APPENDIX A

SUBDIVISIONS*

* **Editors Note:** Printed herein are the subdivision regulations adopted by the county commission on August 21, 2007, and amended through December 18, 2007. These regulations replace the subdivision ordinance adopted March 1, 2005, and amendments of September 20, 2005. Amendments to the original regulations are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derives unchanged from the original regulations. The numbering style of the original regulations, including article and section numbers, has been retained. See the Code Comparative for a complete derivation.

Art. I. Purpose, Enactment, Short Title, and Definitions, §§ 1.1--1.3

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ARTICLE I.

PURPOSE, ENACTMENT, SHORT TITLE, AND DEFINITIONS

Section 1.1. Purpose and enactment.

The board of commissioners of the county, pursuant to the Constitution of the state, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of the unincorporated area of the county and to lessen congestion in the streets; to promote health and general welfare; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, hereby ordains and enacts into law a subdivision ordinance for the unincorporated area of the county, for subdivision control purposes and agreed upon through laws enacted by the board of commissioners of the county.

Section 1.2. Short title.

This appendix shall be known and may be cited as the "Subdivision Ordinance of Monroe County, Georgia."

Section 1.3. Definitions.

1.3.1. General definitions. Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense, and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

1.3.2. Specific definitions. When used in this appendix, the following words and phrases shall have the meaning given in this section:

1. *Applicant:* The owner, or his agent, of land proposed to be subdivided.

2. *"As built" plans:* Plans indicating any changes to subdivision improvements made in the field while under construction that were not indicated on the construction plans.

3. *Block:* A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

4. *Board of commissioners:* The board of commissioners of Monroe County, Georgia.

5. *Building:* Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals, or goods.

6. *Building permit:* A written permit issued by the building inspector.

7. *Construction plans:* The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this appendix as a condition of the approval of the plat.

8. *Contiguous common parcels:* Parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

9. *County attorney:* The attorney so designated by the county board of commissioners.

10. *Developer:* Synonymous with "applicant" and "subdivider".

11. *Double frontage lots:* A lot having frontage on two (2) streets as distinguished from a corner lot.

12. *Easement:* A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation, or a certain person or persons.

13. *Engineer:* A registered, practicing engineer, licensed by the state.

14. *Environmental sanitarian:* The person so designated by the county health department which is duly authorized to perform health services in the county.

15. *Frontage, lot:* The distance for which the front boundary line of the lot and the street line are coincident.

16. *Flag lot:* A parcel of land having no building site facing a public or private street or streets and having frontage upon any public or private street or streets only for ingress and egress to the building site of said lot.

17. *Frontage, street:* All the property on the side of a street between two (2) intersecting streets (crossing or terminating), or if the street is dead-ended, then all the property abutting on one (1) side between an intersecting street and the dead-end of the street.

18. *Grade:* The slope of a road, street, or other public way specified in percentage terms.

19. *Improvements:* Physical changes to the land which are necessary to create building lots including (but not limited to) grading and paving streets, sewer and water facilities, hydrants, sidewalks, monuments, changes to existing utilities, and storm drainage systems.

20. *Landscape architect:* A registered, practicing landscape architect licensed by the state.

21. *Lot:* A parcel of land occupied or to be occupied by one (1) or more main buildings and its accessory buildings and having its frontage upon a public street or streets.

22. *Owner:* Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

23. *Planned unit developments:* Planned unit developments are subdivisions that contain a mixed use of housing and may contain commercial properties. Planned unit developments must still conform to the regulations outlined in this appendix. If a developer wishes to deviate from these regulations, all variance procedures must be followed. Each deviation must be presented separately and will be voted on individually by the county board of commissioners after a public hearing.

24. *Plat:* A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

25. *Plat, final:* A finished drawing of a subdivision or a phase of its development showing

completely and accurately all legal and boundary information and certification necessary for recording which complies with these regulations.

26. *Plat, preliminary:* A drawing which shows the particular boundary, topography, lot arrangements, street layout and other features of a proposed subdivision as specified in these regulations.

27. *Resubdivision:* Any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

28. *Right-of-way:* An area or strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission, oil or gas line, water main, sanitary or storm sewer, shade trees or other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on which such right-of-way is established.

29. *Street, public:* A public way dedicated to and accepted by the county for the use of vehicular or pedestrian traffic by the general public and may be referred to as a street, highway, parkway, road, avenue, drive, boulevard, lane, place, etc.

30. *Street, cul-de-sac*: A local street with only one (1) outlet, closed and terminated by a vehicular turn around.

31. *Street, half*: A street which does not meet the minimum right-of-way widths as set forth in these regulations.

32. *Street, private*: Any street, road, avenue, drive, boulevard, lane or other means of vehicular access to a parcel of land not maintained by the state department of transportation, the county, or any other public agency, regardless of ownership.

33. *Subdivider:* Any person who undertakes the subdivision of land as herein defined.

34. *Subdivision:* Any division of a tract or parcel of land into two (2) or more lots, building sites, mobile home sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, including any division of land involving a new street or a change in existing streets, including resubdivision and, where appropriate to the context, relating to the process of subdividing or to the land or area subdivided provided, however, that the following are not included into this definition:

    a. The division of land into parcels of five (5) acres or more where no new street is involved; and

b. The sale or exchange of parcels of and between separate or common owners of adjoining properties, provided that additional lots are not thereby created, and that the lots created are in accordance with the provisions of this appendix.

35. *Subdivision, major:* The division of a tract or parcel of land into four (4) or more lots which may or may not involve the construction of a new public or private street; or any subdivision that involves the construction of a new public or private street. Major subdivisions are processed in multiple steps including preliminary plat approval, approval of construction plans with the development of a new public or private street, and final plat approval.

36. *Subdivision, minor:* A subdivision meeting either of the following requirements:

a. Three (3) or fewer lots, which does not involve the construction of a new street.

b. Five (5) or fewer lots, each three (3) acres or more, which does not involve the construction of a new street.

Because minor subdivisions do not involve the construction of a new public or private street, they are processed administratively by the subdivision review officer as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public street, as may be required to comply with this appendix, shall be done according to plans and permit requirements of the ordinance, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this appendix.

37. *Subdivision review officer:* The subdivision review officer shall be the planning and zoning officer of the county or another person designated by the county board of commissioners to administer and enforce the provisions of this appendix.

38. *Surveyor:* A registered, practicing surveyor, licensed by the state.

39. *Variance:* A modification of the terms of this appendix where such modification will not be contrary to the public health, safety and welfare; where owing to conditions peculiar to the property, not the result of actions of the subdivider or owner, a literal enforcement of this appendix would result in unnecessary and undue hardship.

40. *Yard:* A space on the same lot with an existing or proposed main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings exist.

41. *Yard, front:* An open, unoccupied space on the same lot with the existing or proposed main building extended the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the right-of-way line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

42. *Yard, rear:* An open space on the same lot with the existing or proposed main building, such space being occupied [unoccupied] except possibly by an accessory building and extended the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

43. *Yard, side:* An open, unoccupied space on the same lot with an existing or proposed main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

44. *Zoning regulations:* The zoning regulations adopted by the county board of commissioners.

ARTICLE II.

DELEGATION OF POWERS

Section 2.1. Delegation of powers to the subdivision review officer.

2.1.1. Powers. The subdivision review officer is authorized and empowered on behalf and in the name of the board of commissioners to administer and enforce the provisions of this appendix the subdivision review officer is further authorized to review preliminary plat and final plat applications to make recommendations to the board of commissioners and to review construction plans in order to issue a notice to proceed. The subdivision review officer may approve final plats of minor subdivisions.

2.1.2. Duties. The subdivision review officer shall keep records of all submitted subdivision plats, with notations of special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made a public record.

Section 2.2. Delegation of powers to the road superintendent.

The county road superintendent or his designee is authorized and empowered on behalf of the board of commissioners to review construction plans, perform road inspections, and oversee the construction of new infrastructure.

Section 2.3. Delegation of powers to the county board of commissioners.

The county board of commissioners shall be the official platting authority. The board of commissioners is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision of land, including preliminary and final plats of major subdivisions. The board of commissioners may grant a variance from this appendix pursuant to the provisions provided herein.

ARTICLE III.

PROCEDURES FOR SUBDIVISION PLAT APPROVAL

Section 3.1. General provisions.

3.1.1. Applicability. These regulations shall apply to all real property within the unincorporated areas of the county.

3.1.2. Land is one (1) tract until subdivided. Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one (1) tract, or as otherwise legally recorded.

3.1.3. All land subdivisions to comply. No person, firm, corporation, owner, agent or subdivider shall sell or transfer by deed, map, plat or other instrument, any parcel of land not subdivided under the requirements of this appendix, except as provided in subsection 1.3.2., 33. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this appendix. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the office of the clerk of the superior court of the county, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this appendix.

3.1.4. Preliminary plat and plans required prior to construction. No person shall commence construction of any improvements on any lot prior to the approval of a preliminary plat, if required by this appendix, nor prior to the issuance of a notice to proceed upon approval of construction plans and engineering plans for said improvements as required by this appendix.

3.1.5. Building and other permits. No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this appendix that has not been approved in accordance with the provisions of this appendix.

3.1.6. Public streets and lands. No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this appendix and said land and/or improvements are formally approved and accepted as public improvements by the board of commissioners in accordance with procedures established in this appendix.

Section 3.2. Limitations on minor subdivisions.

3.2.1. Purpose. Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the board of commissioners to prohibit the practice of "chain" subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than four (4) lots. It is

also the intent of the board of commissioners to prohibit minor subdivisions adjacent to each other in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.

3.2.2. Common contiguous parcels shown on minor subdivision plats. Contiguous common parcels, as defined by this appendix, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Common contiguous parcels shall not be counted as lots in the case of a minor subdivision.

3.2.3. Limitations. Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this appendix. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two (2) contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one (1) property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of a minor subdivision. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision regardless of ownership.

Section 3.3. Preapplication review.

Whenever the subdivision of a tract of land within the jurisdiction of the board of commissioners is proposed, the subdivider should consult early and informally with the subdivider review officer for advice and assistance. The subdivider may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision. The subdivision review officer shall return within fifteen (15) days the submitted sketch plans to the subdivider and shall inform the subdivider where the plans do not comply with the regulations set forth in this appendix. No fee shall be charged for the preapplication review, and no formal application shall be required.

Section 3.4. Procedure for preliminary plat approval.

Prior to the subdivision of land, cutting or grading of any street or the making of any street improvements, or the installation of utilities, the subdivider shall submit to the board of commissioners a preliminary plat of the proposed subdivision in accordance with the following procedures:

3.4.1. Application for preliminary plat approval. All major subdivisions shall require the subdivider to submit to the subdivision review officer, a complete application for review and approval of a preliminary plat.

3.4.1.1. If the property being subdivided does not abut any part of the state highway system, the subdivider shall submit to the subdivision review officer an application for approval of preliminary plat, along with all applicable fees and copies according to the fee schedule as adopted by the county and other documents, as specified in section 3.5. herein. The board of commissioners shall act on the preliminary plat at a regular meeting of the board of

commissioners no less than five (5) calendar days and no more than sixty (60) calendar days from the date of receipt of a complete application by the subdivision review officer.

