

TOWNS COUNTY
SUBDIVISION REGULATIONS

TOWNS COUNTY REVISED SUBDIVISION REGULATIONS WERE APPROVED
NOVEMBER 8, 1993 AT THE REGULAR COUNTY MEETING IN THE
COMMISSIONERS OFFICE.

REVISIONS:

SECTIONS

202 PAGE 5
301 (U) PAGES 11 & 12
301 (Y)
301 (AC)
501 PAGE 25
607 (2) PAGE 27
701 PAGE 28
902 PAGE 32

ARTICLES

XVII (A1) PAGE 38
(D1) PAGE 40
(D7) PAGE 40

TABLE OF CONTENTS	Page
#	
ARTICLE I	4
Short Title, Purpose and Intent	
ARTICLE II	4
Application, Platting Jurisdiction and Enforcement	
ARTICLE III	7
Definition of Terms Used in this Resolution	
ARTICLE IV	11
Procedures and Requirements for Approval of Plats	
ARTICLE V	20
General Design and Other Requirements	
ARTICLE VI	23
Requirements for Streets and Other Rights-of-Way	
ARTICLE VII	25
Design Standards for Blocks and Lots	
ARTICLE VIII	25
Required Improvements	
ARTICLE IX	27
Variances	
ARTICLE X	29
Jurisdiction for Enforcement	
ARTICLE XI	30
Amendments	
ARTICLE XII	30
Legal Status Provision	
ARTICLE XIII	30
Remedies	
ARTICLE XIV	30
Penalties for Violation	
ARTICLE XV	31
Administrative Procedures	
ARTICLE XVI	31
Miscellaneous	
ARTICLE XVII	32,33,34
Standards for Mobile Home Parks, Recreational Vehicles, And Travel Trailer Parks.	

ARTICLE I

SHORT TITLE, PURPOSE AND INTENT

Section 101: Short Title. This Resolution shall be known and may be cited as the "SUBDIVISION REGULATIONS OF TOWNS COUNTY, GEORGIA".

Section 102: Purpose and Intent. This Resolution is enacted pursuant to the authority contained in the Constitution of the State of Georgia as amended, for the following purposes:

- a. To encourage economically sound and stable land development.
- b. To assure the provision of required streets, utilities, and other facilities and services to land developments.
- c. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments;
- d. To assure wise and equitable handling of all development of land by providing uniform procedures and standards for observation and enforcement of regulations by developers and local public bodies as appropriate.
- e. To hold the interests of the county residents as a whole above all other Resolutions or Statutes which apply to the same subject matter, that Resolution or Statute requiring the highest, or more strict, standard shall govern except in cases where the public interest is clearly better served by one Resolution or Statute over another.

ARTICLE II

APPLICATION, PLATTING JURISDICTION AND ENFORCEMENT

Section 201: Plats required. Any subdivider proposing to subdivide land within the county shall submit to the Planning Commission plats of the proposed subdivision, which shall conform to all requirements set forth in this regulation.

Section 202: New Work. No subdivider shall proceed with any construction work on a proposed subdivision before obtaining a Soil and Erosion permit and preliminary plat approval from the Planning Commission.

Section 203: Platting Authority. From and after the adoption and enactment of the Subdivision Regulations, the Planning Commission shall be the Official platting authority, and

No plat of a subdivision recorded in the office of the Clerk of Superior Court of Towns County until it shall have been submitted and given final approval by the Planning Commission and such approval entered in writing on the plat by the appropriately designated person of the Planning Commission. The Clerk of Superior Court shall not file or record a plat of a subdivision, which does not have the approval of the Planning Commission as required by these regulations. The filing or recording of a plat of a subdivision without the final approval of the Planning Commission as required by these Regulations is hereby declared a misdemeanor and upon conviction, is punishable as provided by Article XIV of these Regulations.

Section 204: Use of Plat. No person shall advertise or represent any land by reference to or exhibition of or other use of a plat of a subdivision before that plat has received preliminary approval of the Planning Commission. Further no land shall be transferred and/or recorded until it has been given final approval by the Planning Commission. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from the penalties of these Regulations.

Section 205: Erection of Buildings. No building permit shall be issued and no building shall be erected on any subdivision lot in Towns County unless the lot abuts a public street or public access street or has access thereto. For purposes of this Regulation, "Access Thereto" is defined as a driveway easement serving two or less lots and crossing two or less lots. No building permit shall be issued for any lot in any subdivision for which there is no approved and recorded final plat.

Section 206: Acceptance of, Improvements in, and Requirements as to Unapproved Streets. The Governing authority of Towns County shall not accept, layout, open, improve, grade, pave, or light any street or lay or authorize the laying of any water mains, sewers, connections, or other facilities or utilities in any street within the County unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of a public street prior to the Effective date of these Regulations or unless such street shown on a subdivision plat approved by the Planning Commission or on a

street plat made and adopted by said Planning Commission; provided, however, that the governing authority of Towns County may, in its own discretion, within the spirit and intent of these Regulations and Standards as amended, locate and construct or may accept any other street if the resolution or other measure for such approval be first submitted to the Planning Commission for its review and comment.

In addition to the foregoing, after the adoption and enactment of the Subdivision Resolution of which these Regulations are a part, the governing authority of Towns County may require that all streets, located within any subdivision, the plat of which was submitted to and approved by the Planning Commission after the adoption and enactment of these Regulations, meet the requirements of these Regulations or be properly dedicated to public use.

