

# **PUBLIC HEARING**

## **Proposed Amendments to Chapter 86 Subdivision** *(02/8/2023)*

**Chapter 86 SUBDIVISIONS<sup>1</sup>**

Table of Contents

Chapter 86 SUBDIVISIONS.....1  
ARTICLE I. GENERAL PROVISIONS .....3  
    Sec. 86-1. Title.....3  
    Sec. 86-3. Platting Authority. ....3  
    Sec. 86-4. Purpose.....3  
    Sec. 86-5. Jurisdiction and application. ....4  
    Sec. 86-6. Tree protection plan .....4  
    Secs. 86-7—86-20. Reserved.....8  
ARTICLE II. DEFINITION OF TERMS.....8  
    Sec. 86-21. Usage and interpretation of terms. ....8  
    Sec. 86-22. Words and terms defined. ....9  
    Secs. 86-23—86-30. Reserved.....12  
ARTICLE III. DESIGN STANDARDS .....12  
    Sec. 86-31. Minimum design standards and improvements .....12  
    Sec. 86-32. Streets.....12  
    Sec. 86-33. Lots. ....16  
    Sec. 86-34. Blocks.....17  
    Sec. 86-35. Easements.....17  
    Sec. 86-36. Monuments. ....17  
    Sec. 86-37. Drainage and storm sewers. ....18  
    Sec. 86-38. Water supply. ....18  
    Sec. 86-39. Sewage disposal.....19  
    Sec. 86-40. Benchmarks. ....20  
    Sec. 86-41. Reserved. ....20  
    Sec. 86-42. Utilities; location.....20  
    Sec. 86-43 Nonpotable reuse or reclaimed water requirements.....20  
    Secs. 86-44—86-60. Reserved.....21  
ARTICLE IV. ADMINISTRATION.....21

---

PART III - CODE OF ORDINANCES  
Chapter 86 SUBDIVISIONS

---

Sec. 86-61. Administrative agency. ....	21
Sec. 86-62. Prefiling conference and sketch plan. ....	22
Sec. 86-63. Preliminary plat. ....	23
Sec. 86-64. Final plat. ....	<del>26</del> 27
Secs. 86-65—86-80. Reserved. ....	30
ARTICLE V. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS .....	30
Sec. 86-81. Completion of improvements. ....	<del>30</del> 31
Sec. 86-82. Guarantee of improvements. ....	<del>30</del> 31
Sec. 86-83. Inspection of improvements. ....	<del>32</del> 33
Secs. 86-84—86-100. Reserved. ....	33
ARTICLE VI. EXEMPTIONS AND MODIFICATIONS .....	<del>33</del> 34
Sec. 86-101. Exemptions. ....	<del>33</del> 34
Sec. 86-102. Exemptions from paving requirements. ....	34
Sec. 86-103. Reserved. ....	34
Sec. 86-104. Variances. ....	34
Secs. 86-105—86-120. Reserved. ....	34
ARTICLE VII. PENALTIES .....	34
Sec. 86-121. Violation a misdemeanor. ....	34
Sec. 86-122. Other penalties. ....	<del>34</del> 35
Secs. 86-123—86-140. Reserved. ....	<del>34</del> 35
ARTICLE VIII. AMENDMENTS .....	<del>34</del> 35
Sec. 86-141. Procedure. ....	35
Secs. 86-142—86-150. Reserved. ....	35
ARTICLE IX. SCHEDULE OF PLAT FILING FEES .....	35
Sec. 86-151. Preliminary plat filing fees. ....	35
Sec. 86-152. Final plat filing fees. ....	35
Secs. 86-153—86-160. Reserved. ....	<del>35</del> 36
ARTICLE X. APPEALS .....	<del>35</del> 36
Sec. 86-161. Administrative appeals. ....	<del>35</del> 36
Sec. 86-162. Appeals of planning commission decisions. ....	36
Sec. 86-163. Powers of the planning commission. ....	36
Sec. 86-164. Powers of the city council. ....	36
Sec. 86-165. Court review of city council action. ....	36

## ARTICLE I. GENERAL PROVISIONS

### Sec. 86-1. Title.

This chapter shall be known and may be cited as the Subdivision Regulations of St. Marys, Georgia.

### ~~Sec. 86-2. Administration.~~

~~This chapter shall be administered by the Planning Commission of the City of St. Marys.~~

### Sec. 86-3. ~~Platting Authority of planning commission.~~

- (a) ~~Major Subdivisions.~~ Pursuant to the powers and jurisdictions vested through the city council and other applicable laws, statutes, ordinances and regulations of the state, the planning commission does ~~herby exercise the power to review, approve and disapprove plats for the subdivision of land within the corporate limits of the city, and to require minimum standards for improvements within such subdivided areas.~~ herby exercise the power to:
- ~~review, approve, and/or disapprove preliminary plats for major subdivisions of land within the corporate limits of the city;~~
  - ~~review, and recommend to the city council approval or disapproval of final plats for major subdivisions of land within the corporate limits of the city; and~~
  - ~~and to require minimum standards for improvements within such subdivided areas.~~
- (b) ~~Minor Subdivisions.~~ Pursuant to the powers and jurisdictions vested through the city council and other applicable laws, statutes, ordinances and regulations of the state, the community development director ~~herby exercises the power to review and approve or disapprove final plats for minor subdivisions upon consulting with the Public Works, Fire, and Finance Department of the City of St. Marys.~~

### Sec. 86-4. Purpose.

The purposes of the regulations are to promote the public health, safety and general welfare of the city. The overall objective of this chapter is to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the land within the ~~planning commission's city's~~ jurisdiction. The following provisions shall guide the ~~planning commission~~ platting authority in formulating its decisions:

- (1) Proposed streets shall compose a convenient and efficient traffic circulation system, properly related to the proposals of any transportation plan. Streets shall be of such width, grade and location to accommodate prospective traffic, provide adequate light and air, and to provide access by service and emergency vehicles.
- (2) Land of suitable location, size and character for utility or drainage easements or public community services shall be shown on the subdivision plat wherever appropriate.
- (3) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health and welfare from flooding, fire, contamination, erosion and other menace.
- (4) The development of any subdivision should avoid unnecessary environmental degradation; pollution of air, streams, ponds, and so on; and be in harmony with the natural environment.

- 
- (5) Protect and conserve the value of land and buildings throughout the city while avoiding conflicts among the uses of lands and buildings.
  - (6) Provide for adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements, facilities, and open space needs as will accommodate the anticipated rate of development.
  - (7) Establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land: and insurance of proper legal descriptions and monumenting of subdivided land to provide adequate records for land titles.
  - (8) Avoid excessive expenditure of public funds for the supply of public services.

#### **Sec. 86-5. Jurisdiction and application.**

The jurisdiction of this chapter shall apply to all that incorporated area within the boundaries of the city and this chapter shall apply (except as specifically exempt herein) to the following forms of land subdivision:

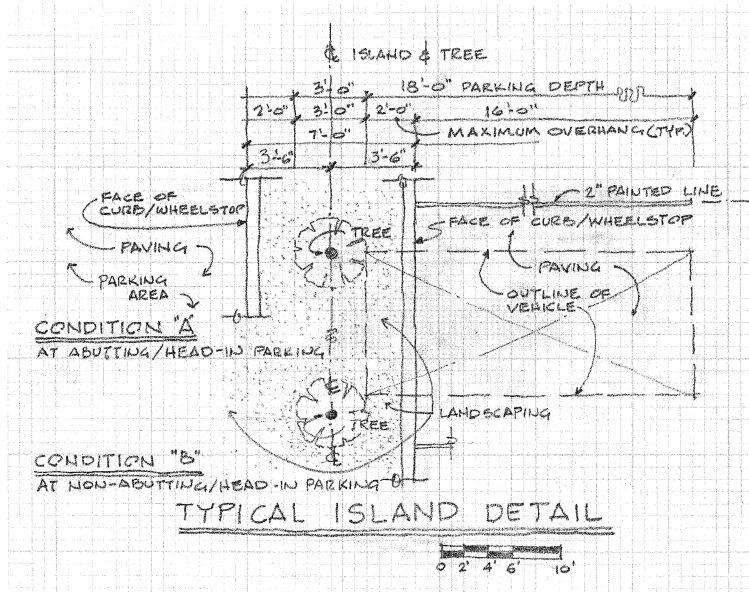
- (1) The division of land into two or more parcels, lots, or tracts.
- (2) The dedication, vacation, or reservation of any public easement or right-of-way through any tract of land regardless of the area involved.
- (3) The consolidation of two or more parcels, lots, or tracts into one or more larger parcels. This consolidation is defined as a "reverse subdivision".
- (4) The leasing of any portion of any existing parcel where the leased parcel is a smaller portion of a larger parcel. This shall apply to all parcels leased as a smaller portion of a larger parcel regardless of the intent of the parcel owner to transfer ownership at any point. This applies to all zones.

#### **Sec. 86-6. Tree protection plan.**

- (a) *Protected trees.* On single and subdivided commercial lots, the building and parking area must be identified and all remaining trees on single or subdivided lots shall be protected in a tree protection zone as outlined in this section.
- (b) *Protective measures.* In the tree protection zone, protective measures shall be applied to the above ground portion of a tree and to roots within the critical root zone, as follows:
  - (1) *Damage prohibited.* No person shall:
    - a. Cut, carve, transplant or otherwise damage or remove any tree;
    - b. Attach any rope, wire, nails, advertising posters or other contrivance to any trees;
    - c. Allow any gaseous, liquid or solid substance which is harmful to trees (such as concrete washout, fuel, lubricants, herbicides, paint) to come in contact with them; or
    - d. Set a fire or permit any fire to burn when such fire or the heat of the fire will injure any portion of any tree.
  - (2) *Fence required.* During excavation, filling, construction or demolition operations, each tree or stand of trees shall be protected against damage to bark, roots and low-hanging branches with a fence enclosing the critical root zone (four feet high, two-inch by four-inch posts; with double one-inch by four-inch rails, plastic construction area fencing, or 12-gauge two-inch by four-inch wire mesh). "Tree save area" signs shall be posted on all sides of the fenced area. 'Critical root zone' shall be defined as the drip edge of the tree.

