

# CITY OF COMER—SUBDIVISION REGULATIONS

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# CITY OF COMER—SUBDIVISION REGULATIONS

## ARTICLE I. GENERAL PROVISIONS

### 1.1 **SHORT TITLE**

This ordinance shall be known and be cited as the “Subdivision Regulations of the City of Comer, Georgia”.

### 1.2 **PURPOSE AND INTENT**

These regulations are enacted for the following purposes:

1. To encourage economically sound and stable development.
2. To assure the provision of required streets, utilities, and other facilities and services to land development.
3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments.
4. To assure the provision of needed public open spaces and building sites in land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
5. To insure that all development and construction plans will implement proper soil erosion controls.
6. To promote a safe and healthy environment.
7. To assure adequate identification of property on the public records.
8. To encourage, in general, the wise development of the city in accordance with adopted land use policies.

### 1.3 **AUTHORITY AND JURISDICTION**

1. These regulations are adopted in accordance with, and under the power of, the 1983 Constitution of the State of Georgia (Article IX, Section II, Paragraphs I and IV).
2. By the same authority, the Mayor and City Council of Comer, Georgia exercise the power and authority to review and approve or disapprove plats of land subdivided prior to the recording of said plats in the offices of the Clerk of the Superior Court of Madison County, Georgia, within the incorporated section of Comer, Georgia.

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3. By the same authority, the Mayor and Council does hereby possess and exercise the power and authority to review and approve or disapprove the development of a platted subdivision of the land already recorded in the offices of the Clerk of Superior Court of Madison County, if said plat was recorded after April 19, 1988 without prior approval of the Mayor and Council and more than fifty (50%) percent of the platted lots have not been sold to individual owners for the purpose of providing residence for the owner, provided that any review, approval, or disapproval shall concern only the lots yet to be sold to individual owners. Subdivisions which are entirely developed or which received preliminary plat approval prior to adoption of these Regulations shall be permitted to proceed in accordance with the design standards in effect at time of approval of the preliminary plat.

### 1.4 INTERPRETATIONS, CONFLICTS, AND SEVERABILITY

1. Interpretations: In their interpretation and application, the provisions of these regulations shall be held to the minimum requirements for the protection and promotion of the public health, safety, and welfare.
2. Conflict with Public and Private Provisions:
  - A. Public Provisions: These regulations are not intended to interfere with, abrogate, or annul other ordinance rules, or regulations, statutes, or other provisions of law. Where any provision of these regulations impose restrictions different from those imposed by any other ordinance, rule, regulation, or provision of law, the more restrictive shall control.
  - B. These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where these regulations are more restrictive or impose higher standards than a private restriction, the provisions of these regulations shall govern.
3. Separability of Provisions: Should any term, part, provision, section, sub-section, paragraph, sentence, or phrases of this ordinance to be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, section, sub-sections, paragraphs, sentences, or phrases of this Ordinance.
4. Separability: If any portion or provision of this Ordinance is found unconstitutional, such invalidity shall not effect any other portion of this Ordinance.
  - A. Saving Provision: These regulations shall not be construed as abating any subdivision development now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, resulting from such development.

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- B. Repeal of Existing Regulations: Upon the adoption of this Ordinance, the existing Land Subdivision Regulation of Comer, Georgia, as amended are hereby repealed.
- C. Amendments: For the purposes of protecting and providing for the public health, safety, and welfare, the Comer Mayor and Council may from time to time amend the provisions of these subdivision regulations. Before enacting any amendment to this Ordinance, the Mayor and Council shall hold a public hearing within thirty (30) days of the date of the submission of a request for an amendment. A public notice shall be given at least fifteen (15) days prior to the public hearing in the Legal organ of the City.
- D. Re -Subdivision of Land: For any change in a map of an approved or recorded subdivision plat, including variation of, part of, all of any plat, or area reserved thereon for public use, or any lot line, or if it affects any plat legally recorded prior to the adoption of these regulations, such parcel shall be reviewed and approved, or disapproved by the City Council.
- E. Variances:
- i. General: Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve a variance to the subdivision regulations; however, such a variance shall not nullify the intent and purpose of these regulations. The City Council shall not approve a variance unless it shall find that the following conditions are met:
    - a) The granting of the variance shall not be detrimental to the public safety, health, or injurious to adjacent property.
    - b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not generally applicable to adjacent property.
    - c) The variance shall not in any manner vary the provisions of the Zoning Ordinance of the City of Comer, Georgia, Comprehensive Plan, or Official Map, shall any of these exist.
  - ii. Conditions: In approving variances, the City Council may require such conditions as in its judgment, will secure substantially the objectives of the standards or requirements of these regulations.
  - iii. Procedures: A petition for any variance shall be submitted in writing by the petitioner at the time when the preliminary plat is submitted for consideration of the City Council. The petition shall state fully the ground for the request. The granting of any variance shall be made concurrent with the approval of the preliminary plat.

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### 1.5 APPEALS

Appeals from decisions rendered by the City Council shall be filed with the Comer Mayor and Council or designated authority within thirty (30) days of the date of the City Council's decision or the right to appeal is lost.

### 1.6 ENFORCEMENT, VIOLATIONS, AND PENALTIES

#### 1. General:

- A) It shall be the duty of the Building Inspector to enforce these regulations, and to bring to the attention of the City Council any violations thereof.
- B) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision or an existing subdivision meeting the requirements of Article I, Section I.3 (3) shall transfer or sell any such parcel before a final plat of such meeting the requirements of Article I, Section I.3 (3) shall transfer or sell any such parcel before a final plat of such subdivision has been approved by the City Council in accordance with the provisions of this Ordinance, and filed with the Clerk of Superior Court of Madison County.
- C) No building permits shall be issued for the construction of any building or structure located on a lot or site subdivided or sold in violation of the provisions of these regulations.

2. Penalties: Any person who violates any of the provisions of the Ordinance is subject to trial and possible convictions, and shall upon conviction thereof be punished by a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a term not exceeding six (6) months or both provided that each day a violation continues shall constitute a separate offense.

3. Civil Enforcement: Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations; to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; to prevent illegal occupancy of a building, structure, or premises; and these remedies shall be in addition to the penalties described above.

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## ARTICLE II. DEFINITIONS

For the purpose of these Regulations, except as specifically defined herein, all words used have their customary dictionary definitions.

### 2.1 DEFINITIONS PERTAINING TO GRAMMATICAL USAGE

1. Words used in the present tense include the future tense.
2. The word “shall” is always mandatory.
3. The word “may” is always permissive.
4. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
5. The word “temporary” shall mean a period of time not exceeding one hundred eighty (180) days.

### 2.2 DEFINITIONS OF SPECIFIC TERMS

1. Alley: A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of these properties whose principle frontage is on some other street.
2. Applicant: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
3. Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, boundary lines or municipalities.
4. Building: A structure having a roof supported by columns or walls for the housing or shelter of persons, animals or goods. Where roofed structures are separated from each other by party walls having no opening for passage, each portion so separated shall be considered a separated building.
5. Building Height: The vertical distance measured from the average elevation of the proposed finished grade of the lot to the highest point of the coping of a flat roof, to the average height level between eaves and ridge of a gable, hip, and gambrel roofs, and to the deck line in the case of a mansard roof.
6. Building Inspector: The authorized Building Inspector for Comer, Georgia.
7. Building Line: The line established by law past which a building shall not extend as determined by front, side, and rear yards herein.
8. Building Principle: A building is which is conducted the predominant use of the lot on which it is situated.

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9. Central Water System: A private water system formed by a developer to serve a new subdivision in an outlying area. It includes water treatment and distribution facilities.
10. Central Sewage System: A private sewerage system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.
11. Common Area: That portion of a site and building which are collectively owned and controlled.
12. Condominium: A single unit in a multi-unit structure whose right to legal title is based either in fee simple, estate for years, or a leasehold estate and where joint or common ownership is vested in all other fixtures, structures, land and its appurtenances.
13. Construction Plans: The engineering drawings submitted after approval of the preliminary plat showing the specific location and design of the improvements to be installed in the subdivision in accordance with the requirements of the design standards of these regulations.
14. City Council: The City Council of Comer, Georgia.
15. County: Madison County
16. City Engineer: A professional land surveyor engineer appointed by the City Council.
17. City Planner: A professional community developer or planner appointed by the City Council.
18. Crosswalk (Pedestrian Walkway): A right-of-way within a block dedicated to public use ten (10) feet or more in width, intended primarily for pedestrians and from which motor vehicles are excluded.
19. Cul-de-Sac: A street having one end open to traffic, the other end permanently terminated by a vehicular turn-around.
20. Developer: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises in order to undertake subdivision development.
21. Double-Frontage Lot: A lot having frontage on two (2) streets as distinguished from a corner lot.
22. Drainage Easement: An area set aside for the purpose of transporting storm water. Maintenance of these easements are the responsibility of the private property owner unless dedicated and accepted to the City for maintenance.
23. Driveway: An access way connecting one or more dwelling units and their parking spaces with a street.
24. Easement: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

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25. Engineer: A registered, professional engineer licensed by the State of Georgia.
26. Grading: Altering surfaces to specific elevations, dimensions, or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
27. Improvements Guarantee: A guarantee in the form of an irrevocable letter of credit from a bank certified check to insure completion of required subdivision improvements.
28. Health Department: The Health Department of Madison County.
29. Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the sanitarian.
30. Land Use Plan: A development plan or any part thereof, adopted by the City Council that indicates the general location for the various physical classes of public works, places and structures, and depicts the general planned physical development and land use in Comer, Georgia.
31. Lot: A parcel of land occupied or intended for occupancy by one principle building or use including accessory building or use incidental to it.
32. Lot Area: The service area inside the lot lines. In determining the area and dimensions of a lot, no portion of the right-of-way of a street or crosswalk may be included.
33. Lot, Corner: A lot abutting on two (2) or more streets at their intersection.
34. Lot Coverage: The service area occupied by all buildings withing a lot.
35. Lot Depth: The average horizontal distance between the front and rear lot lines.
36. Lot Improvement: Any building, structure, work of art, or other object, or alteration of the land, constituting a physical betterment of real property.
37. Lot, Interior: A lot other than a corner lot or double frontage lot.
38. Lot, Width: The distance between one side lot line and the other side lot line measured at the minimum building setback line. The mean width is measured at a right angle to the lot depth.
39. Major Subdivision: A subdivision which is not classified as a minor subdivision, including but not limited to four (4) or more lots, or of any size but requiring any new street or extension of City facilities or the creation of any public improvements.
40. Minor Subdivision: A subdivision which comprises not more than three (3) lots provided that:
- A) Each lot in the proposed subdivision abuts an existing street for a minimum distance of one hundred (100) feet and the depth shall not exceed three (3) times the width.