Section 207: Public Access. No subdivision lot shall be deeded or transferred unless the lot abuts a public **or private** street of at least 30 feet. Of frontage, or have access thereto by an easement or right of way of at least fifty -(50)- feet. **Provided however, a sub division must abut a public road for a distance of 50 feet for right-away or if the public road, where it joins the sub-division, is less than 50 feet the abutment must be at least as wide as the public road itself.**

Section 208: Privately Maintained Streets and Roads. The following statement shall be placed on all plats identifying privately maintained roads in the following words: "The roads or streets identified as 'Privately Maintained' are private ways and are not maintained by state, county, city or other public agencies." All roads and streets not accepted by the county shall be designated as "Privately Maintained". All privately maintained roads require specific acceptance for school bus and mail service and where subdivisions have privately maintained roads, a statement whether or not such roads have specifically been approved shall be placed on the plat and the instrument of transfer, deed, or sales contract. **The engineering standards shall be for public and private roads as required by section 607. All construction of private and public roads shall be completed and certified to prior to final plat approval.**

ARTICLE III

DEFINITION OF TERMS USED IN THIS RESOLUTION

Section 301: Definitions. When used in this Resolution the following words and phrases shall have the meaning given in this Section. Terms not defined here shall have their customary dictionary definitions where not inconsistent with the context. The term "shall" is mandatory; the term "may" is permissive. The words "structure" and "building" have the same definition. Words used in the singular include the plural and those used in the plural include the singular. Words used in the present tense include the future.

a. **Alley or Service Drive.** A public way used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

b. **Block.** A piece or parcel of land entirely surrounded by public streets (other than alleys), river, streams or U.S. Government property, regardless of size, shape, or number of lots therein.

c. **Building Setback Line.** A line across a lot establishing the minimum open space required between buildings and the street right of way line.

d. **Cul-de-sac.** A Street having one end open to traffic, the other end being permanently terminated by a vehicular turnaround.

e. **Duplex.** A house divided into two living units.

f. **Easement.** A recorded grant by a property owner for use by the public, a corporation, or person, of a strip of land for specified purposes.

g. **Health Department.** The County Health Department of Towns County, Georgia.

h. **Green Space-** is defined as being property, which is undeveloped. It can be improved with park type amenities but shall not be used for parking drives and roads, swimming pools, tennis courts, or any other impervious surface. The final plat shall define the completed green space use.

i. **Lot.** A portion or parcel of land separated from other portions or parcels by description on a subdivision plat or record survey map or described by metes and bounds and intended for transfer of ownership

or for building development, or both. For the purpose of this Resolution, a lot shall not include any portion of a street right of way.

J- **Lot Corner**- A lot abutting upon two or more streets at their intersection.

K- **Lot, Double Frontage** - A lot other than a corner lot abutting upon two or more streets.

L- **Mobil Home**. A structure, transportable in one or more sections, which is at least eight (8) feet in width and 12 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

M- **Mobile Home Park**. A parcel of land 5 acres or more that is occupied or designated for occupancy by four or more mobile homes for non-transient use and which may include services and facilities for the residents.

N- **Multi-family**. Intended for use by several individual families.

O- **Phasing**- To introduce a subdivision for approval in separate stages.

P- **Planning Commission**- The Towns County Planning Commission hereafter referred to as Towns County Planning Commission.

Q- **Plat Final**- A drawing of a subdivision showing completely and accurately all legal and engineering information and certifications necessary for recording.

R- **Plat, Preliminary**. A drawing showing proposed layout of a subdivision in adequate detail to convey to the Planning Commission or others the concept and workability of a subdivision, but not complete in form or detail required for recording.

S. **Roadway**- The portion of a road/street within the limits of construction.

T. **Roadbed**. The graded portion of a road/street within top and side slopes, prepared as a foundation for the pavement structure and shoulder.

U. **Pavement**. Any finished road/street surfacing treatment.

V. **Recreational Vehicle**. A motorized vehicle or an immediate towable travel trailer used for recreational purposes. Any units over eight and one-half (8 1/2) feet in width or which

require a special permit from the Department of Transportation for moving are not considered to be RV's. A pitched roof trailer is not considered an RV under this definition. A RV shall not have a removal tong Park model trailers are not included in this definition.

A recreational vehicle is no longer an RV if any of the following occurs:

- 1) Other buildings or rooms are attached.
- 2) If the unit is tied (strapped) down.
- 3) If wheels or tires have been removed.

A recreational vehicle shall have marine type plumbing fixtures throughout and a holding tank.

The RV definition allows for unattached porches or decks.

v. **Recreational Vehicle Park.** A parcel of land 5 acres or more, on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

w. **Shoulder.** The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and lateral support of base and surface courses.

x. **Street.** A public or dedicated thoroughfare or a private right-of-way or easement shown on a recorded plat and which had been approved by the Planning Commission.

y. **Subdivider.** The person, firm or corporation or other entity acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined below excluding mobiles, recreational vehicles and travel trailers including any agent of the subdivider or combination of these.

z. **Subdivision.** All division of a tract or parcel of land into **4 (4)** or more lots, building sites, or other division for the purpose whether immediate or future, of sale, or building development.

Subdivision related to the process of subdividing or to the land or area subdivided, provided, however, that the following are not included within this definition: (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the county; (2) Division of land into parcels of five (5) acres, or more Aa. **Block Corner.** Defined as the corner of any subdivision block where two streets intersect, or the intersection of the back lot lines of a subdivision at

points having a change of direction greater than ten (10) degrees.

Ab. **Unattached Porch or Deck**. An open-air structure consisting of a deck which may be enclosed only by installation of screen wire, with or without a roof. Porches shall not be attached to a RV in any manner. A porch shall not contain any plumbing fixtures or permanent electrical hook ups.