- 
- (3) *Compaction prohibited.* All buildings materials, vehicles, construction equipment, dirt, debris or other objects likely to cause soil compaction or above ground damage shall be kept outside the critical root zone. Where a limited amount of encroachment is unavoidable and is approved by the building official, the critical root zone shall first be mulched with a four-inch layer of processed pine bark or wood chips or a six-inch layer of pine straw.
  - (4) *Grade changes prohibited.* There shall be no raising or lowering of the ground level within the critical root zone. Stripping of topsoil in the critical root zone shall not be permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system approved by the building official. The depositing of sediment in the critical root zone shall be prevented by placement of Type C sediment barriers, which shall be backed by two-inch by four-inch wire mesh in areas of steep slope.
  - (5) *Ditches, trenches prohibited.* No person shall excavate any ditch, tunnel or trench within the critical root zone. Where such encroachment is unavoidable and is approved by the building official, tunneling rather than trenching shall be used. If roots must be cut, root pruning procedures approved by the building official must be employed.
  - (6) *Paving prohibited.* No person shall pave with concrete, asphalt or other impervious material within the critical root zone.
- (c) *Plan required; contents.* A proposal for development or improvement of any tract of commercial land shall include a tree protection plan, including trees to be planted in order to repopulate the landscape due to removing trees or due to the lot not having any trees. Such plan shall be submitted to the building official prior to any grading, bulldozing or other removal of the existing vegetation. The plan shall show the following:
- (1) Names and addresses of the owner of record and the applicant.
  - (2) Boundary lines of the tract by lengths and bearings, streets adjoining the property, total area of the tract, north point, graphic scale and date.
  - (3) All existing specimen trees, including those to be removed, and all other trees ten inches in diameter at a breast height (DBH), measured at 4.5 feet from the ground, or greater which will remain on the site and shall be protected during construction. The owner of the property shall indicate the common and botanical names and the size of each tree. In heavily wooded areas that will not be disturbed, the site plan may show only the boundaries of each stand of trees and a list of the number, size and species of ten inches DBH or larger trees in each stand.
  - (4) Locations of all existing and proposed new buildings, structures and paved areas, whether to be removed or to remain.
  - (5) Locations of all existing and proposed new utility lines. New utility lines must be placed along corridors between critical root zones of trees which will remain on the site.
  - (6) Limits of land disturbance, clearing, grading and trenching.
  - (7) Limits of tree protection areas, showing trees to be maintained specifying species and size.
  - (8) Grade changes or other work adjacent to a tree which would affect it adversely, with drawings or descriptions as to how the grade, drainage and aeration will be maintained around the tree.
  - (9) Planting schedule and site plan showing where and what type vegetation will be planted on cleared land upon completion of construction project. A minimum of one, two-inch or larger DBH tree every ten feet between the commercial building and any roadway must be planted.
- (d) *No tree shall be planted closer to a building foundation or water, sewer, electrical or natural gas line than as follows:*

- 
- (1) For a mature small tree, five feet.
  - (2) For a mature medium tree, ten feet.
  - (3) For a mature large tree, 15 feet.
- (e) *No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.*
- (1) Landscape islands shall be provided within parking areas of six or more spaces, but shall not be required within vehicle storage or display areas. Initial designs should take into account any existing trees whenever possible. Refer to chapter 110 article IV [of the St. Marys Code of Ordinances] for additional parking requirements.
    - a. The total area of all islands shall comprise at least five percent of parking lot area in commercial zoning districts or three percent of parking lot area in industrial zoning district; plus one percent of other vehicle use area on the property (such as loading, storage or display areas).
    - b. Each island shall contain a minimum of 50 square feet. It shall be so shaped that a five-foot diameter circle will fit within the island. No portion of an island less than three feet in width may be counted in the area.
    - c. Landscape islands shall be located in such a manner as to divide and break up the expanse of paving.
    - d. Vehicles may overhang the landscape island to a depth of 24 inches provided the island is at least 3.5 feet in depth per each abutting head to head parking space, at least 7.0 feet in depth overall for abutting head to head parking space, and protected by wheel stops or curbing. Two feet of the landscaped area may count as part of the required depth of each abutting head-in parking space. (Condition A of Figure 1). For spaces at the perimeter of the lot, and not abutting head-in parking, the vehicle may overhang the landscape island to a depth of 24 inches with no minimum island dimension. (Condition B of Figure 1)



**FIGURE 1 – LANDSCAPE ISLAND DETAIL**

- (2) Distribution of trees shall be as follows:
- a. At least one tree, as recommended in the St. Marys Trees and Shrub Ordinance section 102-48, shall be planted in each required landscape island, and at least one tree, as recommended in the St. Marys Trees and Shrub Ordinance section 102-48, shall be planted for every 30 linear feet of length in each required planting strip.
- (3) Criteria for replacement trees shall be as follows:
- a. Spacing and the potential size of species chosen shall be compatible with spatial limitations of the site.
  - b. The species must be ecologically compatible with the specifically intended growing site.
  - c. The trees must have the potential for size and quality comparable to those removed.
  - d. Preference shall be given to specimens of no more than three inches DBH.
  - e. Authority for questions of tree characteristics shall be City of St. Marys Ordinance sections 102-46 through 102-50; publications of the state forestry commission; publications of the cooperative extension service of the University of Georgia College of Agriculture; or other authority acceptable to the city.



- 
- (4) For specimen and nonspecimen trees, emphasis shall be given to the preservation of specimen trees, even isolated individual specimen trees, over retention of other nonspecimen trees. Nonspecimen trees, however, should be saved in stands rather than as individual trees scattered over a site.
  - (5) The property owner shall maintain trees on the property in accordance with this article and the approved plan, including replacing trees which die or are irreparably damaged.

(Ord. of 12-8-08, § 1)

**Secs. ~~86-7~~86-7. Prerequisite for Major Subdivision; Adequate Project Improvements.**

It shall be a prerequisite for any major subdivision to have adequate project improvements, as determined by the City Engineer and the City Public Works Department, in place or planned before approval may be given for a preliminary plat. For this section adequate project improvements shall include the following:

1. Transportation network.
2. Water distribution network.
3. Wastewater collection network.

Where improvements are planned to meet the requirement for adequate project improvements the city council may require an agreement to be executed between the city and the applicant to ensure that the adequate project improvements are brought online as planned.

**Secs. 86-8—86-20. Reserved.**

## **ARTICLE II. DEFINITION OF TERMS**

**Sec. 86-21. Usage and interpretation of terms.**

- (a) For the purpose of this chapter, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section.
  - (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
  - (2) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
  - (3) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied.
  - (4) The word "lot" includes the words "plot" or "parcel" or "tract".
  - (5) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; the singular includes the plural; words in the plural number include the singular; the word "herein" means "in this chapter"; the word "regulations" means "this chapter".
  - (6) A "building" includes a "structure", a "building" or a "structure" and includes any part thereof.
- (b) Words not defined herein and defined by the city zoning ordinance shall be interpreted by way of said subdivision ordinance definitions; all other words not defined herein or by said subdivision ordinance shall be construed to have the meaning defined by the latest edition of the Oxford American Dictionary.

---

## Sec. 86-22. Words and terms defined.

*Benchmark:* A permanent marker located as per this chapter and in a form defined by this section. Benchmark data, including location and elevation related to USGS data shall be shown on the final as-built drawings.

*Block:* A parcel of land entirely surrounded by streets or highways, railroad rights-of-way, waterways, or by a combination thereof.

*Buffer or buffer zone:* An area of land between and/or within the lot line; or any other line determined by survey or other legal means that has been determined by local, state, or federal agencies to be a buffer, with highly regulated activities only permitted in or adjacent to the buffer. Buffer lines shall be determined by the agency having jurisdiction that may include, but not be limited to, the Georgia Department of Natural Resources (DNR), the Environmental Protection Division (EPD), Corps of Engineers (COE), the City of St. Marys (COSM), or others as appropriate or required by law.

*Buildable area of lot:* Upland area between all setbacks and outside of any recorded easements (see also Lot area).

*Building line:* That line which represents the distance a building or structure must be setback from a lot boundary line or a street right-of-way line or a street centerline according to the terms of the zoning ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and setback the appropriate distance required within the district in which the lot is located from street right-of-way lines, street center lines or other lot boundary lines. May also be referred to as "setback line".

*City engineer:* Appointed by the City of St. Marys. The term city engineer shall also include by this definition the public works director, or his designated project engineer.

*Digital media:* Final plats, and all other drawings required by this section shall be submitted on digital media on a compact disc (CD-RW) in two separate formats: 1) .dwg format readable in AutoCAD latest edition; and 2) .eps or .tif format. Read only formats are not acceptable.

*Easement:* A grant by the property owner to any person, firm or corporation, or to the general public of the use of a strip or parcel of land for a specified purpose.

*Engineer:* A registered professional engineer in good standing with the Georgia Board of Registration.

*Fair market value:* The value of property or structures as determined by the tax assessor.

*Greenspace:* Nondeveloped, natural (i.e. not manmade) land consisting of grasses, trees, forests, wetlands, water, or marshes. Whenever possible greenspace should remain natural or with minimal clearing or cleaning.

*Governing authority:* The City Council of the City of St. Marys.

*Land:* The solid part of the earth's surface that does not include sea, water and air.

*Leased parcel:* A parcel of land smaller than the deeded area that is leased under a time contract to an independent third party.