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- B) The proposed subdivision shall be directly accessible to existing required improvements that shall be necessary for connection to existing utilities and other existing facilities.
- C) The combination or recombination of portions of previously platted lots is permitted where the total number of lots is not increased and the resultant lots comply with the standards of the Regulations and all other ordinances and resolutions of Comer, Georgia.
41. Non-Residential Subdivision: A subdivision whose intended use is other than residential.
42. Open Space: Any portion of an individual lot within the subdivision that is designed and designated for use by the residents of the subdivision or for the general public, not including streets and off-street parking areas. Open spaces shall be substantially free of structures, but may contain such improvements as shown on the plans as finally approved. Unless dedicated and accepted by the City maintenance shall be the responsibility of all property owners within the subdivision.
43. Outlot: A lot which is either unbuildable or not intended for development and is allocated to be used for esthetic purposes, safety, or common public use.
44. Owner: Any person who has title to real property. In the case where equitable title is vested in more than one person, authorization by all parties claiming a title to the property in question shall be provided to the governing authority prior to any review and application of the provisions of these Regulations. Owners are not holders of security deeds or mortgages on the property.
45. Parcel: A plot or plots of land which are shown with a separate identification on the Official Appraisal Map of Madison County, Georgia.
46. Plat: A map, plan, or representation that depicts the subdivision of a parcel of land indicating the location and boundaries of the property.
47. Plat, Final: The final plan of the subdivision and any accompanying documents as required by these regulations that, once approved by the City Council, will constitute the plat of record that will be the basis for the authorization of building permits.
48. Plat, Preliminary: The preliminary drawing or drawings, described in these Regulations, indicating the proposed layout of the subdivision that is to be submitted to the City Council for approval.
49. Public Improvement: Any drainage, ditch, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility or liability, for maintenance or operation, or which may effect an improvement for which City responsibility and liability is established.
50. Public Street: A street over which the general public has acquired the right of use.

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51. Public Utilities: Water, gas, sanitary and storm sewer, electrical and communications lines and facilities.
52. Re-Subdivisions: A change in an approved or recorded subdivision plat if such change affects any street layout, easement, area reserved for public use, or lot line.
53. Right-of-Way: Access over or across particularly described property for a specific purpose or purposes.
54. Right-of-Way Line: The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.
55. Right-of-Way Width: The distance between right-of-way lines measured at right angles.
56. Sanitarian: A professional sanitarian appointed by the Health Department and authorized to perform health services in Comer, Georgia.
57. Shoulder: The portion of a street or road from the outer edge of the paved surface or curb to the inside edge of the ditch, gutter or original ground surface.
58. Sidewalk: The portion of the right-of-way which is parallel to a street or road which is intended for pedestrian traffic.
59. Sketch Plat: A generalized representation of the proposed subdivision submitted prior to the preliminary plat that will enable the subdivider to reach general agreement with the City council as to the form of the plat and the objectives of these Regulations.
60. Soil Erosion: The Soil Erosion Ordinance of Comer, Georgia.
61. Street: A right-of-way for vehicular traffic shelter designated as street, highway, thoroughfare, parkway, expressway, freeway, road, avenue, drive, boulevard, lane place, circle, or otherwise. Various subclassifications are defined as follows:
- A) Arterial: A street which is used primarily for fast and heavy traffic flow, is of considerable continuity, and is used to travel through and within the City.
  - B) Major Collector: A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of higher classification.
  - C) Minor Collector: Principle entrance streets to subdivision and the main streets for circulation within a subdivision which serve a network of four (4) or more local streets.
  - D) Local Streets: A street used primarily for access to abutting properties as opposed to the collection and dispersion of traffic.
  - E) Cul-de-Sac: A local street having one (1) end open to traffic, the other being permanently terminated by a vehicular turnaround.

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- F) Marginal Access Road: A street which is parallel to and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.
- G) Dead End: A street in a subdivision which may at a later time be continued into another portion of the subdivision.
62. Street Grade: The grade of the center line of a street measured at any point along the street expressed as a percent.
63. Street, City: A street which is owned or maintained by Comer, Georgia
64. Structure: Anything constructed, erected or attached to something having a location on the ground.
65. Subdivider: Any person dividing or proposing to divide land so as to constitute a subdivision.
66. Subdivision: Any land which is divided or proposed to be divided into two (2) or more lots or parcels. The following are not included within this definition. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the Regulations.
67. Surveyor: A registered, practicing surveyor licensed by the State of Georgia.
68. Variance: A modification of the terms of these Regulations where such modification will not be contrary to the public health, safety and welfare: where, owing to conditions peculiar to the property, not the result of actions of the subdivider or owner, a literal enforcement of these Regulations would result in unnecessary and undue hardship.
69. Zoning Ordinance: The Zoning Ordinances of the City of Comer, Georgia.

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### ARTICLE III. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

#### 3.1 GENERAL REQUIREMENTS

1. Conformance to Applicable Rules and Regulations: In addition to the requirements established herein, all subdivisions plats shall comply with the following laws, rules, regulations, and ordinances:
  - A) All applicable statutory provisions.
  - B) The Zoning Ordinance of the City of Comer, Georgia, building and housing codes, and all other applicable laws of the appropriate jurisdictions.
  - C) Official May
  - D) Any and all rules of the Madison County Health Department or appropriate State Agencies.
  - E) The rules of the State Highway Department, if the subdivision or any lot contained herein, abuts a State Highway.
  - F) The Soil Erosion Ordinance of Comer, Georgia.
2. Plats Straddling Political Boundaries: Whenever access to a subdivision is required across land in another governmental jurisdiction, the City Council may request assurance from the City Attorney that access is legally established.
3. Suitability of the Land: Land subject to flooding, improper drainage, erosion, geological hazards, topographical limitations, or for other reasons that classify land as unsuitable for residential use shall not be platted for residential use not for an other use that will continue or increase the danger to health, safety, or property destruction, unless the hazards can be sufficiently mitigated and the actions needed to do are shown on the final plat prior to its approval.
4. Rejection of Land Dedication: Whenever a plat proposes the dedication of land for public use and it is determined by the City Council that such land is not suitable for the proposed public use, the City Council shall refuse to approve either the preliminary or final plat until such dedication is removed from the plat.
5. Water Retention Structures: No water retention structure shall be shown to be dedicated or accepted by Comer, Georgia. When the City Council finds such structure is recorded on a plat, such dedication shall be stricken from the plat prior to approval.
6. Subdivision Name: The proposed name of the subdivision shall not duplicate nor closely approximate phonetically or visually, the name of any other subdivision in Comer, Georgia. The City Council shall have final authority to approve the name of the subdivision, which shall be determined at the time of approval of the preliminary plat.

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7. Large Scale Development: The requirements of these regulations may be modified in the care of a large-scale community, commercial or neighborhood developments in excess of fifteen (15) acres that is not subdivided into customary lots, blocks, and streets. Such modifications shall conform with the purpose and intent of these regulations, and shall follow the requirements for a Planned Unit Development (PUD) as included in the Zoning Regulations of Comer, Georgia, if in effect at the time they are revised.

### 3.2 REQUIRED IMPROVEMENTS

1. General: The requirements of this section shall apply to every major subdivision and shall be planned for and provided by the subdivider, by installation and payment prior to the approval of the final plat.
2. Street Name: All streets shall be named and marked with signs. Street names shall have the approval of the City Council and shall not duplicate, nor closely approximate phonetically or visually, the name of any other street in Comer, Georgia, nor the name of any other street within the applicable postal service delivery area. A street that is in alignment with an existing street shall continue the name of the existing street.
3. Streets: All streets shall be designed, constructed, and paved in accordance with the standards set forth in these regulations. No street shall be accepted by the City until the provisions of Section 6.3 are met. The subdivider shall provide suitable ground cover, such as grass, on all unpaved areas of street right-of-way and other public areas.
4. Street Sign/Traffic Control Devices: Street name signs and traffic control devices of a design approved by the City will be furnished and installed by the City. Material and installation costs shall be paid for by the subdivider prior to the recording of the plat and issuance of any building permits.
5. Utilities: Except as provided in Section 8.3 the provision shall apply: (sewage requirements must meet the minimums specified in the Zoning Ordinance)
  - A) All water, sewer, and natural gas lines shall be installed along street right-of-way, underground, but generally not under paved areas. Where required, because of topography, location of existing utilities, or other factors the City Council may allow installation of utilities in other areas.
  - B) A public (municipal) water supply system must serve all proposed major subdivisions. Water mains shall be installed by the subdivider within the subdivision with connections to each lot extended to the lot line. All water meters will be provided by the subdivider per city specifications and all water meters will be installed by the city water department, or as otherwise provided in the Code of the City of Comer, Georgia, 2001 (as may be amended) *Amended and accepted by Comer City Council November 6, 2007.*

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- C) Every major subdivision shall be served by a public sanitary sewer system. Sewer mains shall be installed by the subdivider at the subdivider's expense, with connections to each lot extended to the lot line.