Ac. **Field Representative**. That person or persons appointed by the Towns County Commissioner being assigned the responsibility for administering building permits, soil erosion ordinances and subdivision regulations of the county. The office of the Field Representative shall act as staff to the Planning Commission and shall be given full responsibility for receiving applications, fees, and filings from developers and citizens and shall report to the Planning Commission the ongoing status of the various activities involving soil erosion, building permits and subdivision regulations.

Ad. **Erosion and Sedimentation Control**- a provision within the resource protection regulations of the State of Georgia that addresses land disturbing activities and specific methods for the prevention of soil loss.

Ae. **Mountain Protection Act**- a state law enacted for the protection of mountain areas above the elevation of 2200' MSL. All properties above this elevation are subject to all aspects of current state requirements.

Af. **Trout waters**- all flowing streams within Towns County have been designated by the State of Georgia to be 'trout waters' and are subject to the current regulations and requirements of the Watershed Protection Act.(anything that runs flowing streams).

Ag. **Watershed Protection Act**. A state law enacted for the protection of watersheds, including all streams and reservoirs regardless of size are considered 'Trout Waters' and all properties adjacent to these streams must meet all current regulations and requirements pertaining to 'trout waters'. Further, properties on other waters must meet the current regulations and requirements of the Watershed Protection Act.

1. Ah. **Property on Lake Chatuge** which lies below the 1933 contour shall not be included for proposes of determining ground suitable for development

PROCEDURES AND REQUIREMENTS FOR APPROVAL OF PLATS

Section 401: Pre-application Review. Whenever subdivision or a tract of land within Towns County is proposed, the subdivider is urged to consult early and informally with the Field Representative of the Planning Commission. The subdivider may present sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision and request advice and guidance concerning the project and the administrative procedures involved. No fee shall be charged for the pre-application review and no formal application shall be required.

Section 402: Sequence of Administrative Procedures. Listed below in normal sequential order are the generally occurring steps required to successfully complete development of a subdivision:

a. Pre-application review session with the Field Representative (sketch plan and general data).

b. Obtain a copy of Towns County Subdivision Regulations and County Road Specifications **AND MOUNTAIN PROTECTION ACT STANDARDS.**

c. Consult with Towns County Health Department to identify any possible water or sewage problems associated with the land proposed for subdividing.

d. Consult with Natural Resources Conservation Service for assistance in ensuring development land does not propose building sites in flood plains, flood hazard areas and that natural waterways will not be interrupted.

e. Have land surveyed to obtain data for preliminary plat And final plat and to determine how land is to be divided.

f. Develop preliminary plat with surveyors and submit to Planning Commission 15 days before meeting at which preliminary plat approval is to be sought.

g. Be prepared to accompany Field Representative or Commission Members to development site prior to next Commission Meeting.

h. Attend Commission Meeting at which preliminary plat approval is sought, or send competent representative who can answer questions in your name. No action will be taken by TCPC when no representative is present.

i. Obtain land-disturbing permit from **appropriate**

authority when preliminary plat is approved.

- j. Begin initial subdivision work.
- k. Request inspection of earthwork, and utility work if any, by Field Representative prior to applying road surface material such as gravel or pavement and before seeding required by conditions of land disturbing permit.
 - l. Obtain approval for electrical installation from the Health Department.
 - m. Complete survey work as **required for final plat**.
 - n. Develop final plat for submission to TCPC.
 - o. Complete road, utility and soil erosion work.
 - p. Request final Planning Commission on-site inspection of completed required improvement work.
 - q. Submit final plat to Planning Commission Office within fifteen (15) days before meeting at which approval is sought. Plat must bear all required certificates noted in the ordinance as well as all notations or changes specified by the Commission when the preliminary plat was tentatively approved.
 - r. Attend Planning Commission Meeting at which final plat approval is sought. No action will be taken by TCPC when no representative is present.
 - s. Ascertain that approved subdivision final plat has been recorded in Clerk of Superior Court Office.
 - t. Sell subdivision lots. (If phased development is involved, only lots from final plats of approved phases can be sold in conjunction with any subdivision plat.)

Section 403. Application for Preliminary Plat Approval.

The subdivider shall submit to the Field Representative of the Planning Commission, or his designated representative, at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

- a. A letter requesting review and approval of preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent.
- b. Five copies of the preliminary plat and other documents, as may be specified.
- c. A preliminary plat-filing fee of **\$100.00**

Section 404: Review of Preliminary Plat.

a. The chairman or a designated member of TCPC shall check the plat for compliance with these and other relevant county regulations and ordinances and report findings and recommendations to the TCPC in public session.

b. No preliminary plat shall be acted upon by TCPC except in public session.

Such sessions or hearings must be held at least monthly and are generally held on the second Monday of each month. The Field Representative is not empowered to act or speak for the TCPC in approving or disapproving preliminary plat requests.

c. TCPC shall take no action on a preliminary plat if the applicant or a designated representative is not present at the hearing.

d. At the public hearing the TCPC shall take one of the following actions, which shall be recorded, with reason for disapproval where appropriate, in the minutes:

1. Approve the preliminary plat.

2. Approve the preliminary plat on conditions that necessary modifications are made (such required modifications must be recorded on the plat and in the minutes).

3. Disapprove the preliminary plat.

e. The action of the TCPC shall be noted on two copies of the preliminary plat. One annotated copy of the plat shall be returned to the subdivider or agent and one copy permanently filed in TCPC records. Both must clearly record approval or disapproval and reasons for disapproval.

f. All preliminary plat approvals shall be limited by these qualifications.