3.4.1.2. If the property being subdivided includes or abuts any part of the state highway system, the subdivider shall submit to the subdivision review officer an application for approval of preliminary plat, along with all applicable fees and copies according to the fee schedule as adopted by the county and other documents, as specified in section 3.5. herein. The subdivision review officer shall forward three (3) copies of the preliminary plat and other documents to the state department of transportation in accordance with the O.C.G.A. § 32-6-151. The board of commissioners shall act on the preliminary plat at a regular meeting of the board of commissioners no less than five (5) calendar days and no more than sixty (60) calendar days from the date of receipt of a complete application by the subdivision review officer or at the next regular meeting of the board of commissioners no less than five (5) calendar days from date of receipt of the decision of the state department of transportation by the subdivision review officer, whichever is later. Applications for preliminary plat approval for subdivisions of property abutting the state highway system that do not include all necessary requirements shall not be considered complete. Approval of a subdivision plat does not relieve the subdivider of the requirements to obtain a commercial driveway permit from the state department of transportation.

3.4.2. State department of transportation recommendations. In accordance with O.C.G.A. § 32-6-151, the subdivision review officer shall submit three (3) copies of the preliminary plat to the state department of transportation if the proposed subdivision includes or abuts on any part of the state highway system. The department of transportation, within thirty (30) days of receipt of the plat, shall recommend approval or disapproval and note its recommendation on the copy to be returned to the subdivision review officer. Failure of the department of transportation to act within this 30-day period shall constitute approval. If the plat is recommended for disapproval, the reasons for disapproval and requirements for approval shall be given to the subdivision review officer in writing; but such recommendations shall be advisory only and shall not be binding on the board of commissioners. Approval of a subdivision plat does not relieve the subdivider of the requirement to obtain a commercial driveway permit from the state department of transportation.

3.4.3. Notice of hearing. Notice of the time and place of hearing shall be sent to the address of the subdivider not less than five (5) days before the date fixed therefore. It shall be the responsibility of the subdivision review officer to send said notice.

3.4.4. Review of preliminary plat. The subdivision review officer shall check the plat for conformance to the rules and regulations of this appendix and report his findings and recommendations to the board of commissioners, which shall afford a hearing on the preliminary plat. Also, the county water system will review the plat to determine the availability and capacity rate of county water and sanitary sewer service.

3.4.4.1. Preliminary approval. Following the hearing of the preliminary plat and other related material, the board of commissioners may express preliminary approval noting the conditions of such approval on four (4) copies of the preliminary plat with one (1) copy being returned to the subdivider, one (1) copy to the environmental sanitarian, one copy to the subdivision review

officer, and one (1) copy to be added to the records of the board of commissioners. Approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat.

3.4.4.2. Expiration time. Preliminary approval shall expire and be of no further effect twelve (12) months from the date of the preliminary approval unless the time is extended by the board of commissioners.

3.4.4.3. Disapproval. Following the hearing of the preliminary plat and other related material, the board of commissioners may find reasons detrimental to the public safety, health, and general welfare, or in conflict with adopted plans of the board of commissioners which required the disapproval of the preliminary plat. A statement of the reasons for disapproval shall be made on two (2) copies of the preliminary plat with one (1) copy being returned to the subdivider and one (1) copy being added to the records of the board of commissioners. The applicant may reapply for preliminary plat approval in accordance with section 3.4.1. herein.

3.4.4.4. Automatic approval. Failure of the board of commissioners to act on the preliminary plat within the timeframe specified in section 3.4.1. Hereof, without due cause, shall be deemed to be approval of the plat, and a certificate of preliminary approval shall be issued by the board of commissioners on demand provided, however, that the subdivider may waive this requirement and consent to an extension of time.

Section 3.5. Preliminary plat specifications.

3.5.1. Scale. The preliminary plat shall be clearly and legibly drawn at a scale not smaller than two hundred (200) feet to one (1) inch.

3.5.2. Sheet size. Sheet size shall not be greater than twenty-four (24) inches by thirty-six (36) inches. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of a reduced scale.

3.5.3. Information to be provided on preliminary plat. The preliminary plat shall contain the following information:

(1) Name, address, and telephone number of owner of record and of subdivider.

(2) Name, address and telephone number of preparer of plat along with registration number and seal.

(3) Proposed name of subdivision and its acreage.

(4) The number of the parcel proposed to be subdivided according to the county tax map and the corresponding tax map number.

(5) Existing zoning, plus district boundaries if multiple zones exist within the proposed subdivision and/or if a zoning classification exists within five hundred (500) feet of the proposed subdivision that is different than the area being subdivided, to be provided by the subdivision review officer.

(6) Zoning of adjacent properties, to be provided by the subdivision review officer.

(7) North point and graphic scale and date, including revision dates.

(8) Vicinity map showing location and acreage of the subdivision.

(9) Boundary lines of the tract from a ground survey expressed in bearings represented in degrees and minutes (minimum), and distances represented in feet and hundredths of a foot (minimum).

(10) Names and owners of record of adjoining land with its approximate acreage.

(11) Existing streets, utilities, and easements on and adjacent to the tract, including the size and width.

(12) Proposed layout including streets, alleys, and easements with both dimensions and proposed street names; lot lines with approximate dimensions; land to be reserved or dedicated for public uses; and any land to be used for purposes other than single-family dwellings.

(13) Block letters (if applicable) and lot numbers.

(14) Provisions for water supply, sewerage, and drainage, as required by the county health department.

(15) Minimum building front yard setback lines.

(16) Location of land proposed to be set aside for a neighborhood park or open space area.

(17) Location of streams, lakes and swamps and land subject to flooding as determined by the 100-year flood plain.

(18) Inscription stating "NOT FOR FINAL RECORDING."

(19) A proposed sketch plan and proposed schedule of construction of all future subdivisions and all future infrastructure improvements contemplated by the subdivider within and adjacent to the tract of land for which this preliminary plat is submitted.

3.5.4. Approval from the environmental sanitarian. A signed certificate of approval of the environmental sanitarian shall be placed on the preliminary plat.

3.5.5. Certificate of preliminary approval. A certificate of approval of the preliminary plat by the board of commissioners shall be inscribed on the plat as follows:

"In that all the requirements of Preliminary Approval having been fulfilled, this subdivision plat has been given Preliminary Approval by the Monroe County Board of Commissioners on _____, 20_____. The Preliminary Approval does not constitute approval

of the Final Plat.

This Certificate of Preliminary Approval shall expire and be null and void on _____, 20___."

_____	____
Date	Subdivision Review Officer

Section 3.6. Procedure for construction plan approval.

3.6.1. When required. Any subdivision which involves the construction of a new public or private street, upon approval of a preliminary plat, and prior to the installation of any required improvements, the subdivider or land developer shall apply for construction plan approval. No application for construction plans shall be accepted for processing nor approved by the subdivision review officer until a preliminary plat, has been approved by the board of commissioners and the proposed construction plans are found by the subdivision review officer to be in substantial conformity with said approval and any conditions of such approval.

3.6.2. Construction plan application. Construction plans shall be prepared by either a registered Georgia professional land surveyor or a registered Georgia professional engineer. Application for construction plan approval must be submitted within twelve (12) months of preliminary plat approval.

3.6.3. Approved erosion and sedimentation control plan required. No application for construction plans shall be accepted for processing unless an erosion and sedimentation control plan that has been approved by the Towaliga Soil and Water Conservation Commission is submitted with the construction plans.

3.6.4. Construction plan review. The construction plan approval process is administrative. The subdivision review officer will distribute construction plans to the road superintendent and the county water department. The subdivision review officer, and each applicable department, shall check the construction plans for conformance to the rules and regulations set forth in this appendix. The subdivision review officer, road superintendent, and the county water department shall note any findings within ten (10) working days.

3.6.5. Pre-construction conference. After approval of the construction plans and prior to beginning work on the development, the subdivision review officer, road superintendent, and the county water department will hold a pre-construction conference with the developer. The subdivision review officer will establish a time and date for the pre-construction conference and notify the developer.

3.6.6. Decision criteria. The only basis upon which the subdivision review officer, road superintendent or the county water department may deny a construction plan is the failure of the application to meet the requirements of this appendix or any other applicable local regulations, or the failure of the construction plans and application to meet the requirements of preliminary plat approval specified by the board of commissioners.

3.6.7. Disapproval. A statement of the reasons for disapproval shall be made on two (2) copies with one (1) copy being returned to the subdivider and one (1) copy to being added to the records of the county. The subdivider may reapply for construction plan approval once the construction plans have been adjusted to conform to the requirements of this appendix or any other applicable local regulations. The subdivider may appeal staff denial to the board of commissioners at the earliest regularly scheduled meeting.

3.6.8. Expiration time. Construction plan approval shall expire and be null and void after a period of one (1) year, unless substantial activity toward improvements on the land has been initiated, or unless the board of commissioners approves an extension of time.

Section 3.7. Construction plan specifications.

3.7.1. Scale. The construction plans shall be clearly and legibly drawn at a scale not smaller than two hundred (200) feet to one (1) inch.

3.7.2. Sheet size. Sheet size shall not be greater than twenty-four (24) inches by thirty-six (36) inches. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of a reduced scale.

3.7.3. Ground elevations. The construction plans shall show ground elevations inside the predetermined road right-of-way from a ground survey based on the datum plane of the national geodetic survey and/or plan profile.

3.7.3.1. For land that slopes less than approximately two (2) percent:

(a) Spot elevations shall be shown at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions, or

(b) Contours shall be shown with an interval of one (1) foot.

3.7.3.2. For land that slopes more than approximately two (2) percent, contours shall be shown with an interval of not more than five (5) feet if the ground slope is irregular.

3.7.3.3. A tie to one (1) or more benchmarks shall be shown.

3.7.4. Existing conditions to be provided on construction plans. The construction plans shall show the following information regarding existing conditions:

(1) A vicinity map showing the location of the tract with approximate distances to obvious geographical locations.

(2) Boundary lines, bearings and distances of perimeter boundaries.

(3) Existing easements, indicating location, width and purpose.

(4) Existing streets on, abutting, and adjacent to the tract, including name, right-of-way width, surface type and existence of curb and gutter.

(5) Utilities on, abutting, and adjacent to the tract: location, size, and invert elevation of existing sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants,

electric and telephone poles; if mains and sewers are not on or adjacent to the street, indicate the direction and distance to and size of the nearest mains.

(6) A complete listing of any deviations from the previously approved preliminary plat.

3.7.5. Proposed improvements to be provided on construction plans. The construction plans shall show the following information regarding proposed improvements:

(1) Layout of proposed streets and sidewalks, if provided, showing right-of-way and roadway widths, road names or designations, curbs and gutters, if provided, grades and cross-sections.

(2) Designation of all land to be reserved or dedicated for public use, together with its purpose and limitations or conditions of such reservations or dedications, if any.

(3) Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data.

(4) Locations, widths and purposes of easements.

The following requirements shall be stamped by a professional engineer:

(5) Location and size of all drainage structures including retention ponds, catch basin, grates, head walls and any extensions thereof. The acreage of the drainage area and all pipe and ditch sizing calculations shall be provided.