*Lot:* A parcel or plot of land of varying size which is designated as a single unit of property and which is intended to be occupied by one building, or group of buildings, and its accessory buildings and uses as required by this chapter.

*Lot area:* Land area within lot lines.

*Minimum lot area:* Upland area of the lot area as defined herein.

---

*Manufactured home:* A structure, transportable in one or more sections, that when traveling is eight body feet or more in width, or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and that has within it plumbing, heating, air-conditioning, and electrical systems.

*Manufactured home subdivision:* A manufactured home park where manufactured home spaces are offered for sale.

*Monument:* A permanent marker installed at property corners or any location along a lot line where the line changes bearing. See section 86-36. Monuments for required design of monument.

*Pavement return radius:* Radius of pavement between intersecting streets which is used for vehicle turning.

*Parcel:* A piece of land.

*Planning commission:* The city planning commission.

*Plat:* A map or drawing upon which the subdivider's plan of the subdivision is presented for approval.

*Platting Authority:* The entity responsible for review and either making a recommendation on the disposition of plat, or making the final decision on the disposition of a plat. For preliminary plats of major subdivisions, the Planning Commission shall constitute the Platting Authority. For final plats of major subdivisions, the City Council, after review and recommendation by the Planning Commission, shall constitute the Platting Authority. For final plats of minor subdivisions, the Community Development Director shall constitute the Platting Authority.

*Project improvements:* Site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the development. Project improvements will not provide more than incidental service or facilities capacity to persons other than the users or occupants of the development.

*Public works manual:* This reference is to the city public works policies and specifications manual established by Ordinance of October 24, 1988.

*Reserved strip:* A small strip of land between the terminus of a platted street right-of-way and the plat boundary whose ownership could be retained by the subdivider which would prevent the extension of said street into adjacent property.

*Reuse or reclaimed water:* Urban water reuse is a term generally applied to the use of reclaimed water for the beneficial irrigation of areas that are intended to be accessible to the public, such as golf courses, residential and commercial landscaping, parks, athletic fields, roadway medians, etc. Expanded uses for reuse or reclaimed water may also include fire protection, aesthetic purposes (landscape impoundments and fountains), industrial uses and some agricultural irrigation. Reuse or reclaimed water is domestic wastewater or a combination of domestic and industrial wastewater that has been treated to stringent effluent limitations such that the reclaimed water is suitable for nonpotable use in areas of unrestricted public access.

*Right-of-way line:* The outside boundaries of a highway right-of-way, which are established by usage, dedication or by official action.

*Setback or setback line:* See definition of Building line.

*Sewerage, public:* A system that is owned, maintained, and operated by the municipality, or a community corporation or a privately-owned system serving more than one lot and approved by the county health department and/or the Georgia Environmental Protection Division (EPD).

*Sidewalk:* A pedestrian walkway constructed of class "A" concrete measuring a minimum of five feet in width and four full inches thick constructed adjacent to at least one side of all streets regardless of classification.

---

*Street:* A dedicated public way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley or other public way. For the purposes of this chapter, "streets" are divided into the following categories (See also Table T-1):

- (1) *Major street:* A street or highway which is used to move fast or heavy traffic between population centers, around population centers or from one section of the urban area to another. Georgia 40, St. Marys Road, Colerain Road, Kings Bay Road, etc. are examples of major streets.
- (2) *Collector street:* A public way designed primarily to connect local streets with a major street or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic. Point Peter Road, Dilworth Street, Douglas Drive, etc. are examples of collector streets.
- (3) *Local street:* A street used primarily for access to the abutting properties. Norris Street, Fourth Street, Seagrove Street, etc. are examples of local streets.
- (4) *Minor street:* [A street] dedicated to public use which affords only a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes. Seminole Street, Lisa Lane, Bambi Drive are examples of minor streets. These streets typically have drive, alley, lane, or place as part of their name.
- (5) *Marginal street:* A minor street parallel and adjacent to a major thoroughfare and which provides access to abutting properties and protection from through traffic.
- (6) *Cul-de-sac:* A minor street of short length having one end open to traffic and one end terminating in a vehicular turn-around with required curb guttering. All culs-de-sac must comply with the requirements of the St. Marys Fire Department Fire Life Safety Code, latest edition.
- (7) *Subdivision street:* A street within a subdivision plat which has been approved by the planning commission.

*Streetlight:* An approved light mounted on an approved mounting location within a city street right-of-way for the purpose of providing illumination for the area during nondaylight hours.

*Subdivider:* Any person, firm, corporation or other legal entity subdividing land within the jurisdiction of this chapter.

*Subdivision:* The division of a tract, parcel or lot into two or more lots or building sites, or other divisions for the purpose, whether immediate or future, of sale, leasing, or legacy, or building development. This includes all division of land involving a new street or a change in existing streets and includes a resubdivision and, where appropriate, relates to the process of subdividing or to the land or area subdivided or to leased parcels. The following distinguishes between major and minor subdivisions; in the case of a minor subdivision, only a final plat is required while a major subdivision requires the filing of both a preliminary and final plat:

- (1) *Major subdivision:* All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of six or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.
- (2) *Minor subdivision:* Any subdivision containing not more than five lots fronting on an existing street, and not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, zoning ordinance, or this chapter. The remainder of the subdivided parcel shall be in compliance with the zone that the subdivision is located.

- 
- (3) *Reverse subdivision*: Any subdivision combining one or more lots into one larger lot. All of the requirements for a major or minor subdivision (based on the number of lots combined) shall be met for any reverse subdivision.

*Surveyor*: A registered land surveyor in good standing with the Georgia Board of Registration.

*Upland*: The total area of solid earth included within lot lines not including area containing water, air, marsh or wetlands and their related or required buffers.

*Utility*: This term shall include gas, water, sewer, stormwater piping, grey water piping, electric, telephone, CATV, or any other like system, whether public or private.

*Water, public*: A system that is owned, maintained, and operated by the municipality, or a community corporation, or a privately-owned system serving more than one lot and approved by Camden County Health Department and/or EPD.

*Zoning ordinance*: The officially adopted city zoning ordinance, chapter 110.

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

**Secs. 86-23—86-30. Reserved.**

### **ARTICLE III. DESIGN STANDARDS**

#### **Sec. 86-31. Minimum design standards and improvements.**

In order that the various purposes of this chapter may be accomplished, all subdivisions hereafter established shall be developed and improved in accordance with the minimum design standards set forth in this article and the city public works policies and specifications manual, all state codes and in accordance with section 102-27 of the tree ordinance, and applicable sections of the zoning ordinance, chapter 110. A quantity of greenspace shall be maintained within every subdivision as per these ordinances. Final approval shall not be given a subdivision until all appropriate design standards have been met and until all appropriate required improvements have either been installed or an appropriate performance bond, irrevocable letter of credit, or as otherwise provided for herein, has been posted to secure the installation of such improvements.

#### **Sec. 86-32. Streets.**

All streets which shall hereafter be established in connection with the development of a subdivision, as defined by this chapter, shall comply with the following design standards:

- (1) *General provisions*. The following general provisions shall apply to all streets hereafter established in a subdivision:
  - a. *Street classifications*. Streets shall be defined as major, collector, minor, marginal, and local of dimensions noted in Table T-1 and as defined under the definitions section.
  - b. *Continuation of existing street pattern*. The arrangement of streets in a subdivision should provide for the alignment with, or the continuation of, or the appropriate projection of existing collector and major streets in surrounding areas as shown on the Georgia Department of Transportation Road Classification Map or the Master Plan of the City of St. Marys.
  - c. *Egress and ingress*. Every major subdivision will endeavor to have a minimum of two streets to ingress and egress into and out of the subdivision. The planning commission may approve a

---

variance to this requirement when meeting specifications or conditions outlined in section 86-104.

- d. *Street jogs.* Street jogs, or centerline offsets in the horizontal alignment of streets across intersections of less than 150 feet shall be prohibited.
- e. *Intersections.* The centerline of no more than two streets shall intersect at any one point. Streets shall be laid out so as the centerlines will intersect as nearly as possible at right angles and no streets shall intersect any other street at less than 80 degrees.
- f. *Streets intersecting with major streets and minor streets.* New street entrances on roads designated or classified as major streets shall not be less than 1,500 feet apart and new street entrances on roads designated or classified as collector streets shall be not less than 500 feet apart measured along the street centerline. Provided, however, that the planning commission may reduce these requirements whenever it determines that such action will not be contrary to the purposes of this chapter. Georgia DOT separation standards shall apply to all roadways under the direct jurisdiction of Georgia DOT.
- g. *Subdivisions on major streets.* Where a subdivision abuts or contains an existing or proposed major street, the planning commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service lanes, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- h. *Minimum curb and street radius.* The centerline radius of all curvilinear streets shall not be less than 75 feet, and shall be in accordance with American Association of State Highway Transportation Officials (AASHTO) design standards.
- i. *Permanent dead-end streets.* Dead-end streets, designed to be such either permanently, or for a term longer than one calendar year from acceptance of the street by the city, shall be provided at the closed end with a cul-de-sac having a right-of-way diameter of not less than 100 feet measured to the back of the curb except where such street serves three lots or less.
- j. All streets shall have concrete curb and guttering installed on both sides of such paved area, as defined in Table T-1, by the subdivider and/or developer of said subdivision.
- k. *Sidewalks.* Sidewalk design and construction standards.
  - 1. *Location.*
    - i. Sidewalks shall be required adjacent to at least one side of every street regardless of classification.
    - ii. Sidewalks shall be continued if the subdivision abuts property that already has existing sidewalks installed.
    - iii. Community pedestrian paths, a minimum of ten feet in width, shall be required to connect a subdivision to a school, shopping area or community recreation facility as determined by the planning commission.
    - iv. Sidewalks shall be located in front of water lines and other easements.
  - 2. *Setback.* Sidewalk shall be located within the street right-of-way and at least two feet from the back of curb. Sidewalks in subdivisions in which street trees are provided shall be located within the street right-of-way and at least six feet from the back of curb. The area between the sidewalk and the curb shall consist of grass or landscaping.
  - 3. *Design standards.*