1. The approval is a tentative approval only, pending submission of a final plat.

2. The approval is valid for one year and maybe extended for six (6) months if requested, and shall be null and void after that date. If final plat is not received by the end of this period a new preliminary plat request shall be submitted before a final plat request can be accepted.

g. Preliminary plat approval constitutes authorization for subdivider to advertise to begin physical improvement to property being subdivided, and to request land disturbing permit. ----

(And building permits for model home. Deleted.)

h. Posting of Permits. Before work begins on a subdivision, a copy of the preliminary plat permit along with a copy of the erosion and sediment control permit must be posted at the site in view to eliminate confusion which may arise regarding the obtaining of the proper permits.

Section 405. Preliminary Plat Specification. The preliminary plat shall conform to the following specifications and contain the required information:

a. **Scale.** The Preliminary plat shall be clearly and legibly drawn at a scale of either 100 feet to one inch or 200 feet to the inch on 17 x 23 sheet.

b. **Index Map.** If the complete plat cannot be shown on one sheet, it may be shown on more than one sheet with an index map on a separate sheet.

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

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

2. Proposed name of subdivision.

3. North point and graphic scale, date and vicinity map.

4. Acreage of the subdivision.

5. Exact boundary lines of the tract by bearing and distances.

6. Names of owners of record of adjoining land.

7. Existing streets, utilities, and easements on and adjacent to the tract.

8. Proposed layout including streets and alleys with proposed street names, lot lines with approximate dimensions, easements, any land to be used for purposes other than single family dwellings, and proposed provisions for maintenance of streets and other reserved/dedicated areas. **The preliminary plat shall include a certificate that the proposed streets will meet all of the requirements contained in section 607.**

9. Block number and lot numbers and total land acreage for each lot. If waterfront lots, show acreage **above the 1933 contour.**

10. Provisions of water supply, sewerage and drainage.

11. Phased development plats must show all other

phases either by an attachment or a sketch map, index map, or boundary line trace on the same sheet as the preliminary plat phase being submitted, including continuation of all streets.

12. Copy of all proposed covenants associated with the subdivision.

d. **Certification of Preliminary Plat Approval.** A certificate of preliminary plat approval by the Planning Commission shall be inscribed on the plat as follows: "Pursuant to the Subdivision Regulations of Towns County, Georgia, all the requirements of preliminary plat approval having been fulfilled, this preliminary plat was given approval by the Towns County Planning Commission on _____, _____. This approval does not constitute approval of a final plat. This Certification of Approval shall expire and be null and void on _____, _____."

Section 406: Applications for Final Plat Approval. After the preliminary plat of a proposed land subdivision has been given tentative approval by the Planning Commission the subdivider may, within one year from tentative approval, unless extension has been approved, submit to the Planning Commission **at least 15 calendar days prior** to the next **scheduled** meeting, the following;

a. A letter requesting review and approval of a final plat and giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the Final Plat shall be sent.

b. Five paper copies of the final plat and other documents, as may be specified.

c. A fee of \$50.00 for **each** lot and **with a minimum of \$400.00 and a maximum charge of \$1000.00**

d. A complete disclosure on how all utilities, roads and amenities are to be maintained, (including Department of Housing and Urban Development Property Report where appropriate) plus information requested as a result of findings during preliminary review.

e. A copy of all covenants associated with the subdivision.

f. All certifications required.

Section 407: Review of Final Plat.

a. The Chairman or a designated member of TCPC shall check the plat for conformance with the approved/conditionally approved preliminary plat and for compliance with this and other relevant county regulations and ordinances and report findings and recommendations to TCPC in public session.

b. No final plat shall be acted upon by TCPC except in public session. Such sessions or hearings must be held at least monthly. The Field Representative is not empowered to act or speak for TCPC in approving or disapproving final plat requests.

c. TCPC shall take no action on a final plat if the applicant or a designated representative is not present at the hearing, in which case the 45-day requirement in f. below is automatically waived for 46 days.

d. At a public hearing within 45 days of request for final plat approval, TCPC shall take one of the following actions, which shall be recorded, with reasons for disapproval where appropriate, in the minutes:

1. Approve the final plat.

2. Disapprove the final plat and further notify the subdivider in writing of the specific reasons for disapproval within five days.

e. In order for TCPC to record a final plat, all requirements of these regulations must have been specified

f. Plats not acted on by TCPC within 45 days of request for approval shall be issued on request to the subdivider. If, however, TCPC determines that additional time is required to study a final plat, an extension of time shall be requested in writing from the subdivider, who may agree to a specific time extension in lieu of plat disapproval.

g. When all conditions for approval of the final plat have been met and such approval has been granted, the TCPC shall endorse and date the certificate of final plat approval on the original copy of the final plat. Such approval and endorsement convey the authority to record the plat and to sell lots shown on the plat.

H. Information to be provided on Final Plat.

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

2. North point, graphic scale and date.

3. Vicinity Map
4. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments shall be accurately described on the plat.
5. Municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
6. Exact boundary lines of the tract, determined by a filed survey, giving distances to the nearest one-hundredth foot and angles to the nearest second, which shall be balanced and closed with an error of closure not to exceed one to three thousand.
7. Name of subdivision, its acreage, exact location, width, and names of all street rights of way and alleys within and immediately adjoining the plat and description of how said streets within the subdivision are to be maintained.
8. Street right of way lines showing angles of deflection, angles of intersection, radius, and lengths of tangents.
9. Lot lines with dimensions to the nearest one-hundredth foot and bearings.
10. Lots numbered in numerical order and blocks lettered alphabetically and total land acreage for each lot. If water front lot, show water acreage separately in parentheses.
11. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use and boundary line notations disclosing plans for future developments/phasing.
12. Accurate location, material, and description of monuments and markers.
13. A description, either directly on the plat or in an identified attached document, of any private covenants.
14. **A certificate by the surveyor or engineer that all construction of roads and other infrastructure has been completed and meets all the requirements of this ordinance.**

The certificate shall also contain a statement as to whether or not any of the property is located within the Mountain Protection Act.

