet in width.
- b. The sidewalks shall be constructed consistent with the sidewalk construction standards provided in Article 6.9 of this Ordinance.
- c. An association of lot owners in the subdivision shall be responsible for the maintenance of the sidewalk and easement.

6.8 Curb & Gutter Standards

- A. **General Requirements:** All subdivisions shall have curb and gutter except those developed in the AG and ER zoning districts. The design and construction of curb and gutter shall follow the minimum specifications as described by the Department of Transportation's Land Disturbance and Right-of-

Way Construction Guidelines.

6.9 Sidewalk Standards

- A. **General Requirements:** Sidewalks shall be provided on all roads and shall meet the following design standards.
 1. Sidewalks shall be provided on both sides of the road, including completely encircling the turnaround of any cul-de-sac.
 2. All sidewalks shall measure a distance of 5 feet in width along all roads in residentially zoned or used areas, except for the Agricultural zoning district, and 6 feet in width in all commercial, industrial, and mixed use development areas as defined within the Department of Transportation's Guidelines.
 3. Sidewalks shall be constructed in accordance with the Georgia Department of Transportation's Guidelines and the Department of Transportation's Land Disturbance and Right-of-Way Construction Guidelines.
- B. Asphalt pedestrian paths, rather than concrete sidewalks are permitted when they are a part of a trail system linking common open spaces, public spaces, or natural features. All asphalt paths must be a minimum of 8 feet wide and meet the thickness and base requirements of Clayton County.
- C. When sidewalks or pathways cross roads within or adjacent to the subdivision, safety devices such as painted crosswalks, alternative pavement types, signs, or traffic signals should be installed.
- D. Easements of at least 10 feet in width shall be provided for sidewalks or pedestrian paths which are not completely included in public right-of-way adjacent to a road. Pedestrian paths and sidewalks which link common areas, public sites, or natural features as part of the subdivision's open space design shall be included in the subdivision's common area, and may not be located within an easement on private property.

6.10 Street Lighting Standards

- A. Street lights shall be provided by the sub-divider within and adjacent to the subdivision and where necessary to provide continuous lighting on all subdivision streets.
- B. The specific locations of the street lighting shall be determined by the Department of Transportation and Development based on the lighting options made available by the appropriate local electric company.
- C. A completed street light petition is to be submitted to the Street Light Coordinator for processing and all fees must be paid by the sub-divider to the appropriate utility company.
- D. Street lights shall be located in the right-of-way, adjacent to the road. The light fixtures shall be located in the planting strip which separates the road pavement from the sidewalk.
- E. All costs related to the installation of the street lighting shall be the responsibility of the sub-divider. All costs relating to the use and maintenance of the street lights shall be the responsibility of the lot owners in the subdivision.

6.11 Subdivision and Street Name Standards

- A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in Clayton County covered by these regulations. The Department of Emergency Management shall have final authority to approve the name of the subdivision which shall be determined at the time of the Preliminary Plat approval.
- B. Street names shall not duplicate any existing name within Clayton County except where a new street is a continuation of an existing street.
 1. Streets which are designed and/or shall function as the extension of an existing street shall be named consistent with the existing street.
 2. The term "court" shall be reserved for cul-de-sac streets. The terms "place" and "circle" shall be reserved for circular streets which intersect with another street at two locations and cannot be divided into more than one street.
 3. Street names that may be spelled different but sound the same as existing streets shall not be

- used.
4. All street names and addresses are subject to review and approval by the Department of Emergency Management for consistency with the County 911 emergency phone system.
 5. The Board of Commissioners shall have final authority to name all streets at the time of acceptance of public improvements.

6.12 Addressing Standards

Address numbers for dwelling units and places of business on all public streets and address numbers and/or building numbers for dwelling units and places of business within apartments/ condominiums and nonresidential developments located on private streets shall be assigned by the Department of Emergency Management in accordance with its administrative procedures.