(6) Plans for the water supply system with pipe sizes and location of hydrants, valves and all appurtenances.

(7) Plans for the storm drainage system with grade, pipe sizes, and point of discharge, together with certified copy of all load design factors and computations.

(8) Location and size of all water, gas, or underground utilities or structures.

3.7.6. Notice to proceed. Following the county's approval of the construction plans and the pre-construction conference, the subdivision review officer shall issue a notice to proceed noting the conditions of such approval on eight (8) copies with one (1) being returned to the subdivider, three (3) being added to the records of the county, two (2) to the road superintendent, and two (2) to the county water department. Approval of the construction plans does not constitute approval for the final plat. It authorizes only that work may begin on the construction and installation of all improvements for the proposed layout shown on the preliminary plat and subject to inspection by the county.

"In that all the requirements of Construction Plan Approval having been fulfilled, this subdivision plat has been given Construction Plan Approval by Monroe County on _____, 20_____. The Construction Plan Approval does not constitute approval of the Final Plat.

This Notice to Proceed shall expire and be null and void on _____, 20_____."

_____ Date	____ Subdivision Review Officer
_____ Date	____ Road Superintendent
_____ Date	____ Monroe County Water Department

Section 3.8. Final plat procedure.

After seventy-five (75) percent completion of the physical development of the subdivision and the posting of a performance bond or the provision of an irrevocable letter of credit, the subdivider shall submit to the board of commissioners a final plat in accordance with the following procedure. All physical development of said subdivision must be completed within twelve (12) months of acceptance of the preliminary plat. If, due to unforeseen circumstances, all physical development cannot be completed within one (1) year, it is the responsibility of the developer to come before the board of commissioners a minimum of thirty (30) days prior to end of said year and request an extension. All major subdivisions, minor subdivisions, and dedications shall require final plat approval.

3.8.1. Application for final plat approval. After the preliminary plat of a proposed land subdivision has been given preliminary approval by the board of commissioners, and all required public improvements have been installed and have received the approval of the subdivision review officer, or a performance bond has been posted or irrevocable letter of credit has been provided by the subdivider in lieu of the completion of all required public improvements, the subdivider may, within one (1) year of the date of preliminary approval or within such additional time as may be granted by the board of commissioners, submit to the subdivision review officer an application for approval of a final plat, along with all applicable fees and copies as specified in the fee schedule as adopted by the county and other documents as specified in section 3.9. herein. The board of commissioners shall act on the final plat at a regular meeting of the board of commissioners no less than five (5) calendar days and no more than thirty (30) calendar days from the date of receipt of a complete application, including no less than all of the above items, by the subdivision review officer by noon on the Thursday immediately proceeding a Tuesday Monroe County Commissioners meeting.

3.8.2. Review of the final plat. The subdivision review officer shall check the plat for conformance with regulations of the appendix.

3.8.2.1. Notice of hearing. Notice of time and place of hearing shall be sent to the address of the subdivider not less than five (5) days before the date fixed therefore. It shall be the responsibility of the subdivision review officer to send the said notice.

Section 3.9. Final plat specifications.

3.9.1. Conformance with the preliminary plat. The final plat shall conform to the approved preliminary plat, the approved construction plans, the requirements of this appendix, and any special conditions or restrictions imposed by the board of commissioners.

3.9.2. Original tracing specifications. The final plat shall be clearly and legibly drawn on any acceptable tracing material as required by the office of the clerk of the superior court of the county. The scale shall be not

smaller than two hundred (200) feet to the inch on a sheet size of not greater than eighteen (18) inches by twenty-two (22) inches. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map at a reduced scale.

3.9.3. Additional specifications. The final plat shall contain the following information:

(1) Name and address of owner of record and of subdivider.

(2) North Point and graphic scale and date.

(3) Vicinity map showing location and acreage of the subdivision.

(4) Names of owners of record of adjoining land with its approximate acreage.

(5) Location of streams, lakes, and swamps and land subject to flood as determined from past history of flooding.

(6) Municipal and county lines shall be shown when such lines traverse or are reasonably close to the subdivision.

(7) The approximate position of land lot lines traversing or touching the subdivision and the approximate position of the nearest land lot corners shall be shown.

(8) Land-lot(s) and land-district number(s) shall be shown.

(9) Exact boundary lines of the tract, determined by a field survey, shall be balanced and closed with an apparent closure precision not to exceed one in fifteen thousand (1:15,000) with the following minimum requirements: distances measured and shown to the nearest one-hundredth (1/100) foot and angles measured and shown to the nearest minute.

(10) Name of subdivision, exact locations, widths, and names of all streets and alleys within and immediately adjoining the new subdivision shall be shown on the plat.

(11) Street right-of-way lines shall show pertinent curve data.

(12) Lot lines shall be shown with the following minimum requirements: distances to the nearest one-hundredth (1/100) foot and bearings in degrees and minutes.

(13) Lots shall be numbered in numerical order and blocks, if applicable, lettered alphabetically.

(14) Location, dimensions, and purposes of any easements.

(15) Any areas to be reserved or dedicated for the public use shall be shown on the plat.

(16) Accurate location, material, and description of monuments and markers, shall be described on the plat.

(17) Minimum building front yard setback lines shall be shown.

(18) The number of the parcel being subdivided according to the county tax map and the corresponding tax map number.

3.9.4. Surveyor's certification. A signed certification by a registered land surveyor certifying to the accuracy of the survey and the plat shall be placed on the final plat in accordance with the Georgia Plat Act.

3.9.5. Owner's certification. A signed certification of ownership shall be placed on the final plat as follows:

"Owner's Certification:

State of Georgia, County of Monroe

The undersigned certifies that he is the owner of the land shown on this plat and acknowledges this plat and allotment to be his free act and deed and dedicates to public use forever all areas shown or indicated on this plat as streets, alleys, easements, or parks."

_____ Date	____ Owner's Name

3.9.6. Health department certification. A signed certification of the county health department shall be placed on the final plat as follows:

"I certify that the general lot layout shown on this plat has been approved by the Monroe County Health Department for development with _____."

____

_____ Date	____ Environmental Sanitarian

The blanks in the above certification statement shall be completed by the environmental sanitarian, or his representative, so as to indicate whether approval is based upon the use of individual sewerage systems, individual water supplies, a community sewerage system, a community water supply or a combination thereof.

3.9.7. Certificate of approval by the subdivision review officer. A certification of the subdivision review officer shall be placed on the final plat as follows:

"I certify that the owner, or his agent, has completed the construction and installation of the streets, drainage, utilities and other improvements in accordance with the laws and specifications of Monroe County, Georgia; or has posted a performance bond or provided an irrevocable letter of credit in lieu thereof."

_____ Date	____ Subdivision Review Officer
_____ Date	____ Monroe County Water Department
_____ Date	____ Monroe County Road Superintendent

Section 3.10. Certificate of final approval by the board of commissioners.

3.10.1. Minor subdivisions. The subdivision review officer may give final approval for minor subdivisions. All plats denied by the subdivision review officer shall be forwarded to the board of commissioners for their review at the request of the applicant.

3.10.2. Board of commissioners. Certification of final approval by the board of commissioners shall be placed on the final plat only after every item in sections 3.8. And 3.9. Of this appendix has been complied with and shall state the following:

"I certify that all the requirements for the Final Approval of this Plat have been fulfilled in accordance with the Subdivision Ordinance of Monroe County, Georgia, and the requirements of the Monroe County Board of Commissioners."

_____ Date	____ Chairman, Monroe County Board of Commissioners

Certification of final approval by the board of commissioners shall in no way constitute acceptance of required public improvements as described in section 5.10.3 herein.

3.10.3. Disapproval. The board of commissioners or the subdivision review officer may find the final plat in conflict with the tentatively approved preliminary plat or with this appendix requiring the disapproval of the final plat. A statement of the reasons for disapproval shall be placed on two (2) copies of the final plat with one (1) copy being returned to the subdivider and one (1) copy being added to the records of the board of commissioners. No certificate of approval shall be given. The final plat may be resubmitted as a new application for final plat approval for hearing after the corrections noted by the board of commissioners are made.

3.10.4. Automatic approval. Failure of the board of commissioners to act on the final plat within sixty (60) days after submission thereof shall be deemed to be approval of the plat, and a certificate of final approval shall be issued by the board of commissioners on demand, provided, however, that the subdivider may waive this requirement and consent to an extension of time.

3.10.5. "As-built" plans when required. After the preparation of the final plat; and before any improvements are accepted for maintenance; and before the subdivider or his agent are released from any bond requirement specified herein, the subdivision review officer shall receive formal written notice that all improvements have been installed as approved within thirty (30) days of completion. In instances where said improvements have been installed in such a manner as to vary from the approved construction plans, a copy of

"as-built" construction plans shall be submitted to the subdivision review officer.

3.10.5.1 Existing conditions to be shown on "as-built" plans. In such instances where there have been variations from approved construction plans, the following information, as applicable, shall be required:

(1) Final profiles of grades for streets.

(2) Final plan of water supply system with pipe sizes, location of hydrants, and valves.

(3) Final plan of storm drainage system with grade, pipe sizes, location of hydrants, and valves.

(4) Final plan of sanitary sewers with grade, pipe sizes, and point of discharge.

(5) A complete listing of the deviations from the approved construction plans made by the subdivider.

Section 3.11. Recording of final plat.

Upon the approval of a final plat by the board of commissioners, the owner, or his agent, shall have the final plat recorded in the office of the clerk of the superior court prior to the sale of any lot in the subdivision. Upon recording of the approved final plat, a copy of any private covenants or deed restrictions shall be provided by the subdivider for the records of the board of commissioners.

When revisions are made to the recorded plat, the subdivider shall file with the board of commissioners copies of the proposed revision to a recorded plat together with all supporting information as required by this appendix. 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 3.4. of this appendix. 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 section 3.8. of this appendix. Only the board of commissioners shall have the power to grant approval or disapproval for such revisions.

Section 3.12. Private gated subdivisions.

3.12.1. Private gated subdivision. A plan for a subdivision which has a proposed design making it desirable to apply regulations more flexible than those contained elsewhere in this appendix. The subdivision shall be private with private roads and shall be gated.

3.12.2. Conditions.

1. The tract of land to be developed must be at least twenty (20) acres.

2. The property adjacent to the area included in the development must not be adversely affected.

3. The site must have a minimum width between any two (2) boundary lines of three hundred (300) feet and must adjoin or have direct access to at least one (1) arterial or collective street.

4. No private roads that have not been deeded, dedicated and accepted by the county shall be maintained by the county. Maintenance and construction costs of private roads not deeded, dedicated or accepted shall be borne solely by the owners affected with no liability to the county.

5. The developer shall incur the cost of installing street lights, street name signs, and any and all regulatory signs. A legal stop sign shall be placed and continually maintained at the intersection of a private and a public road. The private road will bear a sign indicating that it is a "Private" road which may be incorporated into the street name sign.

6. All environmental regulations must be followed, and any development shall not adversely affect the environment, particularly concerning water quality and stream regulations. Every effort shall be made to provide appropriate green space and to leave standing woods and trees, where appropriate.