14. (B) In lieu of having the road paving completed, the developer may file a payment and performance bond in the amount of not less than \$21.00/ per running foot (3 inch /2 inch) of road to be paved, guaranteeing the completion of the paving within 12 months.

15. All application for final approval shall be accompanied by payment of all fees required.

16. The following certification shall appear on the final plat

a. That all roads in the sub-division are completed and meet all the requirements in section 607

b. If applicable a statement that the sub-division will not be served by school bus, postal delivery, or emergency vehicles.

c. That all utilities are in place and operating.

d. A certificate as to whether or not the sub-division or any part thereof lies above 2200 msl and is subject to the Mountain Protection Act.

17. For public streets as defined in section 607 paragraph 1, The developer shall attach to the application for final plat approval a warranty deed conveying to Towns County the roads located within the sub-division subject only to easements for utilities.

18. The developer shall furnish a certificate that each of the lots are clearly marked with lots numbers to enable the tax office and others to identify each lot for at least 12 months.

19. Each plat shall have the 100 by 100 foot square required by

section 701 shown on each lot.

Section 408: Recording of Final Plat. Upon approval of a final plat, the Chairman of the Planning Commission or his designated representative shall have the Final Plat recorded in the office of the Clerk of the Superior Court of Towns County. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the Final Plat.

a. **Scale.** The Final Plat shall be clearly and legibly drawn at a scale of either 100 feet to one inch or 200 feet to one inch on 17 x 23 sheet.

b. **Index Map.** Where more than one sheet is required an index map shall be required.

Lettered alphabetically and total land acreage for each lot. If water front lot, show water acreage separately in.

Sections 410: Certifications Required.

a. An engineer or surveyor certification, directly on the Final Plat as follows:

"It is hereby certified that the plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as 'future', and their location, size, type and material are correctly shown"

By: _____
Registered Prof. Engineer
Number

Registered Georgia Land Surveyor Number

b. **Owner's Certification:**
State of Georgia, County of Towns
"The Owner of the land shown on this plat and whose name is

subscribed hereto, in person or through a duly authorized agent, certifies that all taxes on this plat have been paid in full.

Agent: _____

Owner: _____

Date: _____

c. **Certificate of Dedication.** A Certificate of Dedication by the owner submitted with the final plat and in such form as approved by the County Attorney, which sets forth the description of the areas and improvements dedicated by the owner to the public and the extent of title, which is being dedicated. When appropriate, this is to be accompanied by a letter through the Planning Commission to the County Commissioner requesting acceptance of streets as public streets.

- d. **Health Department Approval of Sanitary Sewers.**
- e. **Road Supervisors' Approval of Roads.**
- f. **Erosion and Sedimentation approval.**
- g. **Water Supply and Distribution System Approval**

h. **A Certificate of Approval of the Final Plat** by the Planning Commission, directly on the plat, as follows:

"Pursuant to the Land Subdivision Resolution of Towns County, Georgia, all requirements of approval having been fulfilled, this final plat was given final approval by the Towns County Planning Commission on _____, _____, and said plat is released for recording and for use in sale of land described hereon"

Date: _____

Chairman, Towns County Planning Comm.

ARTICLE V

GENERAL DESIGN AND OTHER REQUIREMENTS

Section 501: Suitability of the land. Land subject to flooding, improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential use that will contribute to danger to health, safety, or property destruction shall not be subdivided, unless the hazards can be

and are corrected. All land falling into 100-year flood zone must be so identified on the preliminary and final plats **and no building permits will be issued within said zone.**

Section 502: Name of Subdivision. The name of the subdivision must have approval of the Planning Commission. The name shall not duplicate or closely approximate the name of an existing subdivision in the county.

Section 503: Access. Access to every subdivision shall be provided over a public street or a public access street. Access cannot be provided over private easement.

Section 504: Community Assets. In all subdivisions due regard shall be shown for all natural features such as large trees, and water courses, as well as for historical sites and similar community assets. These, when preserved, will add attractiveness and value to the property or community.

Section 505: Comprehensive Group Housing and Developments.

2. Comprehensive Group Housing and Developments such as duplex, multi-family units or condominiums shall be constructed on a minimum three (3) acre plot of ground suitable for developments. **Property on Lake Chatuge which lies below the 1933 contour shall not be included for purposes of determining ground suitable for development**

A.) With respect to developments, which will be served by both public water and sewer, such development may be developed with a density that will not exceed six units (6) per acre, not to exceed two (2) stories above ground, not including basement, including construction of two (2) or more buildings together with the necessary drives and access ways and which is not sub-divided into the customary lots, blocks and streets, may be approved by the Planning Commission. If in the opinion of the Planning Commission, the departure from the foregoing regulations can be made without destroying the intent of the regulations a variance may be granted.