*Amended and accepted by Comer City Council November 6, 2007.*

### 6. Storm Drainage:

- A) General: Lot shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to connect to drainage easements.
- B) Connection to Existing Systems: If a public storm water drainage system can serve the proposed subdivision, then the subdivider must install an underground storm drainage system which will be connected to the public system. Should a storm drainage system not exist, the adequate surface drainage facilities shall be installed.

### 3.3 DESIGN STANDARD FOR BLOCKS AND LOTS

#### 1. Block Lengths and Widths: Block lengths and widths shall be as follows:

- A) Blocks shall not be greater than twelve hundred (1200) feet nor less than four hundred (400) feet in length, except in unusual circumstances.
- B) Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth except where abutting arterial streets or railroads or other situations make these requirements impractical.
- C) Blocks or lots shall have pedestrian walkways of not less than five feet in width to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

*Amended and accepted by Comer City Council November 6, 2007*

- D) Except where topographic or other conditions make a greater length unavoidable, as determined by the City Council, cul-de-sacs (dead-end streets) shall not be greater than one thousand (1000) feet in length. They shall have a turnaround right-of-way of fifty (50) foot radius and turnaround pavement of forty (40) foot radius. Paved temporary turnarounds shall be provided for dead-end streets which are scheduled to be extended at a later date.

*Amended and accepted by Comer City Council November 6, 2007.*

2. Alleys: Alleys may be required at the rear of all lots used for multi-family, commercial, or industrial development. Alleys in single-family residential subdivisions shall not be permitted, unless the subdivider provides evidence satisfactory to the City Council of the need for alleys.
3. Development Along Arterial Street: Where a subdivision abuts an arterial street or railroad right-of-way, a street approximately parallel to the right-of-way may be required by the City Council.

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4. Lot Size: All lots shall meet the lot requirements of the zoning ordinance. Corner lots shall have adequate width to meet building setback requirements from all abutting streets as defined in the zoning ordinance.
5. Lot Lines: All side lot lines shall be perpendicular or radial to street lines, unless topographic or other features make more practical as lot lines.
6. Double and Reverse Frontage Lots: Double frontage and reverse front lots shall be avoided except where essential to provide separation of development from arterial streets or to overcome specific disadvantages of topographic and orientation.
7. Easements: The City Council shall require all easements to have adequate widths and be located along the rear or side lot lines, with provision for access from a public way.
8. Reverse Strips: Reserve strips which control access to streets and public grounds shall be permitted only when the control of the reserve strip is placed in the hands of the City.

### 3.4 DESIGN STANDARDS FOR STREETS

1. General: In order to provide for roads suitable in location, width, and improvement, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required and shall be planned for and provided by the subdivider, prior to the approval of the final plat. Road classifications shall be indicated by the Mayor and City Council

#### 2. Right-of-Way

A) Minimum Street Right-of-Way: Minimum street right-of-way widths shall be as follows:

Major Collector Street	-64 Feet
Minor Collector Street	-64 Feet
Local	-60 Feet
Alley	-24 Feet

B) Additional Right-of-Way: Right-of-way widths in excess of the standards, designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate cut slopes. Such slopes shall not be in excess of three-to-one (3:1).

3. Street Pavement Widths: Street pavement widths shall be as follows:

Major Collector	-24 Feet
Minor Collector	-24 Feet
Local	-20 Feet
Alley (residential)	-18 Feet
Alley (commercial/industrial)	-20 Feet

## CITY OF COMER—SUBDIVISION REGULATIONS

### 4. Paving Requirements:

- A) Clearing and Grubbing Right-of-Way: This work shall consist of removing and disposing of all vegetation and debris within the right-of-way to a depth of at least three (3) feet below finished subgrade. All stump holes shall be back filled with a suitable material, Class I or II soil. All clearing and grubbing shall be completed in accordance with the requirements of the Department of Transportation, State of Georgia Standard Specifications, Construction of Road and Bridges, 1977 Section 201, Clearing and Grubbing Right-of-Way.
- B) Subgrade: This work shall consist of placing, mixing, compacting and shaping the top six (6) inches of soil. This work also includes subgrade stabilization.
- C) Compaction: The entire surface shall be plowed, harrowed and mixed to a depth of at least six (6) inches. After the material has been thoroughly mixed, the subgrade shall be compacted at a ninety (90) percent of the maximum density. Sheepfoot rollers are required. Compaction test shall be at five hundred (500) feet intervals and at every two (2) feet of fill material. Any areas that do not meet with the specified compaction shall be excavated and replaced with suitable material. Test results shall be submitted to the Comer Mayor and City Council as conducted. All costs for compaction tests shall be incurred by the developer.
- D) Subgrade Material: The material shall consist of Class I or II soil. If such material is not available on site, it shall be furnished by the developer.
- E) Base: All streets shall have a six (6) inch crusher run stone base or a four (4) inch compacted asphaltic concrete base.
- F) Paving: All streets shall have a two (2) inch Plant Mix asphalt Type "E" or "F" top wearing surface applied to a properly prepared base.

5. Shoulder Requirements: The street right-of-way shall be graded at least eight (8) feet, measured from the back of the curb or edge of pavement on both sides of the street. Utilities and water lines shall not be installed between curb and outside of drainage ditch, to prevent the encroachment of driveways into the street surface, and to provide walk-ways off the paved vehicular surface; provided, however, the City Council may waive this requirement in cases where the subdivider can demonstrate that the topography of the land being subdivided is such that compliance with this provision would be impractical. Topsoil, striped and stock piled before paving, shall be spread at the minimum depth of four (4) inches in preparation of the seedbed. The soil shall be thoroughly broken, well pulverized, smoothed and firm before planting. Should be seeded with bermuda applied at a rate of two pounds per one thousand square feet (2 lb./1000 sq.ft.) or fescue applied at the rate of five pounds per one thousand square feet (5 lb./1000 sq.ft.). Mulch shall be used on all seeded areas.

6. Culverts: Pipe size shall be determined by standard engineering practices. All pipes shall be bituminous coated. A flared-end-section shall be attached to all pipe openings. Culverts which meet State requirements for drainage, erosion control, or road construction standards may also be allowed.

*Amended and accepted by Comer City Council November 6, 2007.*

## CITY OF COMER—SUBDIVISION REGULATIONS

### 7. Design Guidelines:

A) Continuation of Existing Street: Where feasible, existing streets shall be extended for access into the subdivision. Such extensions shall be continued at the same or greater width, but in no case shall be less than the required width.

B) Linear Street Grades: Maximum and minimum linear street grades shall be as follows:

Arterial Street—not more than six (6) percent.

Major Collector Street—not more than eight (8) percent

Minor Collector Street, Local Streets, and Alleys—not more than ten (10) percent

No linear street grade shall be less than one (1) percent.

C) Horizontal Curvature: The radii of center line road curvature shall be as follows:

Arterial -300 Feet

Major Collector -200 Feet

Minor Collector -200 Feet

Local Streets -100 Feet

Alleys Determined by City Council

D) Tangents: Between reverse curves, there shall be a tangent having a length of not less than one hundred (100) feet.

E) Vertical Alignment: There shall be horizontal sight distance at all street intersections, when measured from a height of six (6) feet, according to the following:

Arterial -400 Feet

Major Collector -300 Feet

Minor Collector -250 Feet

Local Street -200 Feet

Alleys -150 Feet

(NOTE: Where two (2) or more streets of different classifications intersect, the sight distance requirement for the highest classification shall be used).

F) Intersection Design: Street intersections shall be as nearly at right angles as possible. No street intersection shall be at an angle of less than sixty (60) degrees. Street intersections must be separated from each other by at least 125 feet.

G) Cul-de-Sacs: All cul-de-sacs or dead-end streets shall not exceed ten (10) times the minimum required lot width or one thousand (1000) feet, whichever is less. Longer cul-de-sacs may be approved by the City Council if topographic conditions pose development constraints or unusual platting exits, provided that such approval must be with the consent of the Comer Fire Chief.

Amended and accepted by Comer City Council November 6, 2007

## CITY OF COMER—SUBDIVISION REGULATIONS

- H) Turnaround: Right-of-way diameter 100 feet, pavement diameter 80 feet for residential subdivision, right-of-way diameter 160 feet, pavement diameter 140 feet for non-residential subdivision.
- I) Private Access Drives: Private access drives shall be permitted to serve no more than two (2) land-locked residential lots where, due to special problems created as a result of necessary unusual platting configuration, or as result of special physical features, the property could not otherwise be developed. No more than one such drive shall be approved per subdivision development and must be approved as part of the original plat. These drives are exempt from paving requirements. Private access drives shall have the same right-of-way as is required for local streets.
- J) Alleys: Alleys serving residential lots or swellings feet may be required for loading at the rear of all lots designated for business and industrial use. Dead-end alleys are prohibited.
- K) Slope Maintenance Easement: Slope maintenance easement shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.
- L) Primary Highway System: Whenever a proposed subdivision abutts an arterial road or major collector, an access road or lane with curbing extending the full length of the subdivision along such highway and providing limited access thereto may be required at a distance suitable for the use of the land between such access road or lane highway.
- M) Visibility: Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to comply with the sight distance required of these regulations.
- N) Driveways: Driveways shall have a slope of not more than a positive or negative twelve (12) percent for a distance of then (10) feet measured along the driveway center line from the right-of-way line, must be a minimum of six (6) inches above the elevation of the gutter line.
- O) Sidewalks: The inclusion of sidewalks within major subdivisions is required. When included, sidewalks shall be within the dedicated non-paved right-of-way of all roads within the subdivision. Concrete curbs are required for all roads where sidewalks are to be installed. The minimum paved width of sidewalks shall be five (5) feet and a median strip of grassed or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

Amended and accepted by Comer City Council November 6, 2007.