7. The developer is required to provide payment and performance bonds on all private roads in gated subdivisions.

3.12.3. Preliminary site plan requirements. In addition to information required elsewhere in this appendix, the preliminary site plan shall include the following items:

1. Any proposed changes in zoning, or if the area has been re-zoned the date of approval and all variances and conditions of zoning.

2. A copy of restrictive covenants applicable to the development must be furnished.

3. A general description of the proposal, stating the purpose and goals of the development, and the design features incorporated for meeting these goals.

3.12.4. Site design requirements. The proposed development must be designed so as to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhoods, and in addition to the other requirements of the county subdivision ordinance, must incorporate the following design elements and requirements:

(a) *Traffic and parking:* No through traffic should be permitted; streets should be designed to conform at a minimum to the requirements of the county subdivision ordinance, but should not be straight for long distances, but should curve so as to discourage fast movement of traffic.

(b) *Construction:* All residential construction shall be single-family site-built, stick-built homes, and no mobile homes, modular homes, double-wide homes, triple-wide homes, single-wide homes, kit home construction or other construction shall be permitted except site-built homes constructed from dimensional lumber and all homes must have at least a minimum of two thousand (2,000) square feet of heated floor space. No apartments shall be approved.

3.12.5. Site design detail. The following standards shall be met:

(a) All utilities shall be underground and appropriate street lights provided which shall conform generally to the design of street lights employed by municipalities.

(b) All roads and streets located in this development shall be constructed to the same requirements and standards required by the county subdivision ordinances for public roads and streets, whether such roads shall be public or private, provided that such roads and streets shall be paved with asphalt and no triple surface treatment shall be allowed. There shall be no difference between public roads and streets and private roads.

(c) Lot sizes and set back lines may be varied from regulations contained elsewhere in this appendix, upon appropriate request, but in such event, all streets and roads must be curbed and guttered, and lot size and set back lines must in no event be less than that mandated by county zoning regulations or state law.

(d) Private roads may serve any number of lots or residences provided that all such private roads shall be constructed with asphalt paving in accordance with the county subdivision ordinance requirements for public roads and streets.

(e) A private gated subdivision may have a gate or guard house at any entrance thereto, but no streets or roads within the development may have gates thereon.

(f) Waterlines. As a part of the development process, the developer will provide as follows:

A. Develop, construct, and install waterlines, valves, and fire hydrants sufficient to connect the subdivision to the water system of the county, the same being identified as the "subdivision water system."

B. The construction and installation of the subdivision water system will be in accordance with the standards and specifications of the county and the county water department.

C. All construction and installation of the subdivision water system shall be in a good and workmanlike manner.

D. All construction and installation of the subdivision water system will be subject to the inspection and approval of the county and county water department.

E. The design and layout of the subdivision water system shall be subject to the approval of the county and the county water department.

F. The materials for installation of the subdivision water system shall be subject to the approval of the county and the county water department.

G. Said subdivision water system shall be installed on the right-of-way of either public or private roads, and the county shall have an easement conveyed to it sufficient to maintain said water system, and the subdivision water system shall be conveyed to the county.

H. The subdivider shall maintain his completed work according to the provisions as stated in the maintenance bond agreement.

I. The subdivider shall be required to sign a maintenance bond agreement with the board of commissioners.

J. The contractor for the installation and construction of the subdivision water system will be suitable to the county and subject to the approval of the county.

K. The developer shall provide a stub out and valve or cap into a meter box for each lot, with meter boxes as close together as possible.

L. All residences within said subdivision must be connected to the subdivision water system.

M. In the event that the county water system is available within one (1) mile by nearest public road, then dry lines shall be installed according to the hereinabove standards and shall be connected to the county water system when such connection is available.

(g) The developer shall provide suitable access for emergency vehicles and provide appropriate proof of such access to the county as follows:

PUBLIC SAFETY PROVISION

A gated community must provide access to all public safety vehicles including police, fire and ambulances at all times necessary, for the provision of public safety services.

1. Access must be provided by at least one (1) of the following methods:

   (a) A guard located at the main entrance that is available twenty-four (24) hours per day;

   (b) Providing an override code to the main gate for all emergency vehicles;

   (c) Providing a passkey to the main gate for all emergency vehicles.

2. An override code or passkey must be provided to each public safety department ten (10) days prior to the gate being operational.

3. If passkeys are provided, a passkey must be provided to each public safety department, including police, fire and emergency medical service ten (10) days prior to the gate being operational.

4. Any alteration of the [gate, gate lock, gate programming system (etc.)] that would affect the override code and/or passkey's capability to access the community must be submitted in writing with an acceptable substitute no later than fifteen (15) days prior to altering the gate.

5. If alterations are made to the gate without proper and prior notification that hinder the access of

public safety vehicles and obstruct the provision of public safety services, the development assumes all responsibility for damages incurred.

ROAD INSPECTIONS
PUBLIC ROADS AND PRIVATE ROADS
IN GATED COMMUNITIES

1. Pre-Conference meeting with road superintendent or designee and subdivision review officer before any work begins.

2. All inspections will be done by the road superintendent or his designee.

3. Contact road superintendent and subdivision review officer when beginning clearing, grubbing, and silt fencing. Grade and drain must comply with typical section provided by the county.

4. Road superintendent must see all pipes before covering. All crossdrain pipes need to be bedded one-half (1/2) the diameter of the pipe with #57 stone and one (1) foot beneath the pipe. All pipe sizes must be determined by certified engineering firm.

5. Compaction tests are required for every two (2) feet of fill.

6. Must call road superintendent when subgrade is completed. Final compaction test is required on subgrade.

7. Must notify road superintendent when base material is in place [six (6) inches of compacted GABC and depth checks every 500 feet].

8. Must have final compaction and moisture test on base. Top one (1) foot: unclassified excavation 95%, subgrade compaction 98%, all bases compaction 100%.

9. Must notify road superintendent prior to priming. Prime, application, and curing time must comply with DOT specifications.

10. Must notify road superintendent prior to paving.

11. Shoulders and ditches must be graded to typical section provided by the county.

12. Fines. Five hundred dollars ($500.00) if developer does not meet specifications at each inspection.

ARTICLE IV.

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN FOR THE SUBDIVISION OF LAND

Section 4.1. General design requirements.

4.1.1. Natural features and assets. In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions, which if preserved, will add attractiveness to the proposed development and safety from hazards.

4.1.2. Suitability of land. Land subject to flooding, improper drainage, or erosion, or which is for topographical, geological or other reasons unsuitable for residential use shall not be platted for residential use nor for any other uses that will continue to increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body. An undisturbed 25-foot buffer, measured from the point of wrested vegetation, is required for all developments along creeks, rivers, or other waterways.

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4.1.3. Name of subdivision. The name of the subdivision must have the approval of the board of commissioners. The name shall not duplicate nor closely approximate the name of an existing subdivision.

4.1.4. Access. Access to every subdivision shall be provided over a public street and a minimum of one hundred (100) feet of lot frontage on a public street, except as provided in section 3.12. hereof; provided further, that in the case of a lot accessed by a circular cul-de-sac, the minimum lot frontage may be reduced to fifty (50) feet.

4.1.5. Through traffic. Minor streets shall be so laid out that their use by through traffic will be discouraged.

Section 4.2. Design standards for lots.

4.2.1. Minimum lot area, lot width, and maximum lot coverage. Every lot shall conform to the minimum dimension and area requirements established in the county zoning ordinance, provided that every lot not served by a public sewer or community sanitary sewage system and/or public water shall meet the dimension and area requirements of the county health department.

4.2.2. Lands covered by water. Land permanently covered by water shall not be computed in determining the area of lots with regard to the definitions of a subdivision, as defined in section 13.2, item 32, and with regard to minimum lot area and lot width as described in section 4.2.1.

4.2.3. Building lines. Building setback lines shall conform to front, rear, and side yard building setback requirements of the county zoning ordinance and any applicable state and federal regulations.

4.2.4. Locations adjacent to major street. Where a subdivision borders a freeway, a major arterial, or any other major source of noise, the subdivision should be designed to reduce noise in residential lots to a

reasonable level via either a landscaped or natural buffer area, lots with greater depth from the major street to enable increased building setbacks from the street, or other method approved by the board of commissioners.

4.2.5. Double frontage lots. Double frontage lots should be avoided except where essential to provide separations of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of disadvantageous use. In the easement, if a natural screen planting that is acceptable to the board of commissioners does not exist, then the subdivider shall plant shrubs or trees, or construct a decorative fence, or other such treatment as may be proposed and approved by the board of commissioners. Double frontage lots with frontage on a major arterial shall have additional depth in order to allow space for screen planting along the lot line abutting a major arterial.

4.2.6. Flag lots. A preliminary plat or final plat shall not contain any flag lots in a new subdivision or on an existing road.

Section 4.3. Design standards for blocks.

4.3.1. Design lengths and widths. Block lengths and widths shall be determined based on the following requirements.

4.3.1.1. Blocks in residential subdivisions shall not exceed one thousand five hundred (1,500) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, the board of commissioners may require pedestrian ways and/or easements through the block to be located near the block center.

4.3.1.2. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major street, limited access highways, or railroad or where other situations make this requirement impracticable in which case the board of commissioners may approve a single tier of lots of minimum depth. Blocks intended for business or industrial use shall be such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Section 4.4. Monuments.

The subdivider shall place permanent reference monuments in the subdivision as required herein prior to approval of the final plat by the board of commissioners.

4.4.1. Right-of-way monuments. Iron pins shall be embedded at least two (2) feet into the ground on street right-of-way lines at street intersections and at each point where the right-of-way line changes direction. Such iron pins shall be at least five-eighths (5/8) of one (1) inch in diameter. They shall be spaced so as to be within sight of each other. The top surface of each marker shall be approximately level with the ground surface.

4.4.2. Property line monuments. Iron pins shall be embedded at least two (2) feet into the ground at each lot corner, at each point where the property line changes direction, and no more than one thousand four hundred (1,400) feet apart in any straight line. Such iron pins shall be at least five-eighths (5/8) of one

(1) inch in diameter. The top surface of such iron pins shall be approximately level with the ground surface.

4.4.3. Lot lines extending into rivers and streams. The lines of lots and right-of-way lines that extend into rivers or streams shall be monumented in the field by iron pins not less than two (2) feet long and five-eighths (5/8) of one (1) inch in diameter. Such iron pins shall be placed at the point of intersection of the lot line or right-of-way line with a meander line established at an appropriate distance back from the bank of the river or stream.

Section 4.5. Mailboxes.

No mailbox or newspaper delivery box (hereafter referred to as a mailbox) will be allowed to exist on a county or state right-of-way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the highway system. A mailbox installation that does not conform to the acceptable standards for residential mailboxes as established by the state department of transportation is an unauthorized encroachment under O.C.G.A. § 32-6-1. The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to standards established by the state department of transportation.

Section 4.6. Subdivision monuments.

4.6.1. Location. Subdivision entrance monuments shall not be located within the county or state right-of-way.

4.6.2. Planting materials. Plants and shrubbery shall be low maintenance, disease-resistant materials with branching habits such that plants shall not interfere with vehicular movement. The County may remove any plantings within the subdivision entrance at any time in the future if the plants pose a traffic or safety problem.