- 
- i. Sidewalks shall be located two feet from the back of curb. Where no curbing exists, sidewalks shall be placed in a location acceptable to the city engineer.
  - ii. All new sidewalks shall match and provide a smooth transition to any existing sidewalk, with no steps.
  - iii. Sidewalks shall be constructed of concrete and shall be a minimum of five feet in width and four full inches thick. Concrete shall be class "A", as defined by Georgia DOT, and have a strength of 4,000 PSI at 28 days.
  - iv. Curb ramps to ADA standards shall be provided at all curb termini and shall be a minimum of four feet in width, exclusive of flared sides.
  - v. Expansion joints shall be provided at all property lines and driveway crossings. Control joints shall be provided every ten feet.
  - vi. Disturbed areas resulting from sidewalk construction shall be backfilled, stabilized and grassed.
4. *Installation deadlines.*
- i. Sidewalks shall be installed along with water, sewer and road infrastructure improvements. Any damage done to sidewalks during construction on an individual lot shall be repaired to the same standard as listed above prior to receiving a certificate of occupancy for the residence.
  - ii. Sidewalk installation will be the responsibility of the subdivision developer.
- l. *Interior streets.* Interior streets within subdivisions shall be so laid out and designed that their use by through-traffic and speeding traffic is discouraged.
- m. *Street names/house numbers.* All streets within a subdivision hereafter established shall be named. No name shall be used which will duplicate existing street names within the existing E-911 service area (St. Marys, Kingsland, Camden County, Woodbine). All street names shall be submitted to and approved by the planning staff. House numbers will be assigned by the planning department and shall become the permanent number for the structure/parcel unless city council determines that a revision to the number is appropriate for E911 or tax parcel purposes.
- n. *Additional right-of-way.* A proposed subdivision that includes a previously platted street that does not conform to the minimum right-of-way requirements of this chapter shall provide for the dedication of additional right-of-way along either one or both sides of said street so that the minimum right-of-way required by this chapter can be established. If the proposed subdivision abuts only one side of said street, then a minimum of one-half the required extra right-of-way shall be dedicated or reserved by such subdivision.
- o. *Street name, markers.* Street name markers shall be constructed to city approval, shall be installed at all street intersections and shall be of durable material and legible as approved by the city engineer or public works department or Georgia DOT as applicable. Georgia DOT design and construction standards shall be utilized for all street markers/poles.
- p. *Major thoroughfare plan.* When the major thoroughfare plan of the community shows proposed major streets and collector streets within the proposed location of a proposed subdivision, the subdividers shall design the street system within such subdivision to conform in general with the location and arrangement of such major street, collector and minor streets.
- q. *Exemptions from this section.* Subdivisions which are comprised totally of private easements for streets or roadways shall not be subject to the provisions of this section 86-32, except subsection

86-32i., "sidewalks", and subsection 86-32r., "streetlights", shall apply. However, the city shall not be responsible for the construction, maintenance or repair of such private easements and/or sidewalks and the subdivider shall put a legend on all plats of the subdivision showing in capital letters: "NO PUBLIC MAINTENANCE OF STREETS OR ROADS." City will provide limited and specific maintenance of roadway surfaces where the surface (including any base materials) have been cut for maintenance of city sewers and water mains. All other maintenance and repairs shall be by the developer or "no public maintenance" subdivision.

- r. *Streetlights.* Streetlight design and location shall be approved by the City of St. Marys and comply with all local power company requirements.
1. The city council does hereby declare that the cost and service of providing streetlights along city streets shall be a service and not a tax, as authorized by Georgia. Const., Arts. IX, IV, II.
  2. Streetlights must be installed within every new subdivision by the developer, approved by the city as to quantity and location, with the residential utility customers and the city being responsible for the cost of providing and maintaining streetlight service.
  3. All current streetlights or any additional streetlights power costs will be the responsibility of any residential or commercial utility customer who are billed for utility services with the city being responsible for the remaining costs to provide and maintain streetlight service.
  4. Residents and commercial utility customers will only be responsible for a specified amount of the monthly electricity bill as determined by a schedule approved by the city mayor and council included in the monthly utility billing.
  5. Streetlights installed on private streets shall be furnished, installed and maintained at the developer/property association/property owner's expense. Cost for energy to operate these street lights shall be paid for by the developer/property association/property owner.

(2) *Design specifications.*

**TYPES OF STREETS - TABLE T-1**

List of Specifications	Major Streets	Collector Streets	Minor, Marginal, Local Streets	Dead-end of Cul-de-Sac (Min. diameter) With Curbing	Subdivision Streets With Curbing
Minimum right-of-way for two-lane single roadway (three and above require additional ROW)	80 ft.	60 ft.	60 ft.	100 ft.	60 ft.
Min. Pavement width: Two-lane single roadway (both lanes)	24 ft.	24 ft.	24 ft.	N/A	24 ft.
Min. Pavement width: Two-lane divided roadway (each lane)	12 ft.	12 ft.	12 ft.	N/A	12 ft.



Percent sub-base compaction, modified proctor	98%	98%	98%	98%	98%
Distance between curves	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Minimum street centerline elevation (M.S.L.)	8.0 ft.	8.0 ft.	8.0 ft.	8.0 ft.	8.0 ft.
Width of shoulders	8 ft.	8 ft.	8 ft.	N/A	N/A

Notes to Table T-1:

- a. *Minimum specifications:* All streets established in a subdivision shall be designed and constructed in accordance with the minimum specifications noted in Table T-1. Paving is required by this chapter and it shall be done in accordance with city regulations and the city public works manual.
  - b. *Right-of-way requirements to major streets:* In the case of major streets, a developer shall be required to dedicate an 80-foot right-of-way. Streets larger than two lanes will require additional ROW, as determined by the public works department and the planning department
  - c. *Pavement width for major streets:* If the City of St. Marys determines that a pavement width of greater than 24 feet is required for major streets, the developer shall be responsible for providing such additional pavement to the same specifications as required by the city.
  - d. *Pavement return radius:* Shall be constructed at intersections such that vehicles turning at the intersection can do so without leaving the pavement. All return radii shall be approved by the city engineer and fire department.
  - e. *Street grading and ditching:* All streets, as required herein, shall, at a minimum be graded and ditched to city specifications.
  - f. *Drainage:* Shall be approve by the city engineer or designee. Additional right-of-way for roadside ditches may be required when needed.
  - g. *Cul-de-sac:* Table T-1 indicates that the dead end turnaround portion of the cul-de-sac radius shall be related to the width of the roadway leading to the dead end. All radii shall be a minimum of 50 feet, zero inches, for a two lane road, with radii for three lanes and above as determined by the St. Marys Fire Department and the Planning Department.
- (3) *Paving requirements.* All local streets must be prepared and paved according to the city public works policies and specifications manual.

**Sec. 86-33. Lots.**

All lots which shall hereafter be established within a subdivision shall comply with the following design standards:

- (1) *General provisions.* The following general requirements shall apply to all lots hereafter established within a subdivision:
  - a. *Street access.* Each lot shall abut on a street with a minimum of 25 feet, which shall conform to the design requirements of this chapter.
  - b. *Corner lots.* Corner lots for residential use shall be provided with sufficient width and depth to permit the establishment of appropriate building setback lines from both streets.
  - c. *Double frontage lots.* Double frontage lots shall only be permitted where it shall be found necessary to separate a development from major streets or to overcome specific disadvantages of topography and orientation.
  - d. *FEMA minimum lot elevation.* The finish floor elevation (FFE) of lots within floodprone areas as defined officially by the Federal Emergency Management Agency (FEMA) or the United States Army Corps of Engineers, shall be a minimum of 12 inches above the established 100-year flood

---

elevation. All development within the city shall conform to the requirements established for development within the established boundaries.

- e. *Drainage slope:* All building pads shall be constructed a sufficient height above the crown of the road abutting the property so as to permit a drainage slope to the street of at least one-eighth-inch, per foot or steeper.
  - f. *Lot area:* All lots shall have upland area equivalent to, or greater than the minimum requirements of zoning ordinance, chapter 110.
- (2) *Lot width and lot area requirements.* Lots hereafter established within subdivisions shall conform to the lot area and lot width requirements set forth in the zoning ordinance, chapter 110, and this chapter.
- (3) *Building lines.* Building, or "setback," lines shall be provided on all lots and delineated on all final plats and shall conform at least to the city zoning ordinance, chapter 110, pertaining to the classification in which the lots to be subdivided are located.

#### **Sec. 86-34. Blocks.**

All blocks hereafter established within a subdivision shall conform to the following design standards:

- (1) *Block lengths.* In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas for the purpose of preventing traffic congestion and traffic hazards, the length of blocks on a straightaway, where feasible, shall not exceed 1,500 feet in length.
- (2) *Crosswalks.* Rights-of-way for pedestrian crosswalks shall be provided when, in the opinion of the planning commission, crosswalks are necessary to give a direct pedestrian approach to schools, local shopping centers, and parks. Said rights-of-way shall not be less than ten feet in width.

#### **Sec. 86-35. Easements.**

The following easements shall be required within subdivisions:

- (1) *Utility easements.* Public utility easements shall be provided where necessary and shall meet the approval of the city engineer or designee, and be a minimum of 20 feet. All utilities shall be installed within designated easements.
- (2) *Drainage.* Drainage easements or rights-of-way shall be provided where necessary and be approved by the city engineer or designee, and be a minimum of 20 feet.
- (3) *Maintenance easement.* Where a drainage canal is such size that it requires mechanical means for cleaning, such as a dragline, water line, sewer line, storm drain or other infrastructure requiring cleaning or maintenance, there shall be a ten-foot access easement or right-of-way on each side of the centerline of such canal or infrastructure location for access purposes.