## CITY OF COMER—SUBDIVISION REGULATIONS

### 8. Slopes

A) General Requirements: Development of subdivision is to be accomplished with minimal earth moving and disruption to the natural topography of the site. It is the intent of these Regulations that existing or man-made slopes be modified or designed in such a way as to minimize potential for erosion and to minimize ease of maintenance. Subdivision development shall conform to provisions of the Erosion and Sediment Control Ordinance.

B) Design Standards:

- i. No existing or proposed cut or filled slope shall exceed three (3) horizontal units to one (1) vertical unit within eleven (11) feet of the edge of pavement or back of curb. If the distance is greater than eleven (11) feet, the slope may be greater than three-to-one (3:1) up to maximum one (1) vertical unit, provided that all cut and fill shall be within the prescribed right-of-way of the road or slope easements. All grading as provided within this section shall be completed and approved by the Building Inspector prior to the installation of any utilities.
- ii. All fill slopes created for the purpose of street construction shall have a compaction of not less than 95 percent as determined by established engineering practices.
- iii. Slopes flatter than those set forth in the foregoing paragraphs may be required when, in the opinion of the Building Inspector, the general nature of the soil involved warrants a flatter slope. To control surface drainage on existing and proposed slopes, berm ditches may be required at the top and the intersection of the slope and ground line.
- iv. All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure. Such planting and other protection from erosion and failure shall be completed and shall be undertaken immediately upon creation of any slope steeper than two (2) horizontal feet to one (1) vertical foot and completed without delay in accordance with plans and specifications approved by the Building Inspector. In addition, the subdivider may be required to provide a fence, hedge, guardrail or other protective device, specified by the Building Inspector along ridges in excess of twenty (20) vertical feet in height and with slopes in excess of 1.5:1 (horizontal:vertical) to prevent dangerous falls for children and other residents of the subdivision. At the option of the Building Inspector, the developer shall provide certified test results of compaction and any material provided at the location and frequency determined necessary by the Building Inspector.

## CITY OF COMER—SUBDIVISION REGULATIONS

### 9. Drainage

A) General Requirements: The storm water drainage system and easements shall be separate and independent of any sanitary sewer system and easement. The City Council shall not recommend for approval any plat of a subdivision which does not make adequate provisions for storm or flood water runoff channels or basins. Storm water runoff and storm sewer or channel design shall be designed by a method as approved by the Building Inspector, and a copy of design computations shall be submitted along with the Construction Plans. Inlets shall be provided so that surface water is not carried for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow at that point. Natural drainage channels existing within a subdivision shall be improved by the subdivider to specifications approved by the Building Inspector (if erosion, flooding, or hazard will be created by the continued existence thereof, as determined by the Building Inspector).

### B) Nature of Storm Water Facilities

- i. Location: The applicant may be required by the Building Inspector to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the requirements of the Building Inspector.
- ii. Accessibility to Public Storm Sewers: When a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm water, subject to the specifications of the Building Inspector. If a connection to a public storm sewer will be provided eventually, as determined by the Building Inspector, the developer shall make arrangements for future storm water disposal by a public utility system at the time the final plat receives final approval.
- iii. Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision. The Building Inspector shall approve the necessary size of the facility which has been designed by a registered Professional Engineer, based on 110 percent of the current storm runoff for the 100-year storm for culverts from under streets, and the 25-year storm for all other culverts. Minimum pipe size shall be eighteen (18) inches.

## CITY OF COMER—SUBDIVISION REGULATIONS

- iv. Effect on Downstream Drainage Areas: The developer shall study and the Building Inspector shall review and approve the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Drainage studies, together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City Council shall withhold approval of the subdivision until provision has been made for the improvement of said condition. No subdivision shall be approved unless adequate drainage is provided to an adequate watercourse or facility.
- v. Dedication of Drainage Easements
  - A) General Requirements: Where a subdivision is transversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Whenever possible, it is desirable that drainage be maintained by appropriate means of adequate width for maximum potential volume or flow.
    1. Storm water drainage plans must be prepared by a registered professional engineer licensed as such with the State of Georgia, and submitted to the City Council along with or as part of any:
      - A) Soil Erosion Plan required by this ordinance, or
      - B) Erosion and Sedimentation Control Plan as required by the Georgia Erosion and Sedimentation Act, O.C.G.A. §12-7-1 et seq., or
      - C) Erosion Sedimentation and Pollution Control Plan under the General NPDES permit for Storm Water Discharges from construction activities under the Clean Water Act or other erosion control plans required under the federal Clean Water Act.

*Amended and accepted by Comer City Council November 6, 2007.*
  - B) Drainage Easement: Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across to the road. Where pipe size warrants, a ten (10) foot easement may be permitted. Easement shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. Easements less than twenty (20) feet may be approved by the Building Inspector. When a proposed drainage system will carry water across private land outside the subdivision and outside a natural drain, appropriate drainage rights must be secured and indicated on the plat. The applicant shall dedicate, wither in fee simple or by drainage easement, land both sides of existing watercourses, for a distance to be determined by the Building Inspector. Low-lying land along watercourses subject to flooding or overflowing during storm periods, whether or

## CITY OF COMER—SUBDIVISION REGULATIONS

not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Final plats for all subdivisions shall show (or include by note) a ten (10) foot wide drainage easement along every property line whether the developer intends to channel water in these easements or not. The subdivider shall provide written proof to the City Council that a licensed and registered professional engineer has approved a Soil Erosion Plan which mitigates downstream drainage effects outside the area of the proposed subdivision, including any Erosion and Sedimentation Control Plan required by the federal Clean Water Act.

*Amended and accepted by Comer City Council November 6, 2007*

### 10. Water Facilities

- A) Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing domestic water use and fire protection.
- B) Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and City Authorities.
- C) All water mains shall be at least six (6) inches in diameter. Water main extensions shall be approved by the County Health Department.
- D) To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat and the cost of installing same shall be included in the improvement guarantee to be furnished by the developer.
- E) A copy of the as-built water plans shall be submitted to the Building Inspector.
  - i. Fire Hydrants: Fire hydrants shall be required for all subdivisions except those served by individual wells or central water systems. Fire hydrants shall be located no more than five hundred (500) feet apart and within five hundred (500) feet of any structure, and plans showing the location of the fire hydrants shall be approved by the Fire Chief before the City Council may approve any final plat for a major subdivision. To eliminate future street openings, all underground utilities for fire hydrants, together with fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat. All fire hydrants shall be set plum with outlets eighteen (18) inches above finished grade or twelve (12) inches above a finished concrete surface. All fire hydrants shall have at least two (2) discharge outlets of two and one-half (2 ½) diameter and one (1) discharge outlet of four and one-half (4 ½) inch diameter. All threads shall comply with local and State fire fighting equipment standards.

*Amended and approved by Comer City Council November 6, 2007*
  - ii. Design Standards The water system design standards shall be those of Comer, Georgia.

## CITY OF COMER—SUBDIVISION REGULATIONS

11. Preservation of Natural Features and Amenities: Existing features, which would add value to residential development or to the local government as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. All hardwood trees six inches or more in diameter shall be preserved by the subdivider unless the tree presents an obstacle to approved right-of-ways, streets, or structures. Exceptions must be approved by the Building Inspector.
12. Soil Preservation and Seeding: No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot precovered with soil with an average depth of at least six (6) inches over entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots.
13. Individual Disposal System Requirements: Individual septic disposal systems are not allowed in major subdivisions. All subdivision lots must be connected to public sewer at the subdivider's expense.
  - A) Design Standards: All plans shall be designed in accordance with the rules, regulations, and standards of the Health Department and other appropriate agencies.
14. Utilities:
  - A) Location: All utilities shall be placed underground. All utilities placed underground shall be along the front, side or rear property lines, or such other locations as may be approved by the utility companies involved. The facilities for underground utilities or conduits for their construction shall be in place prior to final surfacing or streets. All facilities for utilities shall, where possible, be placed in easements provided for that purpose in the subdivision or located as approved by the Building Inspector. No subdivision street shall be cut for underground utilities.
  - B) Easements: Utility easements for electric and telephone service lines, sewage lines, water lines, or other such utilities located along rear lot line or side lot lines or passing through a lot shall be at least ten (10) feet wide, five (5) feet on each lot, and more if determined by the Building Inspector. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plats

## CITY OF COMER—SUBDIVISION REGULATIONS

### 15. Lots

- A) General Requirements: All lots shall conform to the provisions of the Zoning Ordinance, specifically those provisions governing minimum area, frontage and setbacks. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of the topography of other conditions, in securing building permits to build on all lots in compliance with City Regulations and in providing drive-way access to buildings on such lots from an approved street.
- B) Lot Dimensions: Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. All lots approved under these Regulations shall front on a street or private access drive. Where lots are more than double the minimum required area for the zoning district, the Building Inspector may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and the Regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for construction of buildings, observing in minimum front-yard setbacks. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance. Commercial and industrial lots shall be of adequate size to provide for the intended use and for the yards, buffer areas, and the off-street parking and loading requirements of the Zoning Ordinance.
- C) Lot Lines: All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topographic or other features.
- D) Front-Yard Setback Lines: A line meeting the front yard setback requirements of the Zoning Ordinance shall be established on all lots. Any projection beyond the front building line such as uncovered porches, steps, eaves, gutters, and similar fixtures shall be subject to provisions of the Zoning Ordinance and approved or disapproved by the appropriate City official for each individual application.
- E) Lots Abutting Public Street: Each lot shall abut upon a publicly dedicated and publicly maintained street or a private vehicular way designated by the City as providing public access within a development.
- F) Double Frontage Lots: Double frontage lots shall be prohibited except where necessary to provide separation of overcome specific disadvantages of topography and orientation. Double frontage lots which are necessary shall be required to have a no-access easement across them, preventing access to arterial or collector streets.
- G) Lot Drainage: Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general drainage pattern for the area. Drainage shall be designed so as to avoid concentration of drainage water from each lot to adjacent lots.