4.6.3. Maintenance. Maintenance shall be the responsibility of the subdivider or a homeowner's association. If the subdivision entrance ceases to be maintained for any reason, the county shall have the option of removing any items without notification.

Section 4.7. Provision of public land.

4.7.1. Land required for public use. Where features of the comprehensive plan, such as school sites, parks, playgrounds, and other public spaces are located in whole or in part in a proposed subdivision, or when these features have not been anticipated by the comprehensive plan, but are considered essential by the board of commissioners, such features shall be dedicated or reserved by the subdivider; provided, however, that no more than ten (10) percent of the total area of the proposed subdivision, exclusive of street rights-of-way, shall be required for dedication or reservation to fulfill the requirements of this section.

4.7.2. Land not required or suited for public use. Whenever a plat proposes the reservation of land for or the dedication of land to, public use, and the board of commissioners finds that such land is not suitable for public use, the board of commissioners may either refuse to approve said plat or it may require the rearrangement of lots to include such land. The board of commissioners shall waive the reservation or dedication provisions whenever the public body directly responsible for land acquisition executes a written

release, stating that such planned feature is not required or is not to be acquired. In the absence of such a waiver, the board of commissioners shall disapprove plats when planned features, as specified by the comprehensive plan or deemed essential by the board of commissioners, are not incorporated into the plat.

4.7.3. Dedication. The subdivider may deed restrictively the land to be used for a specific public use to the unincorporated area of the county by submitting with the final plat and documents a deed to the property involved, clear of all liens and encumbrances, and transferable to whatever division of the county government which will have ultimate control over the use of such property, provided that the governing body is not obligated to accept.

4.7.4. Reservations. In the event the subdivider feels that a donation through dedication would work an unusual hardship on him, he may elect to reserve the area in question. Whenever the land so reserved is not purchased, acquired, optioned, or condemned by the appropriate public agency within a three-year period from the date of recording the subdivision or at the time that at least fifty (50) percent of the available lots are built on and occupied, the subdivider may claim the original reservation and cause it to be subdivided in a manner suitable to the subdivider subject to the provisions of this appendix.

ARTICLE V.

REQUIRED SUBDIVISION IMPROVEMENTS

Section 5.1. General requirements for streets and other rights-of-way.

5.1.1. Street paving. Roadways constructed in each subdivision shall be paved according to the standards provided in section 5.6. Developers who wish to subdivide on both sides of a county maintained dirt road must agree to pave the dirt road to county standards along the whole length of the subdivision boundary. Developers who wish to subdivide on one (1) side of a county maintained dirt road must provide the county with the full 60-foot right-of-way (if determined by the road superintendent that it will not cause the road to become unsafe) and agree to pave the dirt road to county standards along the whole length of the subdivision boundary. If it is not possible for the entire right-of-way to be taken from the developers side of the road, the county or developer may pursue right-of-way acquisition form the opposite side of the road. This excludes subdivisions of five (5) lots or less but includes subdivisions done in phases with the total number of lots more than five (5). Acreage adjacent to exclude subdivisions may not be subdivided (as defined in this appendix) until one (1) year after the final plat of phase one of the subdivision is accepted unless the developer agrees to pave the road to county standards.

5.1.2. Continuation of existing streets. Existing streets shall be continued at the same or greater width, but in no case less than the required width.

5.1.3. Additional width on existing streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way if needed to meet the minimum street requirements set forth in the right-of-way width requirements.

5.1.3.1. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing streets.

5.1.3.2. When the subdivision is located on one (1) side of an existing street, a minimum of one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

5.1.4. Connections with future subdivisions. Streets may be reserved at strategic locations to provide for future access to adjoining properties that may be subdivided in the future. Each street connection shall intersect property lines at a 90-degree angle. Any lot reserved for future connections must be shown as such on the preliminary plat. Following final plat approval, no recorded lot in a subdivision may be used for future road or driveway access to adjoining subdivisions.

5.1.5. Street names. Street names shall require the approval of the subdivision review officer and the board of commissioners. Streets that are obviously in alignment with streets already in existence and already named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

5.1.6. Street alignments, intersections and jogs. Streets shall be aligned to join with planned or existing streets. Under normal conditions, streets shall be laid out so as to intersect at right angles (ninety (90) degrees). Where street offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of one hundred fifty (150) feet in urban areas and three hundred (300) feet in rural areas. Final determination on intersection design and tie-in will be determined by the county road department.

5.1.7. Right-of-way radius. The street right-of-way radius at street intersections shall be a minimum of thirty-five (35) feet.

5.1.8. Culs-de-sac. Streets that dead-end shall terminate in a cul-de-sac. The turn-around pavement radius shall be sixty (60) feet, plus fifteen (15) feet of right-of-way. The minimum length of such streets shall be two hundred (200) feet. There shall be a minimum of three hundred (300) feet between all culs-de-sac on the same side of any existing street or road, and no portion of parallel culs-de-sac shall be closer than three hundred (300) feet.

5.1.9. Development along major street, limited-access highway, or railroad right-of-way. Where a subdivision abuts or contains an expressway, freeway, or arterial street, or a railroad right-of-way, the board of commissioners may require a street approximately parallel to and on each side of such right-of-way either as a marginal access street, or at a distance suitable for an appropriate use of intervening land, with a non-access reservation suitably planted. Due regard should be given requirements for approach grades and future grade separations in determining distances. Lots shall have no access to expressways, freeways, or arterial streets, but only to an accessible street in which case the board of commissioners may require double frontage lots with appropriate screening.

5.1.10. Half streets. Half streets shall be prohibited.

5.1.11. Alleys. The requirements for providing alleys within a subdivision are as follows:

5.1.11.1. Alleys shall be provided in multi-family, commercial and industrial districts, except where other definite and assured provision is made for service access such as off-street parking, loading and unloading consistent with and adequate for the uses proposed.

5.1.11.2. Alleys shall not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the board of commissioners of the need for alleys.

5.1.11.3. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the board of commissioners.

5.1.12. Private roads. Private roads shall be limited to serve tracts of land subdivided into not more than three (3) lots with each lot having a minimum of ten (10) acres. No private roads shall be maintained or built by the county. Maintenance and construction cost of private roads shall be borne solely by the owners affected with no liability to the county. This statement shall be placed on each plat of record before recording by the county clerk's office. All private roads shall be required to have a 60-foot right-of-way and a minimum of three hundred (300) feet between all private roads on the same side of any existing public street or road, and no portion of parallel private roads shall be closer than three hundred (300) feet. All lots have to be stated in the deed that no lot can be resubdivided and a private road may service only three (3) lots with each lot having a minimum of ten (10) acres.

Section 5.2. Classification of streets.

All streets in the unincorporated area of the county are hereby divided into eight (8) classes as shown on the official street map adopted by the board of commissioners and on record in the office of the county clerk.

5.2.1. Freeways. Those streets which are used primarily for fast or heavy through traffic and which are divided with full control of access and with no crossings at grade.

5.2.2. Expressways. Those highways or streets which are used primarily for fast or heavy through traffic and which are divided with full or partial control of access and generally with grade separation at intersections.

5.2.3. Arterial streets and highways. Those which are primarily for fast or heavy traffic.

5.2.4. Collector streets. Those that carry traffic from minor street to the major system of freeways, expressways, and arterial streets and highways.

5.2.5. Local residential streets. Including culs-de-sac, those which are used primarily for access to the abutting properties.

5.2.6. Local commercial and industrial streets. Those that are primarily for access to the abutting commercial and industrial properties.

5.2.7. Alleys. Those that are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

5.2.8. Marginal access streets or frontage roads. Minor streets which are parallel and adjacent to freeways, expressways, or arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

Section 5.3. Right-of-way width requirements.

The minimum streets right-of-way widths shall be as follows:

(1) Freeways and expressways . . . . . 150 feet

(2) Arterial streets . . . . . 100 feet

(3) Collector streets . . . . . 80 feet

(4) Commercial and industrial streets . . . . . 80 feet

(5) Residential streets . . . . . 60 feet

(6) Dead-end streets . . . . . 60 feet

(7) Marginal access streets . . . . . 60 feet

(8) Alleys . . . . . 20 feet

(9) Culs-de-sac: (60 feet paved radius required) . . . . . 75 feet

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Section 5.4. Street design requirements.

5.4.1. Grades, horizontal curves, tangents, and site distances. The following street design requirements shall be adhered to in addition to other requirements stated herein:

		Expressways, Freeways, Arterial Streets	Collector Streets	Other Streets
a.	Maximum street grades	6%	8%	10%
b.	Minimum radii of center line curvature	800'	500'	100'
c.	Minimum length of tangent between reverse curves	300'	200'	100'
d.	Minimum stopping sight distance	350'	240'	200'

5.4.2. Vertical curves. All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in percent of grades for expressways, freeways, arterial and collector streets, and one-half (1/2) this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals twenty (20) feet vertically may be required by the board of commissioners.

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Section 5.5. Basic construction requirements for all streets.

5.5.1. Specifications. All roads should be constructed in accordance with Appendix A: Typical Section of Required Specifications for Monroe County Subdivisions.

5.5.2. Grading. All streets, roads, and alleys shall be graded to their full width by the subdivider so that pavements and sidewalks, if installed in the future, can be constructed on the same level plane. The preparation of the right-of-way before grading is started and the construction of cuts and fills shall be accomplished in accordance with the requirements herein and other specifications of the board of commissioners. All unsurfaced disturbed portions of street rights-of-way shall be stabilized by seeding, fertilizing, and mulching or by another equally effective method.

5.5.3. Storm drainage. An adequate drainage system based on at least the 25-year rainfall frequency including necessary curb, pipes, culverts, headwalls, and ditches shall be provided for the proper drainage of all surface water.

5.5.4. Installation of utilities. After grading is completed and approved and before any base is applied, all of the underground utilities--water mains, sewer mains, gas mains and all service connections related thereto, and where available--shall be installed completely in accordance with Appendix B: Monroe County Utility Placement Standards and approved throughout the length of the street and across the flat section. All driveways for houses to be built by the subdivider shall be cut and drained. Where the utility mains are off the pavement, the subdivider may elect to omit the installation of service connections providing that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.

5.5.5. Slopes and shoulder improvements. The minimum ratio for all fill or cut slopes shall be two (2) to one (1), and the minimum width for all shoulders from back edge of curb, if installed, shall be eight (8) feet. All shoulders shall slope one-half-inch to the foot. When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

5.5.6 Speed limit design. Developer to include the speed limit design on all new roads according to GADOT standards.

Editors Note: The appendices referred to in this section are not set out at length, but are on file in the offices of the county.

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Section 5.6. Roadway surfacing and paving.

The following minimum requirements shall be adhered to for the surfacing and paving of all streets:

5.6.1. Pavement base. The pavement bases, not including the surface courses, shall be one (1) of the following types and shall be of the following minimum thickness:

	Other Streets	Collector Streets	Expressways, Freeways, Arterial Streets

Graded aggregate base	6"	7"	8"
Soil bituminous stabilized base	6"	7"	8"
Soil bound macadam base	6"	7"	8"
Soil cement base	6"	7"	8"
Pit soil base with approval of county road superintendent	6"	7"	N/A

5.6.2. Thickness of pavement. The pavement shall be one (1) of the following types:

	Other Streets	Collector Streets	Expressways, Freeways, Arterial Streets
Portland cement concrete	6"	6"	8"
Asphaltic plant mixed surface (on approved type base)	3" *	3"*	3 1/2"**
*The three (3) inches consists of two-inch binder and one-inch surface.			
**The three and one-half (3 1/2) inches consists of two-inch binder and one and one-half-inch surface.			