#### **Sec. 86-36. Monuments.**

Monuments shall be placed at block intersection points of rights-of-way within a subdivision. Iron pins shall be placed at all other lot corners. Reinforced concrete monuments four inches square, 24 inches long, with a flat top shall be set at each street corner within a subdivision, and at angle points and points of curvature in each street. The top of the monument shall contain a metal pin or be scored with an indented cross to properly identify the location. Monuments shall be installed following completion of all improvements and shall be identified on the final plat.

---

**Sec. 86-37. Drainage and storm sewers.**

- (a) *Provisions for storm and floodwater required.* The planning commission shall not recommend for approval any final plat of subdivision which does not make adequate provision for storm or floodwater runoff channels or basins as recommended by the city engineer. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed in accordance with the city public works policies and specifications manual as approved by the city engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, for a distance of more than 300 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, then basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
- (b) *Nature of stormwater facilities.*
  - (1) *Location.* The applicant may be required by the city engineer 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 construction standards and specifications.
  - (2) *Accessibility to public storm sewers.* Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwaters, subject to the specifications of the city engineer.
  - (3) *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 city engineer shall approve the developer's design of the size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the zoning ordinance.
- (c) It is strictly prohibited for any developer or property owner to connect any private downspouts, exterior drains, pool drains and other similar stormwater devices into the city public sanitary sewer system.

**Sec. 86-38. Water supply.**

- (a) *General requirements.*
  - (1) Necessary action shall be taken by the applicant to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing domestic water use and fire protection in accordance with the city public works policies and specifications manual and the city's adopted fire prevention codes.
  - (2) Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the city engineer. All water mains shall be at least six inches in diameter and be looped where possible. Dead-end runs shall be avoided, and only be permitted by approval of the city engineer and/or fire department.
  - (3) Water main extensions shall be approved by the city engineer and the environmental protection division (EPD).
  - (4) 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 performance bond to be furnished by the developer.

---

(b) *Individual wells and central water systems.*

- (1) In low-density zoning districts, ~~in at~~ the discretion of the ~~planning commission~~ planning authority, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the health department for its approval, and individual wells and central water systems shall be approved by the county health department and EPD. Copies of written orders of approval shall be submitted to the ~~planning commission~~ planning authority.
  - (2) The ~~planning commission~~ planning authority shall require that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, and the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.
- (c) *Fire hydrants.* Fire hydrants shall be required for all subdivisions unless specifically exempted by action of city council. Fire hydrants shall be located in accordance with the St. Marys Fire Department Life Safety Code, latest edition. Distances shall be measured down the street centerline, and shall be approved by the applicable protection unit. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

**Sec. 86-39. Sewage disposal.**

- (a) *General requirements.* The applicant shall install sanitary sewer facilities in a manner prescribed by the local government construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the city engineer, county health department and other appropriate agency. Plans shall be approved by the above agencies. No public sewer shall be less than eight inches in diameter.
- (b) *Medium and high-density residential and nonresidential districts.* Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted except by specific approval of ~~city council~~ the platting authority. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the health officer, city engineer, and appropriate state agencies.
- (c) *Low-density residential districts.* Sanitary sewerage systems shall be constructed as follows:
- (1) Where a public sanitary sewerage system is reasonably accessible, as determined by the city engineer, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
  - (2) Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time (not to exceed 15 years), the applicant may choose one of the following alternatives with EPD approval:
    - a. Central sewerage system: the applicant shall furnish an approved temporary system as per this ordinance. The cost of maintenance to maintain any system noted herein shall be assessed against each property and/or party that will benefit from this temporary system. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public mains; or
    - b. Individual disposal systems: the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the

---

public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the public sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main. When connection is made to the public sewer system, the final disposition of the existing septic tank and tile field shall be by the property owner of record in accordance with the Camden County Health Department requirements.

- (3) Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of 15 years, the applicant may install individual systems or central sewerage or central sewerage systems in low-density residential districts only, with EPD and/or the health department's approval.
- (d) *Mandatory connection to public sewer system.* If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.
- (e) *Individual disposal system requirements.* If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the zoning ordinance and applicable county health department ordinances and percolation tests and test holes shall be made as directed by the county health officer and the results submitted to the county health department. The individual disposal system, including the size of the septic tanks and size of the tile fields, or other secondary treatment device, shall also be approved by the county health officer and/or EPD as applicable.

#### **Sec. 86-40. Benchmarks.**

A minimum number of benchmarks, not less than two, shall be established within each major subdivision. Such benchmarks shall be at opposite corners of the property being subdivided where feasible as verified by the city engineer. Developer shall note the location of any benchmarks on the approved plat.

#### **Sec. 86-41. Reserved.**

#### **Sec. 86-42. Utilities; location.**

- (a) All utility facilities including, but not limited to, gas, electric power, telephone, and CATV cable shall be located underground throughout the subdivision.
- (b) Wherever existing utility facilities are located above ground, except where existing on a public road and/or recorded right-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the ~~planning commission~~planning authority, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

#### **Sec. 86-43 Nonpotable reuse or reclaimed water requirements.**

- (a) Nonpotable reuse lines (NPRC). A nonpotable reuse water main shall be installed in all subdivisions located within the city council designated mapped areas indicating which areas within the City of St. Marys, may receive reuse or reclaimed water from a city waste water treatment plant meeting the effluent standards as

---

determined by the Georgia Environmental Protection Division (EPD). The system shall include reuse or reclaimed water mains, valves, fittings, hydrants and distribution lines and shall be in accordance with the plans and specifications approved by the city engineer for the City of St. Marys. The system shall be designed and installed in accordance with the City of St. Marys Public Works Manual for Nonpotable Water Reuse or Reclaimed Facilities.

- (b) These reuse or reclaimed water facilities shall be installed on all new subdivisions located within the designated mapped areas whether reuse or reclaimed water is currently available or not. Once reuse or reclaimed water is available, it will be provided to the existing infrastructure thus installed. The requirements of this section will not apply to existing subdivisions under construction as of the effective date of the ordinance from which this chapter derives, or to subdivisions where the city has accepted all infrastructure improvements within that subdivision. Any completed subdivision developer, within the mapped areas, has the option to install reuse or reclaimed water lines, at their cost and to the requirements of the public works manual, to utilize the reuse or reclaimed water within their subdivision.
- (c) The engineering plans for nonpotable reuse or reclaimed water systems shall be provided as part of the initial site engineering review along with the sanitary, water, and stormwater systems.

**Secs. 86-44. Off-Site Project Improvements.**

(a) Applicant Effort. When a development requires off-site street project improvements, such as a passing blister or acceleration lane, and inadequate right-of-way exists to install the off-site street project improvement, the applicant shall make a good faith effort to acquire property sufficient for the installation of the off-site street project improvement. If the owner of the property on which the necessary off-site street project improvement is to be installed refuses to sell the property needed to the applicant, the applicant shall provide the Community Development Director with all surveys, appraisals, and written offers made by the applicant, and correspondence from the property owner.

**Secs. 86-45—86-60. Reserved.**

**ARTICLE IV. ADMINISTRATION**

**Sec. 86-61. Administrative agency.**

(a) Major Subdivisions. For major subdivisions, the planning commission and city council shall administer this chapter. It shall be the duty of the community development director to inspect sketch plans and to suggest changes which should be made in the proposed design of a subdivision to insure the approval of the preliminary plat. It shall be the duty of the planning commission to inspect preliminary plats and to approve or disapprove such plat. It shall be the duty of the planning commission to inspect review preliminary plats and final plats and the information submitted within such final and attached to said plats, and in the case of preliminary plats to grant or deny approval of said plats, and in the case of final plats to recommend approval of such final said plats to the city council when the all requirements of this chapter have been met and to recommend any related law, regulation, or ordinance is met by the plat or disapproval to city council of such final plats when the requirements of the ordinance have not been met. When the planning commission acts on the final plat it shall be forwarded of said plats to the city council when all requirements of this chapter and any related law, regulation, or ordinance are not met.

(b) Minor Subdivisions. For minor subdivisions, the community development director shall administer this chapter. It shall be the duty of the community development director to inspect sketch plans and suggest changes which should be made in the proposed design of a subdivision. It shall be the duty of the community development

---

director to submit the proposed plat to the Public Works, Fire, and Finance Departments of the city for their signature.

(a) recommendation. It shall be the duty of the community development to approve said plats when all requirements of this chapter and any related law, regulation, or ordinance is met by the plat or disapprove said plats when all requirements of this chapter and any related law, regulation, or ordinance are not met.

**Sec. 86-62. Prefiling conference and sketch plan.**

- (a) Prior to the filing of a preliminary plat for a major subdivision or a final plat for a minor subdivision, the applicant is strongly encouraged to arrange for a prefiling conference with the planning department staff for the purpose of preliminary discussions. Any applicant choosing to arrange for such a conference shall prepare and submit a sketch plan of the proposed subdivision. The sketch plan need not be prepared by a professional engineer or surveyor but must be of sufficient detail to allow the planning staff to assess and discuss the proposal.
- (b) *Sketch plan specifications.* The sketch plan may be a free-hand pencil sketch and it shall include the following information:
- (1) *Name.*
    - a. Name of subdivision if property is within an existing subdivision.
    - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
    - c. Name of property if no subdivision name has been chosen (this is the name by which the property is commonly known).
  - (2) *Ownership.*
    - a. Name and address, including telephone number of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
    - b. Citation of any existing legal rights-of-way or easements affecting the property.
    - c. Existing covenants on the property, if any.
    - d. If appropriate, the name and address of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
  - (3) *Description.* Location of property by legal description, graphic scale, north arrow, and date.
  - (4) *Features.*
    - a. Location of property lines, existing easements, burial grounds, railroad rights-of-way, water courses, and existing wooded areas; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of the adjoining property owners from the latest assessment rolls.
    - b. Existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
    - c. Approximate topography at the same scale as the sketch plat; this need not include detailed mapping, but should include approximate elevations and an indication of existing drainage patterns.
    - d. The approximate location and widths of the proposed streets.