## CITY OF COMER—SUBDIVISION REGULATIONS

H) Debris and Waste: No cut trees, timber, debris, rocks, stones, junk rubbish, or other -waste materials of any kind shall be buried in any right-of-way or under any proposed structures. All such bury pits shall be approved by the Building Inspector prior to excavation. All lots shall be seeded from the roadside edge of the unpaved right-of-way to a distance of twenty-five (25) feet behind the principle residence on the lot. No certificate of occupancy shall be issued until respreading of soil and seeding of lawn has been completed; except that between October 1 and March 15, and between May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and the property owner, with a copy to the Building Inspector, that respreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section, to the satisfaction of the property owner. So or any approved grass seed may be used to comply with any requirement of seeding set forth herein.

### 3.5 NON-RESIDENTIAL SUBDIVISIONS

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision shall conform to these subdivision regulations.

A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and non-residential subdivision plat approval may proceed simultaneously at the discretion of the City Council.

In addition to the principles and standards in the Subdivision Regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City Council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. A preliminary plat of a commercial or industrial center development shall conform in all respects with the approved master development plan for the project and any conditions associated with the project's zoning.
2. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development associated.
3. Street right-of-ways and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
4. Special requirements may be imposed by the Building Inspector with respect to street, curb, gutter, and sidewalk design and construction.
5. Special requirements may be imposed by the Building Inspector with respect to the installation of public utilities, including water, sewer, and storm water drainage.
6. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

## CITY OF COMER—SUBDIVISION REGULATIONS

7. Streets carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

### 3.6 RESPONSIBILITY FOR IMPROVEMENTS

1. General: In lieu of the required improvements in a subdivision, the subdivider may deposit surety for the completion of such improvements with the City and present a final plat for approval. In no case shall any building be occupied or otherwise utilized until all required improvements are completed.
2. Requirements: To assure the construction and installation of required improvements, the subdivider shall deliver to the City a certified check, surety bond, or other acceptable security in such aggregate amount as is estimated by the City to be the total cost of the construction and installation of all required improvements. In addition, the subdivider shall, if applicable, deposit surety for road maintenance for a period of twelve (12) months.
3. Conditions: Bonds or other surety posted shall run to Comer, Georgia, and provide that the subdivider, his heirs, successors, assigns, their agents, shall comply with all applicable terms, conditions, provisions, and requirements of these and other regulations and the final plat; will faithfully perform and complete the work of constructing and installing all required improvements; that the subdivider shall be responsible to the City for any unnecessary expenses incurred through the failure of the subdivider, his heirs, successors, assigns, or their agents, to complete the work of said installations and construction in an acceptable manner, and from any damages growing out of negligence in performing or failing to perform said installation and construction. If a bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Georgia. Where a bond is required for a road construction project and is to be other than a bond issued by a commercial fidelity bonding company, the surety must meet the following conditions:
  - A) The surety must be an individual or group individuals;
  - B) The surety or sureties must be worth at least double the estimated cost of paving the road in equity in real property located in Comer, Georgia;
  - C) The bond must be accompanied by an affidavit setting forth the facts in (a) and (b) above;
  - D) The bond must be double the amount of the estimated cost of the road project; and
  - E) If there is more than one surety, all sureties shall be jointly and severable liable.
4. Duration and Release: Bonds and surety posed pursuant to this ordinance shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted. Acceptances shall be in writing accurately identifying the improvements covered. Facilities shall not be accepted unless they conform to the applicable specifications and requirements.

## **CITY OF COMER—SUBDIVISION REGULATIONS**

5. Default Procedures: If the construction or installation of any improvements of facilities for which a bond or other surety is posted is not completed within three (3) months after substantial completion of any buildings or structures which said improvements or facilities are designed to serve, or within three (3) years after the date of recording of final plat, whichever is sooner, or if said construction or installation is not in accordance with the applicable specifications and requirements, the City shall, using proceeds from such surety deposits, pay for such work. Such work may be done under contract or by City personnel. To the extent that any portion of a cash deposit is not required or used, said excess cash shall be repaid to the person making the deposit.

## CITY OF COMER—SUBDIVISION REGULATIONS

### ARTICLE IV. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

#### 4.1 GENERAL PROCEDURE

When any subdivision of land is proposed, before any contract is made for the sale of any lot or part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for a secure approval of such proposed subdivision in accordance with the following procedure, which includes two (2) steps for a minor subdivision and four (4) steps for a major subdivision:

1. Minor Subdivision

A) Sketch Plat

B) Final Plat

2. Major Subdivision

A) Sketch Plat

B) Preliminary Plat

C) Soil Erosion Plan

D) Final Plat

If such use is for commercial or industrial purposes, then such subdivision shall comply with all applicable provisions of these Regulations. All submittals shall be consistent with provisions of the Zoning Ordinance and other codes ordinances and regulations of the City.

#### 4.2 SUBDIVISION REVIEW PROCEDURE

The following procedures shall be followed when submitting plats for minor subdivision, or plats and construction plans for major subdivisions:

1. Minor Subdivision: The subdivider shall meet with the Building Inspector to review a sketch plat of the proposed subdivision and insure compliance with these, and other appropriate City Ordinances and Regulations. After receiving approval of the sketch plat by the Building Inspector, the subdivider shall submit:

A) A reproducible original of the final plat and copies shall then be submitted to the Mayor and Council and all appropriate fees paid.

## CITY OF COMER—SUBDIVISION REGULATIONS

- B) The Building Inspector shall review the final plat and recommend approval or disapproval of said plat to the City Council within five (5) working days after the final plat is submitted to the Mayor and Council.

*Amended and approved by Comer City Council November 6, 2007.*

- C) At the next City Council meeting, the City Council shall approve, approve subject to modifications table or disapprove the final plat. If the final plat is disapproved, the City Council shall notify the subdivider in writing citing the reasons for disapproval. The action of the City Council shall be noted on a copy of the final plat, and one copy shall be returned to the subdivider.

*Amended and approved by Comer City Council November 6, 2007.*

- D) The approved final plat is to be recorded in the office of the Clerk of Superior Court within sixty (60) days of the date of approval.

### 2. Major Subdivision:

- A) Three (3) copies of the sketch plat shall be submitted to the City Council. No fees shall be charged for sketch plat review.
- B) The subdivider and his/her professional representative shall meet with the Building Inspector to review the sketch plat. Approval of the sketch plat shall constitute permission to prepare a preliminary plat.
- C) No later than thirty (30) days prior to the meeting date of the City Council, the subdivider shall submit six (6) copies of a preliminary plat to the City Council for review, local distribution, and appropriate fees shall be paid.
- D) The Building Inspector shall utilize the thirty (30) day period prior to the City Council meeting date to review the preliminary plat. The subdivider shall be notified if any changes are necessary to achieve compliance with these Regulations and shall be responsible for having all changes made and a revised plat submitted prior to the City Council meeting date.
- E) At the meeting, the City Council shall approve, approve subject to modifications, table, or disapprove the preliminary plat. If approval is given subject to modifications, the required modifications shall be provided to the subdivider in writing. All modifications shall be made on the plat approved by the Building Inspector, prior to issuance of a grading permit. If the preliminary plat is disapproved, the City Council shall notify the subdivider in writing, citing the reasons for disapproval. The action of the City Council shall be noted on the copy of the preliminary plat, and one (1) copy shall be returned to the subdivider.
- F) Preliminary plat approval is tentative, pending submission of construction plans is valid for a period not to exceed twelve (12) months, after which it shall expire.

## CITY OF COMER—SUBDIVISION REGULATIONS

- G) Soil Erosion Control Plans and Grading Permit: Before any grading permit may be issued for any portion of a major subdivision, the subdivider must submit to the City Council the following:
- i. A Soil Erosion Plan, which may include erosion and sedimentation control, drainage control, storm water control, and sedimentation and detention ponds or other facilities for the control of storm water runoff and sedimentation. The Soil Erosion Plan may be included as part of the preliminary plat submissions, or as part of the subsections (ii, and iii below).
  - ii. A copy of any Soil Erosion and Sedimentation Control plans or permits as required by the Georgia Erosion and Sedimentation Act, O.C.G.A. § 12-7-1 et seq.
  - iii. A copy of:
    - (a) any land-disturbing permit or plans or permits for the discharge of storm water as required by the Georgia Water Quality Control Act, O.C.G.A. § 12-5-30; and
    - (b) any plans or permits required by the federal Clean Water Act, including any Erosion Sedimentation and Pollution Control Plan under the General NPDES permit for Storm Water Discharges from construction activities under the Clean Water Act; or any Notice of Intent (NOI) required by the Environmental Protection Division of the Georgia Department of Natural Resources or the federal Environmental Protection Agency; or any dredge and fill permit issued under Section 404 of the Clean Water Act.
  - iv. A grading permit shall only be issued for those sections or portions or phases of a major subdivision that have met the requirements of this subsection 4.2.2.(g)
    - (a) any land-disturbing permit or plans or permits for the discharge of storm water as required by the Georgia Water Quality Control Act, O.C.G.A. § 12-5-30; and
    - (b) any plans or permits required by the federal Clean Water Act, including any Erosion Sedimentation and Pollution Control Plan under the General NPDES permit for Storm Water Discharges from construction activities under the Clean Water Act; or any Notice of Intent (NOI) required by the Environmental Protection Division of the Georgia Department of Natural Resources or the federal Environmental Protection Agency; or any dredge and fill permit issued under Section 404 of the Clean Water Act.
- H) Two (2) copies of construction plans depicting the design of all required improvements shall be submitted to the City Council within six (6) months from the date of approval of the preliminary plat for review by the Building Inspector prior to installation of any improvements.