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5.6.3. Minimum pavement width. All minor residential streets shall have a minimum pavement width of twenty-six (26) feet from back of curb to back of curb, or twenty-two (22) feet from edge of pavement to edge of pavement if no curb and gutters are installed. All other streets width pavements shall be determined by the board of commissioners as required.

5.6.4. Pavement breaks for utility connections. When it is necessary for a subdivider, or any utility company, to break existing pavement for the installation of utilities, for drainage facilities, or for any other purpose, the subdivider shall be financially responsible for the repair of the pavement. The pavement shall be repaired in accordance with the specifications required herein for construction of streets by a contractor approved by the county.

5.6.5. Road striping. Roads shall be striped according to state department of transportation specifications.

Section 5.7. Curb and gutter.

5.7.1. Residential use. Curbs and gutters shall be installed for all major subdivisions in accordance with the standards and specifications of the state department of transportation. A subdivision shall be exempt from providing curbs and gutters if either of the following requirements are met:

• The subdivision fronts entirely on an existing county road.

• All lots having frontage on a proposed or existing street exceed one and one-half (1.5) acres per lot. Those lots which front on the proposed or existing street may not thereafter be subdivided into lots smaller than one and one-half (1.5) acres. A statement to this effect shall be placed on the final plat to be recorded.

5.7.2. Commercial use. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of the lots.

Section 5.8. Location of street signs.

5.8.1. Installation of street signs. All new or existing roads, county roads or otherwise, which are included in a subdivision, shall be furnished and installed with street name signs at appropriate locations. All traffic signs (slow, stop, caution, school bus stop, etc.) will be furnished and installed at proper locations. Materials for signs will be approved by the board of commissioners. All expenses incurred will be borne by the developer at no cost to the county.

5.8.2. Location of street signs. All streets shall be designated by name on a metal street sign post approved by the board of commissioners with such metal post having name plates of metal set one above the other with a clearance of seven (7) feet. The post shall be so located as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, two (2) street sign posts shall be located diagonally across the intersection from each other. Only one (1) street sign post shall be required at T-street intersections. The developer shall be responsible for all costs associated with the installation and maintenance of street signs until the road has been accepted.

5.8.3. Decorative signs allowable. The board of commissioners may allow decorative signs within a subdivision to the extent that state laws do not conflict with the placement thereof. Color, texture, and size shall be approved by the board of commissioners. If a decorative sign and post installation is desired by the subdivider and approved by the board of commissioners, the subdivider or homeowners' association shall be responsible for the installation and perpetual maintenance thereof. Failure to comply with maintenance requirements will result in the county road department taking over such maintenance with the installation of standard signs and post.

Section 5.9. Installation of utilities.

5.9.1. Location of utilities. All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. All utilities shall be installed according to Appendix B: Monroe County Utility Placement Standards. If utilities cannot be installed according to standards, changes may be approved by the subdivision review officer or other designee. No private facilities shall be placed in a utility easement or street right-of-way, including but not limited to, private sprinkler systems. All utilities shall be ascertainable under the Georgia Utility Protection Act (O.C.G.A. §§ 25-9-1 et seq.) and shall be installed by a licensed professional in accordance with O.C.G.A. §§ 43-14-1 et seq. Prior to the installation of any utilities, the subdivider shall notify the county road department in writing.

5.9.2. Sewer. A publicly connected sanitary sewer system shall be installed when the cost of installing such a system does not exceed one hundred fifty (150) percent of the cost of installing septic tanks for all lots in the subdivision and where said system is available from a public agency subject to regulation by the board of commissioners or as the result of a contract between that board and another public agency or body. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of on-site sewage management systems approved by the environmental sanitarian. Sewer lines shall be installed

in the center of the road. All sewer facilities shall be installed in accordance with the standards of the environmental protection division, state department of natural resources.

5.9.3. Gas. When gas mains are connected with the gas distribution system of the unincorporated area of the county, the lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plats. Gas lines should be installed on the south or east side of the road, whichever is applicable, and within the back five (5) feet of the right-of-way. The gas lines shall be constructed in conformance with technical standards established by the board of commissioners.

5.9.4. Water. Water mains for both domestic use and fire protection shall be properly connected with the public water system or with an alternate water supply approved by the environmental sanitarian. Water mains shall be installed on the north or west side of the road, whichever is applicable, and within the back five (5) feet of the right-of-way. The lines shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat. The lines shall be installed in conformance with the county master plan and according to the technical standards established by the board of commissioners.

5.9.5. Water systems. All subdivisions as a condition of approval which are accessible to the county water system shall be connected to the county water system, and the developer shall install water lines, valves and hydrants within the geographical confines of said subdivision, according to the following standards, and connect the same to the county water system.

a. Waterlines, valves, and fire hydrants sufficient to connect the subdivision to the water system of the county, the same being identified as the county water system will be developed, constructed, and installed in accordance with the approved county water system master plan.

b. The construction and installation of this extension of any county water system will be in accordance with the standards and specifications of the county and the county water department.

c. All construction and installation of any water system extension shall be in a good and workmanlike manner.

d. All construction and installation of any water system will be subject to the inspection and approval of the county and the county water department.

e. The design and layout of any water system extension shall be subject to the approval of the county and the county water department.

f. The materials for the installation of any water system extension shall be subject to the approval of the county and the county water department.

g. Said water system extension shall be installed in right-of-way owned by or deeded to the county, or upon easements subject to the approval of the county. The entire water system and water system extension and the easements or right-of-way on which the same is located shall be conveyed to the county by warranty deed.

h. Provide complete plans and specifications for the water system extension to the county prior to

installation.

i. The developer shall sign a maintenance bond agreement as specified in section 6.2.

5.9.6. Tap-on fee. Each and every lot in the subdivision shall be connected to the county water system at time of first sale, and there shall be a tap-on fee to the water system as stated on the fee schedule adopted by the county.

Dry lines. In the event that any subdivision is approved within one (1) mile by nearest public road of either existing water distribution lines of the county water system, or any water distribution line under contract to be installed as of the date of approval, said subdivision shall have dry water lines and valves and other required items installed by the developer in accordance with the above standards, the same to be connected to the county water system when water distribution lines are accessible.

Phone lines. Phone lines shall be installed thirteen (13) feet from the edge of pavement or nine (9) feet from back of curb.

Cable lines. Cable lines shall be installed two (2) feet from the edge of pavement or one (1) foot from back of curb or six (6) inches if sidewalk is against curb.

Power lines. Power lines shall be installed two (2) feet off the right-of-way or nineteen (19) feet from back of curb.

Section 5.10. Administrative procedures.

The administrative procedures for installing the subdivision improvements required herein shall be as follows:

5.10.1. When construction may begin. Construction and installation of any required public improvements as described herein shall not begin until the approval of the construction plans and the issuance of a notice to proceed by the subdivision review officer.

5.10.2. Inspections and approval by the board of commissioners. During the construction and installation of the required public improvements, a designee of the county board of commissioners shall from time to time make field inspections and supervise said work as predetermined and agreed upon by said designee and the subdivider. After completion of all the construction and installation of the required public improvements and if the said work has met the specifications as described herein, as determined by the said designee, the said designee shall notify the subdivider in writing of the approval of said work.

5.10.3. Dedication by subdivider and official acceptance by the board of commissioners. After the completion of all construction and installation of required public improvements, it will be the responsibility of the subdivider to make formal application for acceptance to the board of commissioners. Such formal application shall include a fee simple title granted to the county for the road and street rights-of-way and maintenance bond as required in section 6.2. Unless and until the board of commissioners has accepted the road or street, the same shall not be deemed to be a public street so as to

become a part of the county street or road system or to require maintenance and improvement by the county. Approval of a final plat by the board of commissioners shall in no way constitute acceptance of public improvements.

5.10.4. Maintenance of completed work. The subdivider shall maintain his completed work according to the provisions as stated in the maintenance bond agreement. The subdivider shall be required to sign a maintenance bond agreement with the board of commissioners. During the maintenance period, a designee of the county board of commissioners shall make periodic inspections and notify the subdivider of necessary corrections. At the end of the maintenance period, the said designee shall make a final inspection and report his findings to the board of commissioners. Necessary corrections not made by the subdivider may be completed by the county. These costs shall be deducted from the maintenance funds, and the subdivider shall be charged with any costs above the amount of maintenance funds. If the work is acceptable at this time, the remainder of the maintenance funds shall be released to the subdivider.

5.10.5. Cost of improvements.

5.10.5.1. Subdivider's responsibility. The subdivider shall incur the cost of construction and installation of all required public improvements based on the following:

1. *Streets.* Incur the cost for the construction of streets up to twenty-seven (27) feet in pavement width from back of curb to back of curb, or twenty-two (22) feet in pavement width from edge of pavement to edge of pavement if no curbs and gutters are installed and the cost incurred to properly grade and drain street according to county specifications.

2. *Water and sewer systems.* Incur the cost for the installation of all water and sewer systems which are required to serve the new subdivision and tie in with existing water and sewer system based on the specifications set forth herein.

3. *Monuments.* Entire cost.

4. *Street signs.* Entire cost.

5.10.5.2. Board of commissioners' responsibility. The board of Commissioners may partially participate in sharing the cost of construction and installation of required public improvements for the following conditions:

1. *Streets.* Incur cost for any additional required pavement which is in excess of twenty-seven (27) feet for streets with curbs and gutters and in excess of twenty-two (22) feet for streets without curbs and gutters, and any additional grading and paving related thereto.

2. *Water and sewer systems.* Incur cost for any difference in the cost of the laying of over-sized pipe and outfall systems which are needed in excess of the required water and sewer facilities needed to exclusively serve the new subdivision as determined by the board of commissioners.

5.10.5.3. Estimated costs for construction and installation. The current unit prices in effect at the time of submission of plans shall be used in determining the total estimated cost for construction and installation or required public improvements in new subdivisions.

5.10.5.4. Property owner's responsibility. Whenever the board of commissioners is petitioned by the property owners to upgrade a street to high construction standards, the property owners shall then incur the entire cost for said improvements based on the footage along the property line of each lot abutting the street which is being improved.

5.10.5.5. Fees and costs. The property owner or subdivider shall incur the cost of all field inspections, engineering reviews, and supervision of required public improvements according to a schedule of fees and costs published by the board of commissioners of the county.

Section 5.11. Unlawful use of county road during construction and development of subdivision.

Any terms not specifically defined in this section shall have the same definition, if any, provided under O.C.G.A. §§ 32-1-3 and 32-6-26.