- 
- e. Preliminary proposals for connection with existing water supply and sanitary sewerage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
  - f. The approximate location, dimensions, and areas of all proposed or existing lots.
  - g. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
  - h. If appropriate, the location of temporary stakes to enable the planning commission to find and appraise features of the sketch plat in the field, if appropriate.
  - i. Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit at the scale of no more than 200 feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
  - j. A vicinity map showing streets and other general development of the surrounding area.

**Sec. 86-63. Preliminary plat for Major Subdivisions.**

- (a) Before work shall begin to open a major subdivision, (preliminary plats are not required for minor subdivisions) an original and eight prints of a preliminary plat, showing the proposed design of the subdivision shall first be submitted to the planning commission for approval. Until the preliminary plat of the proposed subdivision has been approved by the planning commission, a developer shall not grade, scrape, or otherwise open or extend a street in the proposed subdivision, nor shall he in any other manner cause construction to actually begin in a subdivision. Clearing of underbrush sufficient for purposes of surveying or engineering is permitted. However, land disturbing activities as regulated by the city's soil erosion and sedimentation control ordinance, or in the absence thereof as regulated by the Environmental Protection Division of the Georgia Department of Natural Resources, shall not be performed without first obtaining a permit for such land disturbing activities.
- (b) *Preliminary plat requirements.* The original copy of the preliminary plat shall be drawn on transparent tracing materials with either black ink or soft pencil. Such plat shall be drawn at a scale of not more than 100 feet to the inch. The preliminary plat shall contain the following information:
  - (1) *General.* The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale, not more than one inch equals 100 feet, may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the clerk of superior court, namely: a maximum of 24 inches x 36 inches, leaving one margin, two inches in width for binding purposes with the remaining margins to be one-half inch. It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat, and therefore, should be drawn on tracing cloth or reproducible mylar; preparation in pencil will make required changes and additions easier.
  - (2) *Features.* The preliminary plat shall show the following:
    - a. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or names of adjoining developments; the names of adjoining streets.
    - b. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.



- 
- c. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, as determined by the planning commission.
  - d. The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way, and building setback lines.
  - e. The locations, dimensions, and areas of all proposed or existing lots.
  - f. The location and dimensions of all property proposed to be set aside for park/playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
  - g. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.
  - h. The date of the map, approximate true north point, scale, and name of the subdivision.
  - i. Sufficient data acceptable to the city engineer or designee, to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.
  - j. Names of the subdivision and all new streets as approved by the planning staff.
  - k. Indication of the use of any lot (single-family, two-family, multifamily, townhouse) and all uses other than residential proposed by the subdivider.
  - l. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.
  - m. All lots in each block shall be consecutively numbered.
  - n. All information required on sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:
    - 1. Explanation of drainage easements, if any.
    - 2. Explanation of site easements, if any.
    - 3. Explanation of reservations, if any.
    - 4. Endorsement of surveyor or engineer verifying compliance with chapter 86 of the City of St. Marys Code of Ordinances.
  - o. Form for endorsements by the planning commission as follows:  
 Approved by Resolution of the St. Marys Planning Commission.  
 Chairman Date \_\_\_\_\_
  - p. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be the cause of disapproval of a preliminary plat.
- (3) *Additional information—Construction plans.* If applicable, the following information shall be provided with the preliminary plat:
- General—Construction plans shall be prepared for all required or otherwise provided improvements. Plans shall be drawn at a scale of no more than one inch equals 50 feet, and map sheets shall be of the same size as the preliminary plat. Construction plans shall be submitted in hard copy and in digital format as specified by the city engineer. The following shall be shown:

- 
- a. Profiles showing existing and proposed elevations 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 within 100 feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
  - b. The planning commission and/or city council may require, where steep slopes exist, that cross sections of all proposed streets at 100-foot stations shall be shown at five points as follows: 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 25 feet inside each property line.
  - c. Plans and profiles showing the locations and typical cross section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the location of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures if provided.
  - d. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the official map or comprehensive plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches or more, measured four feet above ground-level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams shall be indicated. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line shall be established not less than 25 feet back in accordance with the city's erosion and sedimentation control ordinance.
  - e. Topography at the same scale as the sketch plat with a contour interval of one foot, referred to sea level datum. All datum provided shall be in accordance with NAVD88 (North American Vertical Datum 88) and shall be so noted on the plat.
  - f. Horizontal datum shall be to the NAD83 (North American Datum 83) and shall be so noted on the plat.
  - g. All specifications and references required by the local government's construction standards and specifications including a site-grading plan for the entire subdivision.
  - h. Notation of approval as follows:  
 Owner Date \_\_\_\_\_  
 Planning Commission Chairman  
 Date \_\_\_\_\_
  - i. Title, name, address, and signature of professional engineer and surveyor, and date, including revision dates.
  - j. A soil erosion and sedimentation control plan shall also be submitted for those subdivisions subject to the soil erosion and sedimentation control ordinance.

(c) *Filing of the preliminary plat.*

(1) The preliminary plat shall be filed with the planning commission at least 32 days prior to the regular planning commission meeting at which it is to be considered. Preliminary plats when submitted to the planning commission for review shall be accompanied by a fee as required by article IX. **Planning**

~~commission-Community Development Department~~ staff shall issue a receipt for all fees received. Said fees shall be made payable to the City of St. Marys.

(2) The Community Development Director may also require a traffic study if deemed necessary to evaluate the provision of adequate project improvements for the transportation network. If a traffic study is required, it shall be submitted to the Community Development Department at least 14 days prior to the regular planning commission meeting at which it is to be considered. Applicants are strongly encouraged to hold a pre-filing conference with the Community Development Department.

- (d) *Action on preliminary plat.* If the planning commission finds that the proposed design and proposed installation of improvements of the subdivision shown on the preliminary plat complies with the requirements of this chapter, it shall approve such preliminary plat. Preliminary plat approval does not release the engineer, surveyor or developer from complying with any and all requirements of the subdivision ordinance. If the planning commission finds that the proposed subdivision shown on the preliminary plat does not comply with the requirements of this chapter, then the planning commission shall either disapprove such plat or shall approve such plat on the condition that specified violations are corrected prior to the submittal of the final plat. When the planning commission disapproves a preliminary plat, it shall give the developer the reasons for such disapproval in writing. Except where an extension of time is requested by, and authorized by the applicant for the preliminary plat review, the planning commission shall have 90 days from the public hearing date of a preliminary plat to approve, or disapprove such plat; otherwise, the preliminary plat shall be deemed to have been approved and a certificate to that effect shall be issued by the planning commission on demand. No plat shall be acted upon by the planning commission without affording a public hearing thereon. Notice of time and place of the public hearing shall be sent by mail to the address of the plat applicant not less than five days before the hearing.
- (e) *When preliminary plat approved, work may proceed.* When a developer receives approval of the preliminary plat showing the design of his proposed subdivision, he may proceed with the construction of the subdivision, provided other required permits have been issued. Such construction shall conform with the design and plans submitted to and approved by the city engineer. A performance bond as defined herein shall be provided when construction work begins prior to final plat submission.
- (f) *Time limit on preliminary approval.* The planning commission's approval of a preliminary plat shall be valid for one year. If work has not started on a subdivision which has been granted preliminary plat approval on or before the end of this year period, then the plat of such subdivision shall be resubmitted for preliminary approval; provided, however, that this time may be extended by the planning commission unless changes have occurred in this chapter, or in the character of the property of the proposed subdivision which makes it necessary to revise and resubmit the design of the proposed subdivision.

#### Sec. 86-64. Final plat.

- (a) Major Subdivisions. Before a plat of a major subdivision is recorded with the "Clerk of the Superior Court" of Camden County and title to the lots thereon are conveyed, four original and 12 prints of a final plat showing the final design of the major subdivision shall be submitted to the planning commission for review. Until a final plat of a major subdivision has been submitted to, and reviewed and approved by the planning commission, and approved and signed by the mayor or mayor pro tempore, the clerk of the superior court of the county shall not record the plat of such subdivision, nor shall the owner or agent of such subdivision transfer title to any lot within the subdivision by reference to the subdivision plat. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning staff.
- (b) Minor subdivisions. Before a plat of a minor subdivision is recorded with the "Clerk of the Superior Court" of Camden County and title to the lots thereon are conveyed, four originals of a final plat showing the final design of the subdivision shall be submitted to the community development director for review. Until

Commented [AS1]: Need to define or clarify "large subdivisions"



BY THE CITY OF ST. MARYS, GEORGIA

~~BY: \_\_\_\_\_~~ BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
MAYOR/MAYOR PRO TEMPORE

12. *Owner's certificate:* The following signature block shall be inserted on the cover sheet (first sheet) of any set of drawings for recording:

OWNER'S CERTIFICATE:  
STATE OF GEORGIA, COUNTY OF CAMDEN

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT SAID OWNER HAS CAUSED THE SUBDIVISION OF THE LAND SHOWN HEREON BY AN ACTUAL SURVEY, AND DOES HEREBY IRREVOCABLY DEDICATE TO THE USE OF THE PUBLIC ALL ROADS AND EASEMENTS FOR THE PURPOSES THAT THEY ARE LABELED.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
OWNER'S NAME

13. *Community development director's signature block:* The following signature block shall be inserted on the cover sheet (first sheet) of any set of drawings for recording:

APPROVAL OF THE ST. MARYS COMMUNITY DEVELOPMENT DIRECTOR;

SUBDIVIDER HAS COMPLIED WITH THE SUBDIVISION REQUIREMENTS RELATIVE TO THE GUARANTEE OF ALL IMPROVEMENTS REQUIRED BY THE CITY OF ST. MARYS SUBDIVISION REGULATIONS.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR

14. *Planning commission chair signature block:* The following signature block shall be inserted on the cover sheet (first sheet) of any set of drawings [of a major subdivision](#) for recording:

APPROVAL CERTIFICATE

RELATIVE TO THE PREPARATION AND SUBDIVISION OF THIS FINAL PLAT, ALL REQUIREMENTS OF THE ST. MARYS, GEORGIA SUBDIVISION REGULATIONS HAVE BEEN FULFILLED AND APPROVAL OF THIS PLAT IS HEREBY GRANTED.