## CITY OF COMER—SUBDIVISION REGULATIONS

- I) Within twelve (12) months from the date of preliminary plat approval, copies of a final plat for one or more phases of the subdivision shall be submitted to the City Council at thirty (30) days prior to the date of the meeting of the City Council and all appropriate fees paid. The subdivider shall also provide the necessary improvements guarantee. Failure to submit within this time period shall void the plat unless an extension for a period not to exceed six (6) months is granted by the City Council. Said extension must be applied for in writing by the subdivider.
- J) At the meeting, the City Council shall determine whether all requirements of these Regulations have been met and either approve, table, or disapprove the final plat. If the final plat is disapproved, the City Council shall notify the subdivider in writing, citing the reasons for disapproval.
- K) Recordation: An approved final plat shall be filed with the Clerk of Superior Court within thirty (30) days after final approval. However, if the final plat is approved during the month of December it shall be filed with the Clerk of Superior Court for recordation no later than 12:00 PM. On the 31<sup>st</sup> day of December. Failure to comply with this provision shall void any approved plat.

### 4.3 SECTION DOCUMENT SUBMITTAL SCHEDULE

In order to process subdivision application, the following schedule shall be adhered to:

1. Minor Subdivision:

- A) Sketch Plat: By advance appointment with the Building Inspector
- B) Final Plat: By advance appointment with the Building Inspector

2. Major Subdivision:

- A) Sketch Plat: By advance appointment with the Building Inspector
- B) Preliminary Plat: Thirty (30) days prior to the date of the City Council meeting at which the plat shall be reviewed.
- C) Soil Erosion Plans and Construction Plans:
  - i. Soil Erosion Plans, or other plans required by this ordinance and sedimentation control, drainage, or storm water control, must be submitted to the City Council at least thirty (30) days prior to submission of the Final Plat to the City Council.
  - ii. Construction plans must be submitted within six (6) months subsequent to preliminary plat approval, but prior to installation of any required improvements.  
*Amended and approved by Comer City Council November 6, 2007.*

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- D) Final Plat: Thirty (30) days prior to the date of the City Council meeting at which the final plat shall be reviewed but not later than twelve (12) months from the date of the preliminary approval.

### 4.4 RESUBDIVISION (AMENDMENTS OF PLATS)

For any change in a plat of an approved or recorded subdivision if such plat, or area reserved thereon for public use, or any lot line, or if it affects any plat or plan legally reached prior to the adoption of any regulations controlling subdivisions, such change shall be submitted to the City Council for review.

### 4.5 SUBDIVISION WHERE FUTURE RESUBDIVISION IS INDICATED

Where a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and it is intended that such lots will eventually be resubdivided into small building sites, the Building Inspector shall require that such parcel allow for future opening of streets and the ultimate extension of such streets may be made a requirement of the plat.

1. Minor Subdivision: The subdivider shall meet with the City Building Inspector to review a sketch plat of the proposed subdivision and insure compliance with these, and other appropriate City ordinances. After receiving approval of the sketch plat by the Building Inspector, the subdivider shall submit the following:
  - A) A plat on reproducible material of the final plat and copies shall then be submitted to the City Council and all appropriate fees paid.
  - B) The Building Inspector shall review the final plat and approve or disapprove said plat within five (5) working days.
  - C) The final plat, if approved, shall be submitted to the City Council for approval.
  - D) The approved final plat is to be recorded in the office of the Clerk of Superior Court after approval.
2. Major Subdivisions: The subdivider shall meet with the City Building Inspector to review a sketch plat of the proposed subdivision and insure compliance with these, and other appropriate City ordinances. After receiving approval of the sketch plat by the Building Inspector, the subdivider shall submit the following:
  - A) Six (6) copies of the sketch plat shall be submitted to the City Council. No fees shall be charged for sketch plat review.
  - B) The subdivider and his/her professional representative shall meet with the City Building Inspector to review the sketch plat. Approval of the sketch plat shall constitute permission to prepare a preliminary plat.

## **CITY OF COMER—SUBDIVISION REGULATIONS**

- C) No later than thirty (30) days prior to the meeting date of the City Council, the subdivider shall submit copies of a preliminary plat to the City Council for review, local distribution, and appropriate fees shall be paid.
- D) The Building Inspector shall utilize the thirty (30) day period to the City Council meeting date to review the preliminary plat. The subdivider shall be notified if any changes are necessary to achieve compliance with these regulations and shall be responsible for having all changes made and a revised plat submitted prior to the City Council meeting date.
- E) At the meeting, the City Council shall approve, approve subject to modifications, table, or disapprove the preliminary plat. If approval is given subject to modifications, the required modifications shall be provided to the subdivider in writing. All modifications shall be made on the plat and approved by the Building Inspector prior to issuance of a grading permit. If a preliminary plat is disapproved, the City Council shall notify the subdivider in writing, citing the reasons for disapproval. The action of the City Council shall be noted on a copy of the preliminary plat, and one (1) copy shall be returned to the subdivider.
- F) Preliminary plat approval is tentative, pending submission of construction plans and is valid for a period not to exceed twelve (12) months, after which it shall expire.
- G) A grading permit shall be issued subsequent to preliminary plat approval. No improvement may be installed prior to approval of construction plans.
- H) Two (2) copies of construction plans depicting the design of all required improvements shall be submitted to the City Council within six (6) months from the date of approval of the preliminary plat for review by the Building Inspector prior to the installation of any improvements.

### **4.6 SUBDIVISION WITH PRIOR APPROVAL**

Subdivisions which are entirely developed or which received preliminary plat approval prior to adoption of this Regulation shall be permitted to proceed in accordance with the design standards in effect at time of approval of the preliminary plat. This provision shall expire five (5) years after date of adoption of this Regulation, after which all subdivisions shall conform to these regulations.

## CITY OF COMER—SUBDIVISION REGULATIONS

### ARTICLE V. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

#### 5.1 SKETCH PLAT

The sketch plat shall represent the entire area which the subdivider contemplates developing, including those units or sections not scheduled for immediate development. Three (3) copies of the sketch plat shall be submitted to the City Council for review with the subdivider and his/her professional representative. The sketch plan shall include as a minimum the following information:

1. Content: The sketch plat submitted to the City Council may be prepared in ink or pencil on a reproducible medium and can be a freehand rendering. The sketch plat shall illustrate the ultimate development of the entire parcel owned by the applicant and shall identify the section for which formal plat approval will initially be requested. It shall be prepared at a scale of not more than one (1) inch equal one hundred (100) feet and is to include site topography at a contour interval of five (5) feet or less. The sketch plat shall include at minimum the following information:
  - A) Subdivision name and unit if within existing subdivision.
  - B) Proposed name if not within a previously platted subdivision.
  - C) Name, address and telephone number of legal owner or agent of the property.
  - D) Name, address, and telephone number of registered professional responsible for subdivision design, design of improvement, and for survey.
  - E) Date, scale and north arrow.
  - F) Vicinity map
  - G) Proposed use of property to be subdivided.
  - H) Total acreage.
  - I) Location of existing property lines, major easements/right-of-ways, water courses, drainage areas and ditches, and distinctive natural features.
  - J) The location and width of all existing or proposed streets or public ways within; or directly adjacent to the subject property.
  - K) Existing buildings.
  - L) The approximate location of all proposed or existing lots, and the square footage of the smallest lot.
  - M) The location of flood hazard areas taken from the HUD (FEMA) maps, if available.

## CITY OF COMER—SUBDIVISION REGULATIONS

- N) Statement of proposed water/sewer supply or collection method.
- O) Zoning of subject property and adjacent property or properties.
- P) Any sketch plan of a major subdivision shall contain the locations of all general topographical features and the approximate slopes and gradients, both present and proposed. Additionally, any changes to be made affecting soil erosion and sedimentation that will be caused by grading, including information as to the conditions of soil types within the subdivision showing the relationship between soil limitations and dwelling density within the subdivision.
- Q) Any sketch plan shall provide information and data relating to surface water runoff as it effects storm water drainage and impact on adjacent areas.

### 5.2 PRELIMINARY PLAT

The preliminary plat shall represent the entire area which the subdivider contemplates developing, including possible unit divisions not scheduled for immediate development. Copies of the preliminary plat shall be transmitted by the subdivider to the appropriate City agency.

The preliminary plat shall be prepared by a licensed land surveyor, registered professional engineer or licensed landscape architect and includes as minimum the following:

1. Content: The preliminary plat, submitted to the City Council shall be in ink on a reproducible medium, prepared in accordance with acceptable professional standards. The submittal copies shall consist of black-line prints on a white background, and the submittal shall include such other documents as necessary to meet the requirements of these regulations. If the preliminary plat is prepared by a registered professional engineer, reference must be made to the legal survey of the parcel. A copy of the survey must be included with the preliminary plat if not stamped by a licensed land surveyor. The preliminary plat shall be prepared at a scale of one (1) inch equal one hundred (100) feet or larger. Sheet size shall be no longer than twenty-four by thirty-six inches (24"x36"), provided, however, additional sheets may be used. The preliminary plat shall contain the following information:
  - A) Name of Subdivision
  - B) Name of right-of-way width of all proposed streets.
  - C) Name, address, and telephone number of the owner or owners of the land to be subdivided and the name, address and telephone number of the subdivider.
  - D) The seal, name, and address of the licensed land surveyor or registered professional engineer.
  - E) Date, graphic scale, numeric scale, north arrow and space for revisions.