5.11.1 Overnight parking. No person shall park or cause to be parked, on any county road or any property maintained by the county, any vehicle overnight or for any other period provided, however, that disabled vehicles may remain on such property, in an area safely out of the flow of traffic, for a reasonable period not to exceed twenty-four (24) hours, which time limit may be waived by the office of the county sheriff or marshal, provided further, however, that a vehicle may be parked on such property safely out of the flow of traffic for a reasonable time as is required to first clear a location on the site, and off of the county road, for parking, but in no case shall such vehicle be permitted to remain on such property for a period exceeding eight (8) hours; any such vehicle violating any provision of this subsection may be impounded by the county and/or the marshal may issue a citation to the owner or operator of such vehicle. Neither the county nor employees or agents shall be responsible for any charges incurred or damages sustained in the towing and storage of such vehicles.

5.11.2. Bridge limits. Pursuant to O.C.G.A. § 32-4-41, the county shall inspect and determine the maximum load, weight, and other vehicular dimensions which can be safely transported over each bridge on the county road system and shall post on each bridge a sign containing a legible notice showing such maximum safe limits, each such sign to comply with regulations of the state department of transportation. The county may request technical assistance from the state department of transportation in carrying out this subsection.

5.11.3. Exceeding bridge limits. Pursuant to O.C.G.A. § 32-4-41, it shall be unlawful for any person to haul, drive, or bring on any bridge any vehicle, load, or weight which in any manner exceeds the maximum limits ascertained and posted on such bridge. Any person hauling, driving, or otherwise bringing on such bridge any such load or weight exceeding the maximum limits so ascertained and posted shall be in violation of this article.

5.11.4. Vehicle load. Pursuant to O.C.G.A. § 32-6-21, no vehicle shall be driven or moved on any public road unless such vehicle is constructed or loaded or covered so as to prevent any of its load from

dropping, escaping, or shifting in such manner as to create a safety hazard. No person shall operate or load for operation, on any public road, any vehicle with any load unless such load any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached, or in any manner becoming a hazard to other users of the public road.

5.11.5. Exceeding load limits. Pursuant to O.C.G.A. § 32-6-20, no vehicle or load shall be operated or moved upon the public roads of the county if a dimension or the weight of such vehicle or load exceeds the limitations specified or indicated in O.C.G.A. §§ 32-6-20 et seq.

5.11.6. Road use permit for vehicle load. No person shall operate or cause to be operated any heavily laden motor vehicle along, through, over, or across any county road except with a road use permit approved by the county road department.

5.11.7. Road use permit for temporary work site. Where vehicles are expected to be operated upon one (1) or more county roads in conjunction with the disturbance of any temporary work site, such road use permit shall include and be subject to the following:

(1) A properly completed application on a form approved by the county road department shall be made, such application indicating at a minimum the following:

a. The county road sought to be operated upon in connection with such land disturbance;

b. The dates upon which such operations will be made;

c. The general use which will be made of the county road for the permitted operation.

(2) Each application shall include the road use permit application fee as set forth in the schedule of fees and charges on file in the office of the county clerk.

(3) The application shall be made either in the name of the person seeking to operate the motor vehicle or the landowner on whose land any activity may take place.

(4) Upon receipt of the permit application, the county road department shall inspect the county road sought to be used and shall issue a written report of the county road specified in the application along with any other section or portion of the county road anticipated to be used by the applicant in its operations, such report specifying the general conditions and any defects which are noted. At the discretion of the inspecting department, photographs may be attached showing the general condition of the county road sought to be used.

(5) A copy of the report of the inspecting department shall be delivered immediately via regular mail to the applicant. Unless the applicant objects to the contents of the report, there will be a presumption that the condition of the county road is as set forth on the report by the inspecting department, the same objection to be made within fourteen (14)

days of the date of the correspondence transmitted to the applicant. If the applicant objects to the contents of the report, the permit will be held in abeyance until such time as an agreement is made between the applicant and the inspecting department as to the description of the condition of the county road. If no such agreement can be reached, the applicant may appeal the decision as provided for in this appendix.

(6) Upon issuance of such road use permit, the county road department shall cause to be forwarded to the office of the county sheriff's department a notice which shall include the name of the applicant, the section or portion of the county road affected by such permit, and the effective dates of such permit. Such road use permit shall be effective for a period not to exceed twelve (12) months and is subject to inspection by the county road department.

(7) At any time during the pendency of a road use permit, the county may make an inspection of that portion of the county road or roads which have been utilized by the applicant to determine if there has been any damage or unusual or excessive wear or tear on any portion of the county road.

(8) At any time during the applicant's use of the county road, the county road department may inspect the road for excessive wear or damage. In the event any damage or unusually excessive wear or tear is exhibited along any portion of the permitted county road as determined by the county road department, the county may cite the applicant holding the road use permit for the temporary work site for a violation of this article, and the applicant may be punished upon a showing of such violation.

(9) Any person against whom a stop work order is issued may submit the matter for a hearing to the board of commissioners by notifying the board of commissioners in writing within fourteen (14) days from the date of the applicant's objection to the contents of the report detailing the condition of the road. Such hearing shall be conducted at the next regularly scheduled meeting of the board of commissioners.

5.11.8. Issuance of citation. The sheriff and deputies of the county are authorized to issue citations for the enforcement of this article as provided in O.C.G.A. §§ 15-10-62 and 15-10-63.

Section 5.12. Damage to public streets.

No person shall operate a vehicle upon one (1) or more county roads in conjunction with a land disturbance permit for a temporary work site in such a manner so as to cause damage or unusual wear or tear along a county road as measured by the condition of the road at the time of the application for the road use permit. The developer shall be responsible for damage and maintenance of existing county roads when undergoing construction. Any pavement disturbed shall be fully restored in accordance with minimum acceptable standards of the county road department. Such restoration shall be fully completed within thirty (30) days from the date of first disturbance provided, however, that the county may direct earlier completion in instances involving dire hazard to the public safety. If the developer fails to take necessary corrective action, permits may be voided or withheld until proper repairs have been made. Also, the developer's maintenance bond may be used for these off-site repairs and maintenance.

ARTICLE VI.

ASSURANCE FOR THE COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Section 6.1. Installation of site improvements.

After receiving a notice to proceed by the county, the subdivider may then proceed to install all improvements required under this appendix and any other applicable regulations of the board of commissioners. In lieu of the completion of all improvements prior to submission of the final plat, the subdivider shall post a performance bond or provide an irrevocable letter of credit with the clerk of the board of commissioners in an amount equal to one hundred twenty-five (125) percent of the cost of completing such unfinished improvements. As an alternative, the subdivider can tender a negotiable instrument in like amount in favor of the county, including but not limited to, a letter of credit or an assignment on a certificate of deposit. The value of the bond or instrument shall be established by the board of commissioners or its designee.

The duration of the bond or negotiable instrument will be established jointly by the subdivider and the board of commissioners or its designee. Fifteen (15) days prior to the expiration of the bond or instrument, the county attorney will notify the bonding company or financial institution of possible default. If unfinished improvements are not completed by the end of the duration period, the bond or instrument will be deemed to have been forfeited, and the bonding company or financial institution will be required to immediately pay all amounts due to the local government.

Section 6.2. Maintenance securities.

1. Maintenance securities. A maintenance bond or equivalent form of security as approved by the county attorney, in favor of the county, shall be posted within the county by all subdividers, developers, or other persons where street, water, sewer, storm drains, stormwater management facilities, or other improvements (hereinafter referred to collectively as the "infrastructure improvements") are made according to the rules and regulations of the subdivision ordinance.

2. The amount of this bond will be calculated by the following formula: Forty (40) percent of construction costs for other infrastructure improvements. The minimum amount of a bond shall be twenty-five thousand dollars ($25,000.00).

3. The bond shall be filed with the county clerk at the time of submittal of the final plat.

4. Separate bonds are required for each unit of development, phase, or like subdivision. If the development is phased, the subdivider shall be responsible for the infrastructure improvements in the first phase until all phases have been accepted.

5. The bond period shall remain in effect until all infrastructure improvements from all phases are complete and maintained for twenty-four (24) months and seventy-five (75) percent build out of new building construction, whichever is longer, after final inspection is approved. The subdivider shall notify the subdivision review officer that all infrastructure improvements are complete and that the new building construction is at least seventy-five (75) percent complete and request a final inspection. If the subdivision review officer

approves the final inspection, the twenty-four (24) months of maintenance shall begin. At the end of the 24-month period of maintenance, the county shall either:

a. Release the bond and, if appropriate, accept the bonded infrastructure improvements.

b. Require an additional bond period of up to twenty-four (24) months, if the infrastructure improvements are not maintained to the satisfaction of the county.

c. Call the bond and hold the bond proceeds if the infrastructure improvements are not properly maintained to the county's satisfaction or call the bond and use the bond proceeds to properly maintain the infrastructure improvements using the bond proceeds.

6. Bonds or equivalent forms of security from banks having local offices are preferred. The bond must contain the following information and be substantially in this form:

____

Monroe County, GEORGIA

MAINTENANCE AND WARRANTY BOND

KNOW ALL MEN BY THESE PRESENCE: that

a Corporation, hereinafter call Principal, and

(Name of Surety)

(Address of Surety)

A Corporation of the State of _____, and a surety authorized by law to do business in the State of Georgia, hereinafter called Surety, are held and firmly bound unto

Monroe County Board of Commissioners (Name of Obligee)
38 West Main Street (Address of Obligee)

hereinafter referred to as Obligee, are held and firmly bound unto said Obligee and all persons maintaining and warranting infrastructure improvements hereinafter referred to, in the penal sum of

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presence.

THE CONDITION OF THIS OBLIGATION is such, as whereas the Principal is obligated to maintain and warrant for the street, water, sewer, storm drains, stormwater management facilities, or other improvements (hereinafter referred to collectively as the "infrastructure improvements"), some of which may be dedicated to Monroe County, unless expressly authorized, in connection with the development of _____ (project name).

The bond period shall remain in effect until all infrastructure improvements from all phases are complete and maintained for twenty-four (24) months after a final inspection is approved. The Principal shall notify the Subdivision Review Officer that all infrastructure improvements are complete and request a final inspection. If the Subdivision Review Officer approves the final inspection, the twenty-four (24) months of maintenance shall begin. At the end of the 24-month period of maintenance, the County shall either:

a. Accept the bonded infrastructure improvements and release the bond.

b. Require an additional bond period of up to 24 months, if the infrastructure improvements are not properly maintained to the satisfaction of the County. In that case, the undersigned, prior to the expiration of the bond, shall be required to provide an additional bond for an additional 24-month period with a federal secured lending institution or this bond will be forfeited and the proceeds shall be paid in full to Monroe County.

c. Call the bond and hold the bond proceeds if the infrastructure improvements are not properly maintained to the County's satisfaction or call the bond and use the bond proceeds to properly maintain the infrastructure improvements using the bond proceeds.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well, truly, fully and faithfully maintain and warrant the infrastructure improvements according to the preliminary plat, construction plans, and final plat during the period from its issuance and any twelve-month extension that may be required by the Obligee, with or without notice to the Surety, and during the life of any infrastructure improvement required to be maintained and warranted under the preliminary plat, construction plans, and final plat, and shall also well and truly maintain and warrant all the undertakings, maintenance, terms, and conditions of any and all duly authorized modifications of said infrastructure improvements that may hereafter be made, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED FURTHER, that said Surety to this Bond, for value received, hereby stipulates and agrees that no change, extension of time, alterations, or additions to the infrastructure improvements or to the work to be performed hereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alterations, or additions to the infrastructure improvements or to the work to be performed hereunder.