~~BY: \_\_\_\_\_~~ BY: \_\_\_\_\_ DATE: \_\_\_\_\_

CHAIRMAN OF PLANNING COMMISSION

15. *City engineer/public works director's signature block:* The following signature block shall be inserted on the cover sheet (first sheet) of any set of drawings [of a major subdivision](#) for recording:

APPROVAL OF THE ST. MARYS CITY ENGINEER or PUBLIC WORKS DIRECTOR;

SUBDIVIDER HAS COMPLIED WITH THE SUBDIVISION REQUIREMENTS RELATIVE TO THE GUARANTEE OF ALL IMPROVEMENTS REQUIRED BY THE CITY OF ST. MARYS SUBDIVISION REGULATIONS.

~~BY: \_\_\_\_\_~~ BY: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY ENGINEER/PUBLIC WORKS DIRECTOR

- b. *Preparation.* The final subdivision plat shall be prepared by a land surveyor or professional engineer licensed by the state.

- (2) *Certificate from city engineer.* At the time the final plat is submitted it shall be accompanied by a city engineer approved site plan or a letter from the city engineer approving the site plan, a letter from the

---

surveyor certifying that the final plat agrees with any and all changes generated by the engineering site plan review and a certificate from the city engineer or designee, certifying that the subdivider has complied with one of the following alternatives:

- a. All improvements have been installed in accordance with the requirements of this chapter and in accordance with the design approved by the planning commission on the preliminary plat;
- b. A performance bond or certified check has been posted, which is available without obligation or requirement to the city, and in sufficient amount to assure the completion of all improvements as required on the final plat; or
- c. If a development is divided into constituent and sequential phases or additional subdivisions to be submitted for approval in the form of additional preliminary and final plats, approval for any subsequent phase shall not be granted to any sequential constituent phases or stages until all water, sewer, stormwater drainage and road infrastructure improvements related to the prior phase have been completed, inspected, accepted by the city engineer and dedicated to the city in accordance with the requirements of this chapter.

(3) *Filing the final plat:* ~~for a major subdivision. For a major subdivision~~ the final plat shall be filed with the ~~community development department~~ not less than 32 days prior to a regular meeting of the planning commission. ~~In the case of a final plat for a minor subdivision where the preliminary plat requirement has been waived,~~ The filing fee, as established by article IX, shall accompany the final plat.

(4) *Action on the final plat.*

~~For a major subdivision.~~ If the planning commission finds that all the requirements of this chapter have been met, the final plat shall be ~~deemed approved~~ favorably recommended, and submitted to the city council. If the planning commission finds that all the requirements of this chapter have not been met, and after deficiencies have been discussed and reviewed with the sponsor, and the sponsor given a period of time which shall not exceed 90 days to take corrective action, and if he fails to take such action, then the planning commission shall ~~disapprove~~ recommend disapproval of the final plat and shall set forth its reasons for such disapproval in writing. Except where an extension of time is authorized by the applicant for final plat review, the planning commission shall have 90 days from the date of the submission of a final plat to ~~take action~~ make a recommendation to city council. Unless such ~~action~~ recommendation is ~~taken~~ made within such 90-day period, then such plat shall be deemed to have received ~~the approval~~ favorable recommendation of the planning commission. After the final plat has been ~~approved~~ recommended by the planning commission for either approval or disapproval, the city council shall, within 30 days, at a regular meeting of city council review and vote on such plat. If no action is taken within the 30-day period, and the applicant has not requested an extension, or city council has not raised any issues that would affect said approval, such plat shall be deemed to have received an approval from the city council.

~~a. For a minor subdivision. The community development director shall distribute a minor subdivision plat to the public works, fire, finance and engineering departments of the City of St. Marys for review, comment, and approval. Upon approval of the plat by the above-referenced departments, the community development director shall review the plat and the information submitted within the plat and shall approve the plat when the requirements of this chapter have been met or to disapprove the plat when the requirements of this chapter have not been met. The decision of the community development director should be made within 30 days of submission of the plat by the applicant. The decision of the community development director should be provided to the applicant in writing. Additionally, the community development director will provide notice to the City Manager and the Planning Commission.~~

When the final plat has been approved, the director shall present the final plat to the Clerk of the Superior Court of Camden County to be recorded. The community development director shall maintain a reproducible copy of the final plat and the subdivision map book number and page number in which the subdivision has been recorded by the clerk of the superior court. All costs of the copy and such recording shall be paid by the ~~subdivider~~ applicant and shall be deposited with the community development director prior to such recording.

b. — After the final plat of the subdivision has been recorded, then all lots shown on such subdivision may be transferred or conveyed according to such plat, and such subdivision shall be entitled to all privileges and services available to other subdivisions within the city.

(5) *Revisions to recorded plat.*

- a. *Major plat revisions for a major subdivision:* The subdivider shall file with the community development department copies of any proposed revision to a recorded plat together with all supporting information as required by this chapter. Proposed revisions to a recorded plat which alter or change in any way the street and/or utility layout of said plat shall be submitted as a preliminary plat in accordance with section 86-63.
- b. *Minor plat revisions for a major subdivision:* Proposed revisions to a recorded plat which do not alter or change in any way the street and/or utility layout of said plat shall be submitted as a final plat in accordance with this section 86-64. Proposed revisions to a recorded plat which do not increase the lot quantity and which maintain the minimum zoning requirements of chapter 110 of the zoning ordinance shall be submitted on a new revised plat that shall be recorded with owner, surveyor, city engineer/public works director and community development director endorsement and do not have to be presented as a preliminary or final plat for council approval, if approved by the public works, fire, building and community development departments.

c. *Plat revisions for a minor subdivision: Proposed revisions to a recorded plat for a minor subdivision shall be submitted and reviewed in accordance with the procedures set forth for minor subdivision application.*

(Ord. No. 2017-3-6-002 , 3-6-17)

**Secs. 86-65—86-80. Reserved.**

## **ARTICLE V. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

### **Sec. 86-81. Completion of improvements.**

All improvements required in this chapter shall be guaranteed. All improvements shall be dedicated to the city, free and clear of all liens and encumbrances on the property and public improvements thus dedicated and accepted by the city council upon completion of the one year warranty. Before the final plat is recorded by the planning community development director, all applicants shall be required to complete all the street, sanitary, and other improvements as required in this chapter, specified in the final subdivision plat, and as approved by the planning commission and city council-platting authority.

### **Sec. 86-82. Guarantee of improvements.**

(a) *Performance bond.*

- (1) The city council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat and that, as an alternative, the applicant post a bond at the time of application for final subdivision approval in an amount estimated by the applicant and approved by the city engineer as sufficient to secure to the local government the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of

(Supp. No. 47)

Created: 2022-05-15 11:34:47 [EST]

---

the subdivision as required in this chapter. Bond amount shall be in an amount not less than 150 percent of the estimate prepared by the applicant and approved by the public works department and/or city engineer. Any reduction in bond amount or partial release of bond shall only be authorized by city council.

- (2) Such performance bond shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution as set forth in this chapter. The period within which required improvements must be completed shall be specified by the city engineer and approved by the city council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two years from date of final approval unless an additional time is approved in writing by city council.
  - (3) Such bond shall be approved by the city engineer as to amount and surety and conditions satisfactory to the city attorney and city engineer. The planning commission may upon proof of difficulty, recommend to the city council extension of the completion date set forth in such bond for a maximum period of one additional year. The city council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the planning commission.
  - (4) There shall be no expiration date on any properly issued bonds for any project. The bonds shall be rescinded only after all improvements are completed and all required documentation received and approved by the appropriate city departments and/or city council.
  - (5) If, for any reason, the applicant's bond is revoked, such revocation will result in an immediate stop work order until such time as a replacement bond is secured. No claim for damages related to the applicant's loss of bond will be permitted.
- (b) *One year warranty/maintenance bond.* Applicant shall provide a one year warranty/maintenance bond on all improvements related to the subdivision. Developer shall repair/replace any items that need maintenance work within one year of the date of final acceptance (the date the bond is released, or other agreed upon date). The city engineer shall be the sole arbiter of deficient workmanship in this one-year warranty period. Developer shall provide a maintenance bond in the amount of ten percent of the total construction cost to be valid for a period of 12 months after acceptance by the city in writing of the improvements in any public or private development. Bond shall be in favor of the City of St. Marys.
- (c) *Temporary improvements.* The applicant shall build and pay for all costs of temporary improvements required by the city council and shall maintain same for the period specified by the city council. Prior to construction of any temporary facility or improvement, the developer shall file with the city a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained, and removed. There shall be no expiration date on any properly issued bonds for any project. The bonds shall be rescinded only after all improvements are completed and all required documentation received and approved by the appropriate city departments and/or city council.
- (d) *Costs of improvements.* All required improvements shall be made by the applicant, at his expense, without reimbursement by the city or any improvement district therein.
- (e) *Governmental units.* Governmental units to which these bonds and contract provisions apply may file in lieu of said contractor bond a certified resolution or ordinance from officers or agencies authorized to act on their behalf, agreeing to comply with the provisions of this chapter.
- (f) *Failure to complete improvement.* In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the local government may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.
- (g) *Acceptance of dedication offers.* Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by resolution of the city council. The approval by the planning commission of a



---

subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street, easement, or park shown on said plat. The planning commission may require said plat to be endorsed with appropriate notes to this effect.