- A. **Required:** Every dwelling unit, place of business or other building having a street address to it under the system of numbering in the unincorporated County shall display such address number, visible for a distance of 150 feet, in a readily visible manner consistent with the requirements of this division. Mobile home parks and apartment complexes shall also be required to have each individual pad, lot number or apartment number displayed in a readily visible manner consistent with the requirements of this division. Such lot, pad or apartment numbers shall be in sequence unless directional signs are provided for numbers not in sequence.
- B. **Residential specifications:** The address of the residential dwelling unit shall be in figures of at least three inches high on a contrasting background of a material that will allow 24-hour visibility if placed within 15 feet of the back of the street curbing or edge of the street surface. If the address is placed beyond the 15-feet limit, the figures shall be at least 6 inches in height. In no event shall the address be placed beyond 50 feet of the back of the street curbing or edge of the street surface.
- C. **Numbering:** All street numbering will be assigned in such a manner that, when traveling from the lower numbers to the higher numbers, the odd numbers will be to the right and the even numbers to the left.
- D. **Specifics:** Any street which crosses the zero base line, as designated on the official base map, and is numbered using the east-west grid numbering and further causes any range of numbers to be duplicated on both sides (east and west) of the zero base line shall have the metro area quadrant designation added as part of the legally accepted street name. That section east of the zero base line will be designated "southeast" (SE) and that portion west of the zero base line will be designated "southwest" (SW). This designation will be effective for the entire portion of the street within the boundaries of the County, including the incorporated areas.
- C. **E9-1-1:** Any site where a telephone line (circuit) with dial tone exists, regardless of the terminating equipment, shall be assigned a street address for E9-1-1 purposes.
- D. **Exceptions:** Any site utility services which are normally unmanned, but have been assigned a street number for E9-1-1 purposes, are exempt from any required posting (display) of such an address. Such site would be traffic-control points, water and radio tower sites, utility power substations, etc.

6.13 Easement Standards

- A. **General Requirements:** Adequate areas of suitable size and location shall be provided as utility easements for the conveyance of utility systems to, and within the subdivision. Generally, easements shall be provided in the following manner:
 1. Easements for telephone, cable television, electricity transmission, data networks, and natural gas shall be provided in the front yard adjacent to the right-of-way of the public road.
 2. The provision of water supply service shall be provided in the right-of-way or in easements as determined by the Clayton County Water Authority.
 3. The provision of sanitary sewer service shall be provided in the right-of-way or in easements as determined by the Clayton County Water Authority.
- B. Drainage easements shall be a minimum of 20 feet in width, with 1/2 the width of the easement taken from each lot. In the case of lots extending to the boundary of the lands platted, and not adjoining another plat, and front yard drainage easements, the full width of the easement shall be provided on such lots. Drainage easements shall:

1. Provide continuity from block to block,
 2. Be located along rear, side, or front lot lines as necessary, and
 3. Generally be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
- C. Easements to permit access for maintenance shall be provided on the Preliminary Plat, Construction Plans, and Final Plat.
- D. The location of all easements shall be reviewed by the County and/or its representatives along with the local utility companies through the Technical Review Committee process.
- E. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the sub-divider and indicated on all required plat drawings.

6.14 Public Sites and Open Space Standards

- A. **General Requirements:** In all subdivisions that include 20 or more acres, the sub-divider shall be required to plat a minimum of 500 square feet of open space for each dwelling unit. The minimum amount of open space provided shall be 1 acre. For the purposes of this calculation, a dwelling unit shall be defined as a single-family home, condominium, or apartment/rental unit.
1. Easements, crosswalks, and road frontage to provide public access to the common open space shall be shown on all required subdivision plat drawings.
 2. Roadways and rights-of-way cannot be considered open space.
 3. All open space shall be usable spaces for normal recreation.
 4. Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space.
 5. Common open areas for recreational use may not include floodplains, detention ponds or other portions of the development which are un-developable. Common open spaces may be located adjacent to such natural features when they are present in, or adjacent to, the development.
 6. Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision and should be incorporated into designated open space.
 7. Common open spaces within each development shall be linked with each other and with existing and future open spaces in adjacent developments through the required sidewalk system or through the use of pedestrian paths.
 - a. All common open spaces shall have at least 10 feet of frontage on a public street which includes sidewalks, and be linked to that sidewalk system by either a sidewalk or pedestrian path
 - b. All required common open spaces shall be owned and maintained by the leasing company for tenant-occupied developments and a lot owners association for developments with individually owned dwelling units. In no case may an access easement be substituted for a required common open space.
 8. Access to common areas shall be a minimum of 10 feet wide, and include a minimum of a 5 feet wide concrete sidewalk or 8 feet wide asphalt trail, to permit access from natural site features such as floodplains, detention ponds, and historic sites to public streets having sidewalks.
 9. Access easements shall be provided for any private sidewalks providing access to the common open space for persons outside the development.
 10. All common open spaces shall be maintained for the enjoyment of the residents of the development and shall be free of weeds and other noxious vegetation.
- B. **Ownership Requirements:** The sub-divider shall reserve the open space acreage for common use of residents and visitors to the subdivision. The land shall be deeded by the sub-divider to a duly organized lot owners association within the subdivision.