B.) With respect to developments which will not be served by both public water and sewer, such development may be developed with a density that will not exceed four (4) units per acre, not to exceed two (2) stories above ground, more buildings together with the necessary drives and access ways and which is not subdivided into the customary lots, blocks and streets, may be approved by the Planning Commission. If in the opinion of the Planning Commission, the departure from the

foregoing regulations can be made without destroying the intent of the regulations, a variance may be granted.

b. There shall be a least two parking places provision for each unit and at least two parking places for each 3 units or fraction thereof for visitor parking.

2. Developments that are not to be a public private or alternative sewer system approved by the Health shall include a septic system replacement area equal to 100% of what is required by the Health Department.

Plans for all such developments shall be submitted to and be approved by the Planning Commission. No sales or contracts shall be made until preliminary approval has been given.

3. Cluster developments - In order to qualify for this prevision there must be a minimum of 7 suitable acres in the development. All single family dwelling developments shall be designed with a density not to exceed four (4) units per acre, when served with public sewage, 2 ½ units per acre when not on public sewage. Not to exceed two (2) stories above ground, not including below ground basement and shall abut a public or approved private street with not less than 30 feet of frontage.

All cluster and multi – family developments must have lender approval certification prior to final plat approval indicating the lender is loaning money for the project subject to this ordinance.

All housing including cluster and multi-family located on Lake Chatuge shall have a set back of 20 feet from the 1933 contour.

There shall be no more than 60 units in a group in deciding density.

All cluster developments shall have at least 20% of the property dedicated to green space and a site plan for the development must be presented at the time the preliminary plat is presented.

ARTICLE VI

REQUIREMENTS FOR STREETS AND OTHER RIGHTS OF WAY

Section 601: Streets Within Subdivision. All streets

within a subdivision shall to meet **the minimum standards specified by section 607 of these regulations.**

Section 602: Continuation of Existing Streets. Existing streets shall be continued at the same or greater width, but in no case less than the required width.

Section 603: Street Names. Proposed streets, which obviously in alignment with others already exist and named, shall bear the names of existing streets. In no case shall the name from proposed streets duplicate existing street names, regardless of the use of the Suffix Street, avenue, boulevard, drive, place, way or court. Through its index list of street names on file the Planning Commission can assist the subdivider in avoiding duplication.

Section 604: Street Jogs. Street jogs with centerline offsets of less than 25 feet shall not be permitted.

Section 605: Cul-de-sacs or Dead-end Streets.

All Dead-end streets or courts designated to have one end permanently closed shall be provided with a turn-around at the closed end.

Section 606: Alleys. Alleys may be required at the rear of all lots used for multi-family, commercial, or industrial developments.

Section 607: Street right-of-way. The right-of-way width shall be the distance across a street from property line to property line. All subdivision streets, public or public access, shall be platted as right-of-way. No streets shall be platted on the basis of a private easement. Minimum street right-of-way **requirements for roads, shall** be as follows:

1- PUBLIC STREETS

a. Right-of-way - minimum of 50 feet (30 feet cleared of all trees).

b. Roadbed. Minimum of 24 feet (pavement width plus 6 feet shoulder width, 3 feet on either side with appropriate ditches).

c. SLOPE- The percent of slope at any point along the road shall not exceed 18 %.

d. Pavement- Minimum of 18 feet wide.

e. All roads must be paved with a minimum of 5 inch compacted base, 2-inch asphalt or triple surface treated.

f. No private roads will be accepted by the county until such time as they are paved and meet all other requirements

g-All curves in the road including switch back will have a minimum radius of 40 feet.

2-PRIVATE ROAD:

a. Right-of-way should meet a minimum of 50 feet (30 feet cleared of all trees).

b. Roadbed. Minimum of 24 feet (pavement width plus 6 feet shoulder width, 3 feet on either side with appropriate ditches).

c-Slope- no maximum requirements

d-Pavement- Minimum of 16 feet.

e- No private roads will be accepted by the county until such time as they are paved and meet all other requirements.

f-The final plat and deeds shall contain a statement that the roads in this sub-division are private and will never be accepted by the county until such time as they meet all the requirements of the county sub-division ordinance in existence at the time of the request.

2. Cul-de-sac: Turnaround, Right-of-way - 80 feet in diameter.

3. Variance may be granted and acceptable justification is submitted, however, the County road standards will be routinely employed in all but severe cases.

Section 608: Additional Width on Existing Streets.

Subdivisions that adjoin existing streets shall dedicate or reserve right of way to meet the above minimum street width requirements.

a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the street

b. When the subdivision is located on one side of an existing street, the required right of way, measured from the centerline of the existing roadway, shall be provided.

Section 608: Street Intersections.

Street intersections shall be as nearly at right angles as possible. No street intersection shall be at any angle of less than 75 degrees, unless required by unusual circumstances.

DESIGN STANDARDS FOR BLOCKS AND LOTS FOR SINGLE FAMILY RESIDENCE

Section 701: Lot Sizes. Lot dimensions shall be at least: **front 30 feet along a sub-division street or public road:** the back lot lines shall be not less than 60 feet in width; and a minimum square area within the building setback lines shall be at least 100 feet x 100 feet. **The density shall not be greater than 1 lot per ¼ acre.**

a. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to use intended.

b. Residential corner lots shall have adequate width to meet building set back requirements from both abutting streets.

c. All lots within the Mountain Protection Act shall contain a minimum of 1 acre with a minimum width on the street of 200 feet and a minimum side set back of 50 feet.