- (h) *Alternate improvement guarantees.* If the city council finds that a developer is not able to post a performance bond, the city council may require the subdivider to use one of the following improvement guarantee techniques:
- (1) *Sequential development.* Where a subdivision is to be developed in phased portions, the city council may waive the use of a guarantee on the initial portion, provided that such portion may not contain more than 25 lots, or 50 percent of the total number of lots proposed for the subdivision, whichever is less. The city council may grant final plat approval to only one portion at a time, with the plat approval for each succeeding portion being contingent upon completion of all contracted improvements in each preceding portion, and acceptance of those improvements by the city council. Completion of improvements in the final portion of the subdivision, which must include at least 25 lots or 50 percent of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of a performance bond as defined herein or letter of credit as noted herein.
  - (2) *Letter of credit.* Subject to the approval of the city council, the subdivider shall provide a nonrevokable letter of credit from a bank or other reputable institution or individual. This letter shall be deposited with the city council and shall certify the following:
    - a. That the creditor guarantees funds in an amount equal to 150 percent of the estimated cost, as estimated by the subdivider and verified by the city engineer and approved by the city council, of completing all required improvements.
    - b. That if the subdivider fails to complete the specified improvements within the required period, the creditor will pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
    - c. That this letter of credit may not be withdrawn, or reduced in amount, until released by the city council.
  - (3) *Cash in lieu of completion for small ~~resubdivision~~-subdivisions.* Where a property owner wishes to ~~resubdivide~~subdivide an existing lot of record creating no more than ~~three~~~~five~~~~four~~ new lots, the ~~city council~~planning authority may require the owner to deposit with the city as a condition of approval of the final plat a sum of money in an amount not less than 150 percent of the estimate to complete all public improvements as prepared by the applicant and approved by the community development director in consultation with the public works department and/or city engineer.

(Ord. No. 2018-10-15-002 , 10-15-18)

### **Sec. 86-83. Inspection of improvements.**

- (a) *General procedures and fees.* The city council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the City of St. Marys an inspection fee of one percent of the amount of the performance bond or the estimated cost of required improvements, and the subdivision plat shall not be recorded by the planning director unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the city and no building permits or certificates of occupancy shall be issued until all fees are paid. If the city engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the city's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the

---

bonding company shall be severally and jointly liable for completing the improvements according to specifications.

(b) *Release or reduction of performance bond.*

- (1) *Certificate of satisfactory completion.* The city council will not accept dedication of required improvements, nor release, nor reduce a performance bond, until:
- a. The city engineer has submitted a letter stating that all required improvements have been satisfactorily completed; and
  - b. The applicant's engineer or surveyor has certified to the city engineer, through detailed "as built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the planning commission or city engineer that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision. Follow the requirements of the public works manual. All as built, shall be submitted in digital and paper form. All field notes that created the as built shall be attached to this submission and become the property of the City of St. Marys; and
  - c. That a title insurance policy has been furnished to and approved by the city attorney indicating that the improvements shall have been completed, are ready for dedication to the city and are free and clear of any and all liens and encumbrances.

Upon such approval and recommendation, the city council shall either accept the improvements and release the performance bond or reject the improvements within 45 days of such certifications by the city engineer.

- (2) *Reduction of performance bond or other improvement guarantee.* A performance bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below ten percent of the principal amount, nor shall other improvement guarantee be reduced below ten percent.

**Secs. 86-84—86-100. Reserved.**

## **ARTICLE VI. EXEMPTIONS AND MODIFICATIONS**

### **Sec. 86-101. Exemptions.**

The following types of subdivisions shall not be defined as subdivisions and shall be exempted from the procedural requirements of this chapter:

- (1) The subdivision of land for cemetery lots in an approved cemetery.
- ~~(2) The combination or recombination of portions of previously platted lots where the total number of lots is not increased or decreased and the resultant lots are equal to the standards set forth in this chapter and in chapter 110. These types of plats shall be submitted for administrative approval to the planning director with four original Mylars with signatures of the owner and engineer and a check/cash sufficient to cover administrative costs and the costs of filing at the Clerk of Superior Court for Camden County.~~
- ~~(3)~~(2) In the case of conflict between this section, and section 86-5, the terms provided by this section shall control.

---

**Sec. 86-102. Exemptions from paving requirements.**

There shall be no exemption from paving requirements for any parcel or project constructed within the City of St. Marys.

**Sec. 86-103. Reserved.**

**Sec. 86-104. Variances.**

When a peculiar shape of the topography of a tract of land, or other unusual condition, makes it impractical for a developer to comply with the literal interpretations of the design requirements of this chapter, the planning commission shall be authorized to vary such requirements provided, however, that in so doing the extent and purposes of this chapter are not violated.

**Secs. 86-105—86-120. Reserved.**

***ARTICLE VII. PENALTIES***

**Sec. 86-121. Violation a misdemeanor.**

Any person violating any provision of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to such penalties as are provided by law for other misdemeanors.

**Sec. 86-122. Other penalties.**

Unless a subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions of this chapter, then:

- (1) The city shall not accept the dedication of any street within such subdivision, nor shall the city improve, maintain, grade, pave, or light any street within such subdivision unless such street or streets shall have received the status of public streets prior to the adoption of this chapter.
- (2) The city shall not assume any responsibility for drainage problems within such subdivision unless city owned and maintained drainage structures already exist in such subdivisions.
- (3) The city shall not issue a building permit within such subdivision.
- (4) No unit of local government or public utility shall be authorized to extend any publicly operated service or utility into such subdivision.
- (5) No property or parcels can be sold, transferred or conveyed to any other party.

**Secs. 86-123—86-140. Reserved.**

***ARTICLE VIII. AMENDMENTS***

---

**Sec. 86-141. Procedure.**

This chapter may be amended from time to time, but no amendment shall become effective unless it shall have been proposed or shall have been submitted to the planning commission for review and recommendation. The planning commission shall submit its report to city council within 30 days after receiving an amendment proposal, otherwise said amendment proposal shall be deemed approved by the planning commission. Before enacting an amendment to this chapter, the city council shall hold a public hearing thereon, notice of which shall be published at least ten days prior to such hearing in a newspaper of general circulation in the city.

**Secs. 86-142—86-150. Reserved.**

***ARTICLE IX. SCHEDULE OF PLAT FILING FEES***

**Sec. 86-151. Preliminary plat filing fees.**

Preliminary plats, when submitted to the planning commission in accordance with article IV, shall be accompanied by a filing fee as determined from a city council approved fee schedule.

**Sec. 86-152. Final plat filing fees.**

A final plat filing fee, when submitted to the ~~planning commission~~ planning authority in accordance with article IV, shall be accompanied by a fee as determined from a city council approved fee schedule. An engineering review fee as determined from a city council approved fee schedule is due upon submittal of the final plat. The engineering review fee may be adjusted if subsequent reviews are required and these additional review fees exceed the initial fee paid as determined from the approved fee schedule and these additional fees are due upon notification. Any additional fees will equal the amount of additional fee charged to the city for subsequent engineering reviews. Applicant shall also submit with the Mylars a check/cash sufficient to cover the filing costs at the Camden County Clerk of Superior Court.

~~**Sec. 86-153. Administrative plat filing fees.**~~

~~Plats submitted for administrative review when submitted to the planning director in accordance with subsection 86-101(2) shall be accompanied by a fee as determined from a city council approved fee schedule.~~

~~**Secs. 86-154-153—86-160. Reserved.**~~

***ARTICLE X. APPEALS***

**Sec. 86-161. Administrative appeals.**

Appeals of ~~planning director~~ decisions of the community development director made pursuant to this Chapter shall be made to the planning commission. Written notice of appeal shall be filed with the community development director and the planning commission within 15 days of the decision being appealed.

---

**Sec. 86-162. Appeals of planning commission decisions.**

Appeals of planning commission decisions shall be made to the city council. Written notice of appeal shall be filed with the ~~planning community development~~ director within 15 days of the decision of the planning commission. The city council decision is final.

**Sec. 86-163. Powers of the planning commission.**

The powers of the planning commission shall be to hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by the ~~planning community development~~ director in the enforcement of any section or article adopted in this chapter.

**Sec. 86-164. Powers of the city council.**

The powers of the city council shall be to hear and decide appeals on any action or ruling of the planning commission pursuant to this chapter so long as any such appeal is filed within 15 days after the planning commission has rendered its decision. Written notice of appeal shall be filed with the ~~planning community development~~ director and the ~~appellate body city council~~. If the appeal is not filed within the 15-day period, the decision of the planning decision shall be final. If the appeal is filed, the city council shall receive a report and recommendation thereon from the planning commission and shall hold a public hearing on the appeal.

In exercising the above powers, the city council may reverse, affirm or modify the orders or requirements, and to that end shall have the powers of the officer from whom the appeal is taken and may issue the necessary permit.

**Sec. 86-165. Court review of city council action.**

Any person(s) aggrieved by any decision of the city council ~~may make an appeal to the superior court. Said appeals to the superior court shall be as defined in O.C.G.A. § 5-4-2. The appeal must be made to the superior court within 30 days after the city council decision otherwise the decision of city council is final.~~ made pursuant to this Chapter may challenge that decision in the manner provided by Georgia law.