6.15 Street Tree Standards

- A. **General Requirements:** All subdivisions shall be required to provide street trees along all streets within and adjacent to the subdivision.
1. Street trees shall be planted on adjacent private properties or as permitted by the Department of Transportation and Development. The location shall not present a hazard for underground or overhead utilities or public safety.
 2. Existing trees on property located in the right-of-way of a public street may be considered as meeting the street tree requirement if such trees are in good health and are protected during the construction process.
 - a. The Department of Community Development shall determine whether or not existing trees may be used to satisfy the street tree requirement at the time of Preliminary Plat review.
 - b. The Zoning Administrator or his/ her designee may require the provision of maintenance bonds consistent with Article 5 of this Ordinance for any existing trees preserved for use as street trees.
- B. **Planting Requirements:** One street tree shall be planted for every 40 feet of street frontage. Trees may be evenly spaced or grouped together. Street trees shall also meet the following requirements:
1. All street trees shall be a minimum of 2 1/2 inch caliper as measured consistent with the American Nursery Standards Institute (ANSI), 6 inches from the top of the root ball, at the time of planting.
 2. No tree may be planted so that its center is closer than 2 feet or located outside of the clear zones, which ever is greater, to a sidewalk or curb, or edge of pavement if no curbs are present.
 3. No tree shall be planted within 25 feet of the intersection of two street rights-of-way, within 10 feet of the intersection of a street and an entrance driveway, or within the Sight Visibility Standards established by Article 6.27 of the Clayton County Zoning Ordinance.
 4. No tree shall be planted within 10 feet of any fire hydrant or 2 lateral feet of any underground utility service.
 5. Street trees shall be of one or more of the species described in the following table:

Approved Street Trees		
Common Name		Scientific Name
Ash		
	<i>Green Ash</i>	Fraxinus Pennsylvanica
	<i>White Ash</i>	Fraxinus Americana
Ginko		
	<i>Fairmount Ginko</i>	Ginko Biloba "Fairmount"
	<i>Sentry Ginko</i>	Ginko Biloba "Sentry"
	<i>Upright Ginko</i>	Ginko Biloba "Upright"
Honeylocust		
	<i>Majestic Honeylocust</i>	Gleditzia Triacanthos Inermis "Majestic"
	<i>Moriane Honeylocust</i>	Gleditzia Triacanthos Inermis "Moriane"
	<i>Shedemaster Honeylocust</i>	Gleditzia Triacanthos Inermis "Shedmaster"
	<i>Skyline Honeylocust</i>	Gleditzia Triacanthos Inermis "Skyline"
	<i>Sunburst Honeylocust</i>	Gleditzia Triacanthos Inermis "Sunburst"
Hornbeam		
	<i>American Hornbeam</i>	Carpinus Caroliniana
	<i>Upright European Hornbeam</i>	Carpinus Betulas "Fastigiata"
Maple		
	<i>Sugar Maple</i>	Acer Sacchrum
	<i>Armstrong Red Maple</i>	Acer Rubrum "Autumn Flame"
	<i>Red Sunset Red Maple</i>	Acer Rubrum "Red Sunset"
	<i>Tilford Red Maple</i>	Acer Rubrum "Tilford"
	<i>Cleveland Norway Maple</i>	Acer Plantanoides "Cleveland"
	<i>Columbus Norway Maple</i>	Acer Plantanoides "Columnar"
	<i>Crimson King Norway Maple</i>	Acer Plantanoides "Crimson King"
	<i>Royal Red Norway Maple</i>	Acer Plantanoides "Royal Red"
	<i>Summershade Norway Maple</i>	Acer Plantanoides "Summershade"
Oak		
	<i>Basket Oak</i>	Quercus Michauxis
	<i>Single Oak</i>	Quercus Inbricaria
	<i>Red Oak</i>	Quercus Borealls
	<i>Willow Oak</i>	Quercus Phelios
	<i>Bur Oak</i>	Quercus Mascocarpa
	<i>Chinkapin Oak</i>	Quercus MuehlenberGii
Birch		
	<i>River Birch</i>	Betula Nigra