PROVIDED FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant to and in accordance with the applicable provisions of the Official Code of Georgia Annotated, as Amended, including, but not limited to, O.C.G.A. §§ 13-10-1, et seq. and §§ 36-86-101, et seq., and is intended to be and shall be construed as a bond in compliance with the requirements thereof.

Notification of forfeiture or the need for an additional bond period shall be made by certified mail at least 30 days prior to the expiration of this instrument.

IN WITNESS WHEREOF, this instrument is executed in two (2) counterparts, each one of which shall be deemed and original, signed, sealed, and dated this _____ day of _____ 20_____.

ATTEST:

ATTEST:	
	(Principal)
_____ (Principal Secretary)	By: ____
(SEAL)	(Address)
_____ (Witness as to Principal)	
_____ (Address)	
	(Surety)
ATTEST:	
	By ____ (Attorney-in-Fact)
_____ Resident Agent (SEAL)	(Address)
_____ (Witness as to Surety)	
_____ (Address)	

NOTE: Date of Bond must not be prior to date of approved final plat but not to exceed thirty days from date of approved final plat. If Contractor is Partnership, all partners should execute Bond. Surety Companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State.
(Mo. of 5-19-09)

____

ARTICLE VII.

VIOLATION AND ENFORCEMENT

Section 7.1. Violation.

7.1.1. The filing or recording of a plat of a subdivision without approval of the board of commissioners constitutes a violation of this appendix; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from such penalties. The board of commissioners through its attorney or other designated official, may enjoin such transfer or sale or agreement by appropriate action.

7.1.2. No plat or plan of subdivision within the unincorporated area of the county shall be filed or recorded by a subdivider in the office of the clerk of the superior court of the county until it shall have been submitted to and approved by the board of commissioners and such approval entered in writing on the plat by the chairman of the board of commissioners. The filing of a plat of a subdivision without the approval of the board of commissioners is hereby declared a misdemeanor and, upon conviction, the owner or agent of the owner is punishable as provided by law.

7.1.3. No sale or transfer of any lot in any subdivision covered by this appendix shall be made without the approval and recording of the final plat as contemplated by this appendix.

Section 7.2. Enforcement.

It shall be the duty of the subdivision review officer to enforce this appendix and to bring to the attention of the district commissioner any violations or lack of compliance therewith. The subdivision review officer may delegate enforcement functions, powers, and duties assigned by this appendix to other staff as may be appropriate, without the need to reflect such delegation by formal action.

Section 7.3. Refusal of permits or permissions.

The subdivision review officer is hereby authorized to deny and withhold permits or permissions on any new project or application pursuant to this appendix or other ordinances of the county where the applicant, applicant's business, or agent has failed or refused to comply with this appendix.

Section 7.4. Stop work order.

The subdivision review officer is hereby authorized to issue written "stop work" and "cease and desist" orders for any activity that fails to comply with the provisions of this appendix. Such "stop work" or "cease and desist" orders may be lifted at such time as the subdivision review officer is satisfied that a good faith effort is being made to comply with applicable provisions of this appendix. Nothing shall prevent the subdivision review officer from reissuing "stop work" and "cease and desist" orders where warranted.

Section 7.5. Injunction.

If any land is used, or building, structure, or other activity is established or maintained in violation of this appendix, the subdivision review officer at the direction of the board of commissioners is authorized to and may institute, in addition to other remedies, an injunction or undertake other appropriate action to cause the violation to cease or to be corrected.

Section 7.6. Penalties for violation of ordinances.

A violation of any provision of this appendix by any person, firm or corporation is hereby declared a misdemeanor and, upon conviction, the owner or agent of the owner is punishable as provided by law.

Section 7.7. Complaints.

Whenever a violation of this appendix occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state clearly and fully the causes and basis of the complaint and shall be filed with the subdivision review officer. The subdivision review officer shall record properly such complaint, notify the developer, investigate, and take action thereon at the direction of the board of commissioners as may be appropriate to enforce this appendix.

Section 7.8. Additional remedies.

In any case in which any land is, or is proposed to be, used in violation of this resolution or any amendment thereto adopted by the board of commissioners, any owner of real estate having an affected property interest may, in addition to other remedies provided by law, institute injunction, abatement or any

appropriate action or actions, or proceeding to prevent, enjoin or abate such unlawful use.

ARTICLE VIII.

PROCEDURE FOR REQUESTING AN AMENDMENT

The board of commissioners may, from time to time, after examination, review and hold a public hearing thereon, amend, supplement, or change the regulations contained herein or subsequently established. Proposals for amendments to these regulations whether initiated by the board of commissioners or any person, firm, or corporation, shall not be acted on until a public hearing has been held by the board of commissioners as required by the following procedures:

Section 8.1. Application.

An application must be submitted in writing to the subdivision review officer describing the proposed amendment, supplement, or change. All applications shall be submitted no less than fifteen (15) days prior to the next regular meeting of the board of commissioners.

Section 8.2. Public hearing.

Before enacting any amendment to these regulations, the board of commissioners shall hold a public hearing thereon provided that at least fifteen (15) days legal notice has been published in a newspaper of general circulation in the county. The board of commissioners shall take action on said proposed amendment within forty-five (45) days from the date of their public hearing.

Section 8.3. Withdrawal of petition.

Any petition for a text amendment may be withdrawn prior to action thereon by the board of commissioners at the discretion of the person, firm, or corporation initiating such a request upon written notice to the clerk of the board of commissioners.

Section 8.4. Fee payment accompanying petition.

Any petition for an amendment to the subdivision regulations unless said petition is initiated by the board of commissioners, shall be accompanied by a fee according to the fee schedule as adopted by the county for the required public hearing.

ARTICLE IX.

APPEALS

Section 9.1. Appeals of administrative decisions.

Appeals to the board of commissioners may be taken by any person aggrieved by any official of the county when it is alleged there is an error in any order, requirement, decision or determination made in the enforcement of this appendix. Such appeal shall be filed with the county clerk within thirty (30) days after the

decision or interpretation has been made that shall specify the grounds thereof. The county clerk shall transmit to the board of commissioners all relevant materials regarding the action that is being appealed.

Section 9.2. Appeals of the actions of the board of commissioners.

Any person or persons severally or jointly aggrieved by any decision of the board of commissioners shall have the right of appeal to a court of law if such appeal is filed with the clerk of court within thirty (30) days of the rendering of the decision by the board of commissioners.

ARTICLE X.

VARIANCE

Section 10.1. Application.

An application for a variance from the provisions of the county subdivision ordinance must be submitted to the county subdivision officer in writing and shall include such material as would clearly state all elements of the proposed variance and the reason or reasons that such a variance is required. The applicable fee according to the fee schedule as adopted by county shall be paid at the time of the application. An application may be withdrawn by the applicant upon written notice to the county subdivision officer anytime before the decision on said application. The applicable fee shall not be returned upon withdrawal of the application.

Upon receipt of an initial application for a variance, the subdivision review officer shall cause the application to be placed upon the agenda of the next meeting of the board of the commissioners for which notification requirements can be met. The subdivision review officer shall initiate notification procedures required under this section.

Section 10.2. Notification procedures.

The subdivision review officer shall notify neighboring property owners and the general public of any application for a variance in accordance with the following procedures:

- Upon the establishment of a hearing date for any application for a variance, the subdivision review officer shall notify by mail all owners of property lying within two hundred (200) feet of the property for which the application is filed. Such notification shall include the nature of the application; the time, date, and place of the Hearing upon said application; and the address and telephone number of the subdivision review officer should additional information be required. Such notification shall be mailed not less than fifteen (15) or more then forty-five (45) days prior to the hearing.

- Upon the establishment of any hearing date for any application for a variance, the subdivision review officer shall cause to have posted in a conspicuous place on the property in question, one (1) or more signs containing information as to the type of application made and the address and telephone number of the subdivision review officer for further information. Such sign or signs shall be posted not less than fifteen (15) or more than forty-five (45) days prior to the hearing.

- Upon the establishment of a hearing date for any application for a variance, the subdivision review

officer shall cause to be published in the newspaper of general circulation of the county, notice of said application. Such notice shall include the nature of the application; the time, date, and place of the hearing upon said application; and the address and telephone number of the subdivision review officer should additional information be required. Such notice shall be published not less than fifteen (15) or more then forty-five (45) days prior to the hearing.

• Upon the establishment of any hearing date for any application for a variance, the subdivision review officer shall notify by mail the applicant of the time, date, and place of the hearing upon said application. Such notification shall be mailed not less than fifteen (15) days prior to the hearing.

Section 10.3. Terms of approval.

The board of commissioners shall hear and decide upon applications for a variance from the terms of these subdivision regulations in specific cases. Such variance may be authorized as will not be contrary to the public health, safety, morals, convenience, order, prosperity, or welfare where, owing to special conditions, a literal enforcement will, in an individual case, result in unnecessary hardship, so that the spirit of this resolution shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of commissioners that:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

(2) The application of the provisions of the resolution to this particular piece of property would create an unnecessary hardship;

(3) Such conditions are peculiar to the particular piece of property involved; and

(4) Relief if granted, would not cause substantial detriment to the public good or impair the purpose and intent of these regulations.

In response to comments by persons appearing at the hearing or to recommendations by the board of commissioners, the applicant may agree to modify his application, including any plans or specifications submitted. Unless such modifications are so substantial that the board determines that revised plans are necessary for adequate consideration of the application, the board may approve the application with a stipulation that the variance shall not be issued until plans reflecting the agreed upon changes are submitted to the Subdivision review officer.

Any decision made by the board of commissioners upon an application for a variance shall be reduced to writing and served upon the applicant and shall be made a public record and maintained in the office of the board of commissioners of the county. Such decision shall include the board's findings and conclusions, as well as supporting reasons and facts, where applicable.

Section 10.4. Conditions.

In approving variances, the board of commissioners may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

Section 10.5. Denial of application.

Whenever an application for a variance is denied, the board of commissioners shall not consider any further application for the same variance on the same property or any part thereof for a period of twelve (12) months from the date of denial.

Section 10.6. Appeal of decision.

Any person, firm, or corporation whose application has been previously disapproved may, within thirty (30) days from the date of disapproval, move for a re-hearing from the board of commissioners. All motions for the re-hearing by the board shall be written and presented to the subdivision review officer, and no hearing shall be held on such motion. No motion for re-hearing shall be considered unless new or additional information is available that was not available at the time of the original hearing and was not presented due to excusable neglect. A denial of this motion is the final action. A granting of this motion shall require a new hearing and a new process of a notification as if the application were considered for the first time.

ARTICLE XI.

LEGAL STATUS PROVISIONS

Section 11.1. Conflict with other laws.

Whenever the requirements of this appendix are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, or resolutions, the most restrictive or those imposing the highest standards shall govern.

Section 11.2. Validity.

Each phrase, sentence, paragraph, section or other provision of this appendix is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section, or provision of this appendix be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this appendix.

Section 11.3. Effective date.

This appendix shall take effect and be in force from and after the date of its adoption.