Section 702: Building Lines. Front building setback lines shall be at least twenty (20) feet from street right-of-way line and the side building setback lines shall be at least ten (10) feet from the side property line. Corner lots shall meet front building line set back on all sides facing streets. Rear building lines shall not be closer than twenty-five (25) feet from the rear property line. **There shall a minimum set back of 20 feet from the 1933 contour on all Lake Chatuge lots**

Section 703: Panhandle or Flag Lots. "Panhandle" or Flag" lots, are discouraged, but a maximum of 3 per cul-de-sac may be allowed where terrain makes standard design or frontage impossible or impracticable. Where such lots are allowed, the street frontage of each panhandle access shall not be less than thirty (30) feet wide, and the panhandle access shall not be more than two hundred (200) feet long. Set back line shall be shown on plat. (See Figure 1)

ARTICLE VIII

REQUIRED IMPROVEMENTS

Section 801: Performance and Specifications. Every subdivider shall be required to make the improvements outlines in

this Article in accordance with the specifications herein or otherwise adopted by Towns County. The necessity for storm drainage on each site will be determined by the Soil and Erosion Permit.

Section 802: Monuments.

a. Permanent monuments shall be placed on at least 2 locations within each subdivision for reference. Monuments shall be of reinforced concrete with dimensions of at least 4" x 4" x 24" with metal center pins of 1/4" diameter and 4" length. After installation the top of the monument shall be 6" above the finished grade.

b. Lot corners shall be marked with solid steel rods not less than 5/8" in diameter and 24" in length and driven so as to be 6" above the finished grade.

Section 803: Storm Drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc, shall be provided for the proper drainage of all surface water. Cross-drain shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway (roadway is defined as the portion of a road or street within the limits of construction) and the required slopes. The size of pipe to be provided shall be engineeringly determined, but in no case shall the pipe diameter be less than fifteen (15) inches and shall be constructed of galvanized steel.

Section 804: Installation of Utilities and Driveways. After grading is completed and approve and before any base is applied, all of the underground work, water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.

Section 805: Water Supply System. Water mains within the subdivision must be provided with connections to each lot if a community or public water system is used. If a public water supply is used it shall meet the requirements of the local waste authority applicable.

If a municipal water supply is not within 1,000 feet to the subdivision at the time of development of the subdivision, then the developer shall provide an adequate water source. This shall

be accomplished by the use of individual wells for each housing unit or by a community water system with adequate storage facility. Individual wells are the responsibility of the lot purchaser, however, the community (subdivision) water system shall provide a minimum flow of 300 gallons per day per unit, shall be sanitary, and shall have a minimum residual pressure of 30 pounds per square inch at each unit in the subdivision. The community water system shall be installed by a Georgia Licensed Driller and water is approved by the Towns County Health Officer. Quality shall meet State Safe Drinking Water Act and a copy of sample report to accompany application.

Section 806: Sanitary Sewers. If public sewage disposal facilities are more than 500 feet to a trunkline sewer at the time of the development of the subdivision, septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider or lot purchaser for use, in conformity with the requirements of the County Health Department.

ARTICLE IX VARIANCES

Section 901: Hardship. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider, upon due consideration, **it may recommend to the commissioner that a variance in the regulations be granted** so that substantial justice may be done and the public interest secured, provided, however, that such variance will not have the effect of nullifying the intent or purpose of these regulations. Any **recommendation for variance** is required to be entered in writing in the minutes of the Planning Commission.

Section 902: Comprehensive Group Housing Development.

1. When located on public sewer and water

a. Comprehensive Group Housing Developments such as duplex or multi family units shall be constructed on a minimum three (3) acre plot of ground suitable for development that will not exceed four (4) units per acre, not to exceed two (2) stories above ground, not including basement, including construction of two or more buildings together with the necessary drives and access ways, and which is not subdivided into the customary lots, blocks and streets, may be approved by the Planning Commission. If in the opinion of the Commission the departure from the foregoing regulations can be made without destroying the intent of the regulations.

2. Developments that are not to be on a public private or alternative sewer system approved by the Health Department shall include a septic system replacement area equal to 100% of what is required by the Health Department.

3. Plans for all such developments shall be submitted to and be approved by the Planning Commission. No sales or contracts shall be made until **final** approval has been given.

4. There shall be a least two parking places provided for each unit and at least two parking places for each 3 units or fraction thereof for visitor parking.

Section 903: Conditions. In recommending the granting of **variances**, modifications, and approval for experimental subdivisions and group housing developments, the Planning Commission shall require such conditions as well, in its judgement, secure substantially the objectives of the standards or requirements so varied, modified, or approved. They shall include without being limited to: personal, surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments.

Section 904: Justification of Variances. The burden of proof and /or justification of a need for a variance from these written documents and/or supporting graphics. The appropriate request for variance must be completed and attached. No variances shall be permitted which would nullify the intent of these standard and the adopted policies of the Towns County Planning Commission. Variance requests must be submitted be submitted before any work to accomplish variance-related or non-compliance improvements begin.

Section 905: Exemption for Bona Fide Intra-Family Transfers

a. The Planning Commissions shall grant an exemption from any provision of this resolution where the activity to which the subdivision regulations apply is a bona fide intra-family transfer.

b. Bona fide intra-family transfer is hereby defined as follows:

1. Conveyance by warranty deed or quitclaim deed with consideration recited in the deed as "love and affection"

2. The grantor and grantee are both one or more persons who are related as follows:

(a) Parent and child; or

(b) Brother and brother, sister and sister and/or Brother and sister; or

(c) Grandparent and grandchild; or

(d) Aunt/Uncle and niece/nephew; and

(e) Husband and wife

3. The conveyance meets all other applicable criteria for a variance under this resolution

4. The purpose of the conveyance is not listed in subparagraphs.

Section 906: Non-Residential Development. The Planning Commission may waive all or part of Article VI and VII, subject to Health Department approval and provided Section 702.A is met, for any plat or plan submitted for non-residential development. Such developments may include, but are not limited to, hotels, motels, shopping centers, office parks and commercial resorts.