6.16 Sanitary Sewer Standards

Sanitary sewer standards shall conform to the requirements of the Clayton County Water Authority, and shall meet the specifications of the Clayton County Water Authority Development Guidelines.

A. **General Requirements:** The appropriate sanitary sewer system shall be designed and installed by the sub-divider and dedicated to the appropriate sanitary sewer provider.

1. The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as shall be required by the sanitary sewer service provider.
2. Sewer mains, transmission lines and structures, with the exception of any above ground structures

such as lift stations or pumps, shall generally be located underground in the right-of-way provided along public streets. In all instances, the required drawings of these transmission lines shall be shown with the locations of any required street trees.

- B. Septic Tanks:** When, in the opinion of the appropriate sanitary sewer provider, a public sanitary sewer is not accessible, the septic tank method of disposal may be used in compliance with the standards of the County Board of Health; however, when septic tanks are utilized, a minimum of 25,000 square feet of usable lot area shall be required. In the event the building lot meets a minimum of 25,000 square feet in lot area and meets all other criteria of the County Board of Health and Department of Community Development, septic tanks may be approved.

6.17 Water Supply Standards

Water supply standards shall conform to the requirements of the Clayton County Water Authority, and shall meet the specifications of the Clayton County Water Authority Development Guidelines.

- A. General Requirements:** The appropriate public water supply system shall be designed and installed by the sub-divider and dedicated to the appropriate water utility.
1. The water system shall include all necessary supplemental equipment and machinery including but not limited to all pipes, fire hydrants, and valves.
 2. The installation of the water supply system shall be done in accordance with the plans, profiles and specifications prepared by a registered professional engineer and shall be approved by the Water Authority or other appropriate water provider.

6.18 Private Utility Standards

- A. General Requirements:** All utility transmission lines providing service to the subdivision, including electrical power, gas, telephone, cable television, data transmission, sewer, and water shall be located underground throughout the subdivision. The location of utility lines shall be shown on the Preliminary Plat and on the Construction Plans.
- B. Design Requirements:** Service lines for electrical power, natural gas, telephone, cable television, and data transmission utilities shall generally be located in the front yard of lots, included in easements as specified by this Article.

6.19 Environmental Standards

Environmental standards shall conform to the requirements of the Soil and Erosion Conservation Greenbook, as administered by the Environmental Protection Agency.

- A. General Requirements:** The following measures to minimize erosion and sedimentation shall be included where applicable in the overall development plan:
1. Existing features which would add value to residential, commercial, natural, or man-made assets such as trees or other vegetation, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.
 2. Stripping of vegetation, re-grading, or other development shall be done in such a way that will minimize erosion.
 3. The disturbed area and the duration of exposure shall be kept to a practical minimum.
 4. Temporary vegetation and mulching shall be used to protect environmentally sensitive areas during development.
 5. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
 6. Development plans shall keep cut/fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
 7. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
 8. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of

debris basins, sediment basins, silt traps, or similar measures.

- B. **Maintenance Requirements:** Design and construction of the erosion control system shall be such that it will be durable and easy to maintain, meeting the requirements of the Department of Transportation and Development.

6.20 General Drainage Standards

Drainage controls shall conform to the requirements of the Clayton County Water Authority, and shall meet the specifications of the Clayton County Water Authority Stormwater Development Guidelines.

- A. **General Requirements:** A storm drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area that drains into the subdivision.
- B. **Professional Design Requirements:** The plans for the installation of the storm sewer system shall be prepared by a Licensed Professional Engineer as authorized by State Law, and written approval granted by the Clayton County Water Authority.
- C. **Certification:** Certification of all detention/ retention ponds shall be submitted to the Clayton County Water Authority.