## CITY OF COMER—SUBDIVISION REGULATIONS

- F) Vicinity map indicating streets and highways, railroads and other significant features within, or adjacent, to the proposed subdivision.
- G) Proposed use of property to be subdivided.
- H) Total acreage, outlot acreage if applicable and the acreage of the smallest lot.
- I) Present zoning of subject property and adjacent properties.
- J) The location of property with respect to surrounding streets, and the names of adjoining developments.
- K) The location and dimensions of all boundary lines of the property to be expressed in feet.
- L) Unit divisions if known or staged development if proposed by the subdivider.
- M) Contour lines at intervals not to exceed two (2) feet, based on mean sea level datum. The basis for development of contour lines shall be indicated on the plat.
- N) The approximate location and sizes of existing sewers, water mains, drainage or other underground structures within, and immediately adjacent to the subject property.
- O) The location of existing and proposed streets, easements, water bodies, flood hazard areas and flooding, streams and other pertinent features such as swamps, railroads, building parks, cemeteries, drainage ditches, bridges and rock outcrops.
- P) Reference points from proposed intersections to permanent features.
- Q) The location and scaled dimensions of all proposed or existing lots. The minimum front yard setback on all lots and side lot setback for corner lots.
- R) The location and scaled dimensions and acreage of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purposed thereof, and conditions, if any, of the dedication or reservations.
- S) Sufficient data acceptable to the Building Inspector to determine the location, bearing and distance from a first (1<sup>st</sup>) order geodetic control point; the location, bearing and length of all property lines, as well as monumentation of the existing boundary survey and adequate geodetic location, vertical control with respect to mean sea level and a mathematical closure within a tolerance of one foot in five thousand feet (1/5,000').
- T) Blocks shall be lettered in alphabetical order. Blocks in numbered additions to the subdivision bearing the same name shall be lettered consecutively throughout the several additions.
- U) All lots in each block shall be consecutively numbered in a logical sequence.

## CITY OF COMER—SUBDIVISION REGULATIONS

- V) List of proposed utilities to be located underground.
- W) A statement of the proposed methods of water supply, major drainage provisions, detention areas, and proposed sewage disposal plans. If the development is to utilize a private sewer system, all information required by the Health Department shall be provided.
- X) The total number of units if not a single-family subdivision.
- Y) Certification for signature for the Mayor of Comer approving the preliminary plat. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.

### 5.3 CONSTRUCTION PLANS

Prior to installation of any required improvements, the subdivider shall submit two (2) copies of construction plans to the City Council. No improvements shall be installed until the Building Inspector formally approves the construction plans. Construction plans shall be prepared only by a registered professional engineer, registered land surveyor, or registered landscape architect.

1. Content: All construction plans submitted to the City Council shall be prepared in accordance with acceptable professional standards in ink, on a reproducible medium. The submittal copies shall consist of black-line or blue-line prints on a white background. Construction plans shall be prepared in accordance with the design standards contained in these regulations and shall be drawn at a scale of not more than one (1) inch equal one hundred (100) feet with a contour interval not to exceed two (2) feet. Drawing sheets size shall not exceed twenty-four by thirty-six inches (24"x36"). Construction plans shall be submitted for all required improvements and amended when necessary. The following shall be depicted:
  - A) Profiles shall be accompanied by plan views of street intersection, significant cuts and fills and intersections with existing property lines. This includes all known geographical features such as faults and rock formations.
  - B) Profiles showing existing and proposed elevation along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads shall be shown. The radii of all curves, lengths of tangents and central angles on all streets.
  - C) Where slopes in excess of twenty (20) percent occur on cross slopes the Building Inspector may require that cross sections of all proposed streets at fifth foot stations shall be shown at five (5) points as follows:
    - i. On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line and points fifty (50) feet inside each property line.

## CITY OF COMER—SUBDIVISION REGULATIONS

- D) Plans and profiles showing the location and typical cross-section of street pavements including curbs and gutters, sidewalks if provided, drainage easements, right-of-way, manholes, and catch basins; the location, size and invert elevations of existing and proposed storm sewers, drains, and exact location and size of all existing water, gas or underground utilities or structures. All utilities proposed for location underground shall be duly noted.
- E) Location and size of all existing and proposed drainage structures including retention ponds, catch basins, grates, headwalls and any extensions thereof. The acreage of the drainage area and all pipe and ditch sizing calculations shall be provided.
- F) The engineer preparing the construction plans shall certify the center line of all streets and drainage ways based upon a field run survey.
- G) Plans for water systems and plans and profiles for sewer system and storm drainage pipes.
- H) All information required by Comer's construction standards and specifications.
- I) An approved sedimentation and erosion control plan.
- J) A hydrological study including the drainage plan for the area.
- K) Title, name, address, stamp, and signature of professional engineer and date, including revision dates.
- L) Typical street section to include asphalt and base thickness, curb, road width, shoulder slope, and right-of-way width.

### 5.4 FINAL PLAT

Within twelve (12) months of the date of approval of the preliminary plat to the Mayor and Council for review. The final plat shall be prepared by a registered land surveyor.

The final plat shall conform to the preliminary plat. It may represent only that portion of the approved preliminary plat which the subdivider proposed to develop and record at this time.

1. Content: The final plat submitted shall conform to the preliminary plat and shall be in ink on a reproducible medium prepared in accordance with accepted professional standards. The submittal copies shall consist of black-line or blue-line prints on a white background, and the submittal shall include such other documents as necessary to meet the requirements of these regulations. The final plat shall be prepared at a scale of one (1) inch equals one hundred (100) feet or larger. Sheet size shall be seventeen(17) inches by twenty-one (21) inches for a major subdivision. If the entire final plat cannot be depicted on one sheet, the plat may be divided and an index provided:

*Amended and accepted by Comer Council November 6, 2007.*

## CITY OF COMER—SUBDIVISION REGULATIONS

- A) Name of subdivision.
- B) Name, address and telephone number of subdivider.
- C) Date of survey, date of plat drawing, and revision dates, graphic scale; north arrow with reference of bearings to magnetic, true, or grid north; the longitude and latitude and state plane coordinates; and the mean sea level datum.
- D) Location of tract (land district and land lot) and acreage.
- E) If part of all of the tract is a portion of a former subdivision, reference shall be made to the former plat, with identification of the former lots and blocks being resubdivided.
- F) Index map, when more than one (1) sheet is required to depict plat.
- G) Courses and distances to the nearest existing street lines, bench marks or other recognized permanent monuments which shall be accurately described on the plat.
- H) Exact boundary lines of the tract, to be indicated by a heavy line, giving distance to the nearest one-hundredth (1/100) foot and bearings to the nearest second. Tract boundaries shall be determined by accurate survey in the field, and shall be balanced and closed with an error of closure not to exceed one foot in five thousand feet (1/5000). The bearing and distance from a first (1<sup>st</sup>) order geodetic control point to the property boundary shall also be shown.
- I) The error of closure, as calculated by latitudes and departures, shall be stated. Surveys shall be coordinated and tied into U.S. Coast and Geodetic Survey Elevations. The benchmark used shall be provided.
- J) Municipal, County or land lot lines accurately tied to the boundary line of the subdivision by distance and angles, when such lines transverse or are reasonably close to the subdivision, boundary line of the subdivision by distance and angles, when such lines transverse or are reasonably close to the subdivision.
- K) Exact location, right-of-way, widths, and names of all streets and alleys within and immediately adjoining the plat, and the exact location and widths of all cross angles of intersections, radii, length of tangents, and arcs and degree of curvature with basis of curve data.
- L) Lot lines with dimensions to the nearest one hundredth (1/100) foot, necessary internal angles, arcs and chords, and tangents of radii of rounded corners.
- M) Building setback, with dimension.
- N) When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building lines shall be shown.

## CITY OF COMER—SUBDIVISION REGULATIONS

- O) Blocks lettered alphabetically within each block; lots or sites numbered in numerical order.
- P) The square footage of the smallest lot.
- Q) Location, dimensions and purposes of:
  - i. easements, including slope easements, public service utility right-of-way lines, areas (other than streets) to be reserved, donated, or dedicated to the public;
  - ii. sites for other than residential use, with notes stating their purposes and limitations; and
  - iii. of any areas to be reserved by deed covenant for common uses of all property owners.
- R) Accurate location, material and description of monuments and markers. Monuments to be placed after final street improvements shall be designated as “future”.
- S) Reserved
- T) Certifications for final plat approval by the Mayor and Council.
- U) Owner's Certification: The final plat shall contain, in addition to a licensed land surveyor's certification a statement as follows:

“I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, dedicate all streets, easements, alleys, walks, parks and other open spaces to provide directly or indirectly for maintenance of all common areas or outlots.”

*This statement shall be signed and dated by the owners, proprietors, or trustees, if any, prior to the final plat submittal. The final plat shall be accompanied by statements of deed restrictions (covenants) which the subdivider intends to apply to the subdivision, if any. All deed restrictions shall meet or exceed the requirements contained in this regulation and the requirements of the Zoning Ordinance.*

- 2. Final Plat for Minor Subdivisions: The final plat for minor subdivisions shall comply with the requirements for recordation of maps and plats of O.C.G.A. § 15-6-67. The City Council may waive the requirement for submission of a sketch plat for minor subdivisions by its approval of a final plat for a minor subdivision.