6.21 Flood Hazard Area Standards

- A. Site plans, hydrology studies and if required, flood studies for all subdivisions located within the 100-year floodplain shall be forwarded, by the developer, to the Clayton County Water Authority. The following requirements shall be met:
1. It is consistent with the need to minimize flood damages;
 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 3. Adequate drainage is provided so as to reduce exposure to flood hazards;
 4. On site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the flood.
- B. Sub-dividers shall indicate the 100-year flood elevation, the boundaries of the 100-year floodplain, and the boundaries of the 100-year floodway on all subdivision Preliminary and Final Plats containing any lands within a 100-year floodplain.
- C. When a subdivision is located in Zone A (where the base flood elevation is not provided by the Flood Insurance Study) and involves development of more than 50 lots or 5 acres, the sub-divider shall provide the base flood elevation for the creek in Zone A.
- D. Sub-dividers shall provide base flood elevation at every 100 foot interval along a Special Flood Hazard Area and the minimum floor elevation of a building located in and adjacent to the 100-year floodplain.

6.22 Monuments and Marker Standards

- A. Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- B. Permanent concrete markers 30 inches deep with 5/8 inch rebar shall be installed at the perimeter (outside boundary) of the overall subdivision.
- C. Markers consisting of 5/8 inch rebar 8 inches long shall be set in concrete as street control at the following locations:
1. The intersection of all street center lines in the subdivision.
 2. The beginning and ending of all curves in street right-of-way lines and centerline of streets at the beginning and ending of all curves and street intersections.
- D. Markers consisting of rebar at least 30 inches long and not less than 5/8 inch in diameter, shall be placed at the following locations:
1. All angles formed by the intersection of lot lines,
 2. All other lot corners not established by a monument, and

3. All points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined.
4. Centerline of right-of-ways.

6.23 Installation and Inspection

- A. **Clearing and Grubbing:** This activity consists of removal from the right-of-way and proper disposal of all trees, brush, stumps, logs, grass, weeds, roots, decayed vegetable matter, poles, stubs, rubbish, refuse dumps, sawdust piles, and all other objectionable matter resting on or protruding through the original ground surface or appearing or being on the right-of-way at any time before final acceptance of the work, except as provided for elsewhere. This item also includes the removal and proper disposal of any obstructions not to be salvaged, such as fences and incidental structures within the right-of-way which might interfere with construction.
- B. **Street Grading:** All street rights-of-way shall be graded in accordance with the Department of Transportation's Land Disturbance and Right-of-Way Construction Guidelines.
- C. **Drainage:** The County will not be responsible for any drainage outside of the right-of-way or for any drainage leading from drop inlets, catch basins, or surface drainage. The developer will be held responsible for all surface drainage and drainage from drop inlets and catch basins. The County will not be responsible for cleaning any ditches, pipes or channels, or drainage easements on private property.
- D. **Subgrade:** Subgrade preparation shall be inspected and approved by the County before the installation of an acceptable base, and shall be in accordance with the Department of Transportation's Land Disturbance and Right-of-Way Construction Guidelines.
- E. **Curbs and Gutters:** Curbs and gutters shall be installed on all streets, except as specified in the Department of Transportation's Land Disturbance and Right-of-Way Construction Guidelines t, and shall be installed in accordance with those guidelines.
- F. **Water Supply and Sanitary Sewer:** The installation of water mains and sanitary sewer lines shall be accomplished prior to the approval by the County of an acceptable base.
- G. **Base:** Base construction shall be inspected and approved by the County before the placement of an asphaltic pavement and shall be in accordance with the Department of Transportation's Land Disturbance and Right-of-Way Construction Guidelines.
- H. **Street Paving:** Streets shall be paved according to the approved Construction Site Plans and shall be in accordance with the Department of Transportation's Land Disturbance and Right-of-Way Construction Guidelines. Finished grades shall be at levels approved by the Director of Transportation and Development and all utilities shall be installed prior to paving.
- I. **Sidewalks:** All sidewalk grading, forming and paving shall be approved by the Director and in accordance with the Land Disturbance and Right-of-Way Construction Guidelines.
- J. **Detention ponds:** Any water impoundment structure shall be constructed so as to minimize mosquito breeding and other nuisance hazards, and shall be built in accordance with the Department of Transportation and Development's and Clayton County Water Authorities guidelines, and with the written approval of the Clayton County Water Authority.
- K. **Street Trees:** Street trees and other shrubbery that may be retained or planted shall be retained and planted so as not to obstruct required visibility along the street.
- L. **Street Markers:** Standard street markers shall be installed on every street in accordance with the land development guidelines and at the approval of the Director of the Deaprmnt of Transportation and Development.
 - M. **Street Cuts:** All utility Construction Site Plans within County rights-of-way shall be submitted to the County Transportation and Development Department for review and approval prior to the beginning of any construction. Furthermore, any such plans affecting traffic shall be submitted to the right-of-way engineer for the review and approval prior to the beginning of any construction. Safety barriers will be required to be placed and maintained during all periods of such construction. All paving cuts shall meet the Department of Transportation's Land Disturbance and Right-of-Way Construction Guidelines.