*Amended and approved by Comer City Council November 6, 2007.*

### 5.5 REVISION

No change, erasure, or revision shall be made on any preliminary or final plat, not on accompanying data sheets after approval of the City Council. In no case shall the City Council approve a revision unless the fact that it is a revised plat is clearly stated thereon.

## CITY OF COMER—SUBDIVISION REGULATIONS

### ARTICLE VI. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

#### 6.1 INSTALLATION OF IMPROVEMENTS, IMPROVEMENTS GUARANTEES

Before the final plat is signed by the City Council, all applicants shall be required to complete or produce improvement guarantees for all improvements as required in these Regulations:

1. Completion of Improvements: The Building Inspector must certify that all improvements required by the City have been satisfactorily installed or the installation guaranteed.
2. Improvement Guarantees: The subdivider shall provide improvement guarantees at the time of application for final plat approval. Said guarantee amount shall be determined by the Comer Mayor and City Council for the assurance of the satisfactory construction, installation, and dedication of the incompleting portion of improvements. Improvement guarantees may take the form of either a bond, letter of credit or a certified check. Guarantees shall be structured to permit periodic demands for payment from the issuer in whole or in part for the entire amount of the credit. All check will be cashed and held in interest bearing accounts with interest accruing to the City. No check accepted as a guarantee will be held. Such improvement guarantees shall be approved by the City Council as to amount and surety. The guarantee shall be released only after the City has accepted the work.
3. Costs of Improvements: All required improvements shall be made by the subdivider, at his expense, without reimbursement by the City or by any improvements district therein.
4. Failure to Compete Improvements: In those instances where an improvement guarantee has been posed and required improvements have not been installed within the terms of such guarantees, the City shall call the improvement due and collect all funds or require that all improvements be immediately installed regardless of the extent of the building development at the time the improvement guarantee is declared to be in default. If the Building Inspector finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standard and specifications, the subdivider shall be responsible for removing any defects and completing the improvements or forfeiting the guarantee.
5. Acceptance of Dedication Offers: Acceptance of formal offers of dedication of streets, public area, easements, and parks shall be by act of the Mayor and City Council. The approval by the City Council of a subdivision plat shall not be deemed to constitute or imply acceptance by the City of any street, easement, or park shown on said plat.

## **CITY OF COMER—SUBDIVISION REGULATIONS**

### **6.2 INSPECTION OF IMPROVEMENTS**

The Building Inspector shall provide for inspection of required improvements during and upon completion of installation to ensure satisfactory compliance with provisions of this Regulation. The City shall not accept dedication of required improvements, nor release, nor reduce an improvement guarantee, until the Building Inspector has submitted a letter stating that all required improvements have been satisfactorily completed and a deed submitted. Upon such approval and recommendation of the Building Inspector, the Mayor and City Council shall consider acceptance of the improvements for dedication in accordance with the established procedure.

### **6.3 MAINTENANCE OF IMPROVEMENTS**

The applicant shall be required to maintain all improvements on the individual subdivided lots until acceptance of said improvements by the Mayor and Council. If there are any Certificates of Occupancy issued on a street not dedicated to the City, the City may on twelve (12) hours notice effect emergency repairs and charge same to applicant. Prior to dedication of improvements, the applicant shall be required to file with the Mayor and City Council a maintenance bond in an amount equal to one-third (1/3) of the total cost of improvements, in order to assure the satisfactory condition of all lot improvements. The bond shall be maintained for a period of one (1) year after date of their acceptance by the Mayor and City Council and dedication of same to the City.

### **6.4 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

Where an improvement guarantee has been required for a subdivision, no Certificate of Occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the City as required in the City Council's approval of the final plat. No building permit shall be issued for the final ten (10) percent of lots in a subdivision or, if ten (10) percent is less than two (2) lots of a subdivision, until all public improvements required by the City Council for the plat have been fully completed and dedicated to the City. No permit shall be issued until the road base is completed and inspected by the Building Inspector.

## CITY OF COMER—SUBDIVISION REGULATIONS

### ARTICLE VII. REQUIREMENTS FOR IMPROVEMENTS, DESIGN AND CONSTRUCTION

#### 7.1 GENERAL CONFORMANCE REQUIREMENTS

The following provisions shall govern the submittal and review of all plats:

1. Conformance to Rules and Regulations: In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:
  - A) All applicable statutory provisions.
  - B) The Zoning Ordinance of Comer, Georgia building and housing codes, and all other applicable laws of the City.
  - C) The special requirements of the Subdivision Regulations and any rules of the Health Department and appropriate State agencies.
  - D) The rules of the Georgia Department of Transportation if the subdivision or any lot contained therein abuts a State highway or connecting street.
  - E) The standards and regulations adopted by the Southern Building Codes.
  - F) Erosion and Sediment Control Ordinance. Plat approval may be withheld if a subdivision is not in conformity with these Regulations, such restrictions or reference thereto shall be required to be indicated on or attached to the final plat. When conflicts exist between these subdivision regulations and other public regulations or covenants, the stricter regulations shall prevail.
2. Plats Straddling Governmental Boundaries: When access to the subdivision is required across land in another local governmental jurisdiction, the City Council may request assurance from the City Attorney that access is legally established, and from the Building Inspector 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.
3. Monuments: Permanent reference monuments shall be placed at block corners and other points such as street intersections, lot corners, and angle points, and shall be marked with a solid iron rod or an iron pipe not less than one-half (1/2) inch in diameter, at least eighteen (18) inches long, driven flush with the ground. Monuments shall be indicated on the final plat. Removal of monuments and resetting by anyone other than a registered Land Surveyor is prohibited.

## CITY OF COMER—SUBDIVISION REGULATIONS

4. Character of the Land: Land which the City Council and Building Inspector find to be unsuitable for subdivision development due to potential for flooding, poor drainage, steep slopes, rock formations, adverse topography or landforms, or other features which could be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision shall not be subdivided or developed unless adequate methods to alleviate these problems are formulated by the developer with concurrence of the City Council and Building Inspector.
5. Subdivision Name: The proposed name of the subdivision shall not duplicate, or too closely approximate, phonetically, the name of any other subdivision in the area covered by these Regulations. The City Council shall have final authority to approve the name of the subdivision which shall be determined at sketch plat review.

## **CITY OF COMER—SUBDIVISION REGULATIONS**

### **ARTICLE VIII. CONSTRUCTION SCHEDULE**

#### **8.1 PRIOR APPROVAL**

No construction activity of any kind including finished grading, installation of improvements, or building shall begin on any land subject to these Subdivision Regulations without prior approval of the preliminary plat and construction plans.

#### **8.2 GRADING**

Grading operations limited to clearing and grubbing may commence once approval of the preliminary plat is granted.

#### **8.3 UTILITIES**

Utility installation shall not occur until the Building Inspector has received the certification that the streets were graded as designed by the design engineer and has approved the rough grade of the street and shoulder preparation.

#### **8.4 INSPECTIONS**

Periodic inspection during the installation of the required improvements in a subdivision shall be made by the Building Inspector to insure conformity with the approved plans and specifications. The subdivider shall notify the Building Inspector when each phase of the installation is completed and ready for inspection.

#### **8.5 SALE AND TRANSFER**

No lot or parcel of land shall be sold or transferred or a building permit issued until the final plat, of which said lot or parcel is a part, shall have been approved and recorded as provided for in these Subdivision Regulations.

#### **8.6 BUILDING PERMITS**

The Building Inspector shall not issue any permit for the construction of any building or structure to be located in any subdivision, a plat whereof is required to be recoded pursuant to the provisions of these Subdivision Regulations, until such plat shall have been approved and recorded as provided for in these Subdivision Regulations.

#### **8.7 OCCUPANCY**

Within each phase of development, no building may be occupied for dwelling or other purposes, nor shall an occupancy permit be issued for any building until required utility installations, including water supply and sanitary sewer systems, have been completed and approved by the Building Inspector.

## **CITY OF COMER—SUBDIVISION REGULATIONS**

### **ARTICLE IX. LEGAL STATUS PROVISIONS**

#### **9.1 LIABILITY**

Neither the approval of any action under the provisions of this ordinance, nor the compliance with provisions of this ordinance, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law or impose any liability upon the Mayor or City Council for damage to any person or property.

*Amended and approved by Comer City Council November 6, 2007.*

#### **9.2 CONFLICTS BETWEEN SPECIFIC AND GENERAL PROVISIONS**

When there is an apparent conflict in this Ordinance between specific and general provisions, it is the intention hereof that the specific shall control.

*Amended and approved by Comer City Council November 6, 2007.*

#### **9.3 SEVERABILITY**

If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted has such invalid portion not been included herein.

*Amended and approved by Comer City Council November 6, 2007.*

#### **9.4 REPEAL OF CONFLICTING PROVISIONS**

All ordinances or parts of ordinances in conflict with this ordinance, and not preserved hereby, are hereby repealed.

*Amended and approved by Comer City Council November 6, 2007.*

**CITY OF COMER—SUBDIVISION REGULATIONS**

9.5 EFFECTIVE DATE

It is hereby ordained by the Mayor and City Council of Comer, Georgia, that this Ordinance is approved and adopted after a public hearing on the 19<sup>th</sup> day of April, 1988. This Ordinance shall take effect and shall be in force from the 21<sup>st</sup> day of April, 1988.

April 19, 1988  
Date of Public Hearing

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Mayor of Comer

April 21, 1988  
Date of Adoption

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City Clerk