- N. **Material and Testing:** All material and methods of construction will be governed by the Georgia Department of Transportation specifications, or at the discretion of the director. At the request of the Director, the developer will furnish material testing reports for any construction material or workmanship that might be in question by the director.
- O. **Inspections:** The Director of the Department of Transportation and Development will be notified for an inspection of each of the following construction phases:
- a. Initiation of clearing and grubbing activities.
 - b. Installation of sediment control.
 - c. Initiation of grading activities.
 - d. Installation of drainage structures.
 - e. Preparation for and the installation of curb and gutter.
 - f. The preparation of subgrade for the approval to apply the appropriate base.
 - g. Preparation of the base for the approval to apply the paving.
 - h. Paving activities.
 - i. Final inspection.

The Director shall be notified at least twenty-four (24) hours in advance for an inspection.

6.24 Completeness Prior to Final Plat

Before the final plat is signed by the Director of Transportation and Development, all applicants shall be required to complete all the street, utility, and other improvements as required in this Article, or provide improvement guarantees for their completion. Every sub-divider, at his own expense, shall be required to install the physical subdivision improvements specified in this Article and shown on the approved Construction Plans.

- A. **Director's Recommendation:** The Director will not recommend acceptance of required improvements nor release an improvement surety until all required improvements have been satisfactorily completed and a right-of-way deed submitted. Upon such approval and recommendation of the Director of Transportation and Development, the County Board of Commissioners shall consider acceptance of the improvements for dedication in accordance with the established procedure.
- B. **Improvement Sureties:** The applicant may provide improvement sureties at the time of application for final plat approval in an amount approved by the Director of Transportation and Development as sufficient to secure to the County Board of Commissioners the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. Improvement sureties may take the form of a bond, a certified check, or a letter of credit from a local lender. Sureties shall be structured to permit periodic demands for payment from the issuer in whole or in part for the entire amount of the credit. Such improvement sureties shall be approved by the Director of Transportation and Development as to the amount and surety. The surety shall be released only after the work has been completed and approved by the Director of Transportation and Development.
- C. **Temporary Improvements:** The applicant shall build and pay for all costs of temporary improvements as may be required, and shall maintain the same for the period specified by the Director of Transportation and Development.
- D. **Costs of Improvements:** All required improvements shall be made by the applicant, at his expense, without reimbursement by the County or by any improvements district therein.
- E. **Acceptance of Dedication Offers:** Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by act of the County Board of Commissioners. The approval by the Zoning Advisory Group or Director of Transportation and Development of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County of any street, easement, or park shown on such plat.

6.25 Maintenance

The developer shall be responsible for the maintenance of the streets, drainage systems, and shoulders within the right-of-way for a period of 24 months from the date of acceptance by the County. All construction items, drainage systems, and erosion control measures will be in place and completed, or

properly guaranteed, before the director recommends approval of the final plat. The final plat will be approved after the surety is accepted. The developer will be responsible for the aforementioned maintenance services on guaranteed sections for a period of 24 months after the completion of the work and the release of the performance surety.