ARTICLE X

JURISDICTION FOR ENFORCEMENT

The boundaries of the area of jurisdiction of this Resolution shall be the boundaries of Towns County, excluding that land which lies within the boundaries of any municipality within the county. The land within these municipalities may be included under this Resolution only after legal action is taken by the individual governing bodies of these municipalities to lawfully adopt this Resolutions.

ARTICLE XI

LEGAL STATUS PROVISION

This Resolution may be amended. Before enacting an amendment to this Resolution, the Planning Commission of Towns County shall hold a public hearing thereon, notice of which shall be published at least fifteen (15) days prior to such hearing in a newspaper of general circulation in Towns County, Georgia.

ARTICLE XII

LEGAL STATUS PROVISION

Section 1201: Validity. Should any section, clause or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, such adjudication shall not affect the validity of these regulations as a whole or any part thereof other than the part so declared to be invalid, each section, clause, and provision thereof being declared survivable.

Section 1202: Repeal of Previous Resolutions. All previous Resolutions adopted for the same purpose are hereby repealed.

Section 1203: Effective Date. This Resolution shall take effect and be in force from and after its adoption, the public health and welfare demanding it.

ARTICLE XIII

REMEDIES

If any Towns County land is used in violation of this Resolution, the Planning Commission, the County Commissioner of Towns County, the County Attorney acting for either, or any adjacent property owners who would be damaged by such violation, in addition to other remedies, may institute injunction or other appropriate action in proceeding to stop the violation in the case of such land use.

ARTICLE XIV

PENALTIES FOR VIOLATION

Any person violating any provision of the Resolution shall be guilty of violating a duly adopted Resolution of Towns County. Upon conviction of violation of any provision of this Resolution

of Towns County, the offender shall be punished as for a misdemeanor. Each day such violation continues shall constitute a separate offense. Further, any person violating any provision of this resolution shall be liable for civil penalty of not less than \$250.00 per day not to exceed \$2,500.00 per day for each day the violation occurred.

ARTICLE XV
ADMINISTRATIVE PROCEDURES

The Towns County Planning Commission may supplement these regulations as necessary with administrative procedures so that the regulations may be more effectively and consistently applied. These administrative procedures must be explicitly recorded in minutes of the Towns County Planning Commission and entered into a booklet entitled "Administrative Procedures of Towns County Planning Commission".

ARTICLE XVI
MISCELLANEOUS

Section 1601: Administrative Appeal. The denial of approval, or the approval with condition of a plat by the Planning Commission, or the decision that the plat by the planning Commission, or the decision that the plat is in violation of this Resolution, shall entitle the person submitting the plat to a hearing before the County Commissioner within ten (10) days after receipt by the Planning Commission and County Commissioner of written notice of appeal. The notice of appeal shall contain a brief description of the decision being appalled and the name of and address to whom the decision upon the appeal shall be sent. The County Commissioner shall notify the applicant, in writing, of the decision upon such appeal by mailing such decision to the person named in the notice of appeal, at the address stated therein, by regular first class mail within ten (10) days of the date of the conclusion of such hearing.

Section 1602: Judicial Review. Any person, aggrieved by a decision or order of the Planning Commission and County Commissioner shall have the right to appeal de novo to the

Superior Court of Towns County.

ARTICLE XVII
STANDARDS FOR MOBILE HOME, RECREATIONAL VEHICLES
AND TRAVEL TRAILER PARKS

A. This article is intended to cover those parks where the lots will be rented or leased. No individual lot in any park may be sold, or control of that lot transferred with the intent or effect of a sale unless that lot and park shall meet all requirements of the Towns County Single Family And Residential Subdivision Regulations.

B. No spaces to be rented until Final approval by the planning commission.

1- Mobile Home Parks: Minimum Design Standards and Restrictions.

a. The minimum land area of any mobile home park shall be **seven (7)** acres, suitable for development. Each space within the park shall have a minimum area of not less than **18,000** square feet subject to Health Department approval if separate individual sewage disposal facilities are located within the bounds of the mobile home space; in cases where shared, or central sewage disposal facilities are utilized, the space size may be reduced to 11,000 square feet. All mobile home space lot lines and the type of sewage disposal proposed for each space shall be clearly delineated on a site plan prior to approval by the Planning Commission.

b. No mobile home within the park shall be located closer than 10 feet to adjoining property lines and the front setback for each mobile home shall be at least 20 feet from the front lot line.

c. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet.

d. Off-street parking for the park shall be provided at a rate of two parking spaces per each mobile home lot and 2(two) additional spaces provided for each 3 units per visitor.

e. All mobile home lots shall abut upon interior driveway. All interior driveways shall have not less than a 30 foot right of way and have unobstructed access to a public street or

highway.

f. All interior streets within the park shall be graded and based in accordance with County standards. If a proposed street is to be greater in length than three hundred (300) feet, a plan-profile for the road system shall be submitted along with the site plan. All streets shall be a minimum of 18 feet wide plus a 4 foot shoulder on either side. All curves and cul-de-sacs shall have a minimum radius of 40 feet.

Every park must have a public, community or private water and sewer system which shall be approved by the Towns County Health Department and the Towns County Water Authority, when appropriate water and sewer approval shall be obtained prior to submission of a site plan to the Planning Commission.

2- Recreational Vehicle and Travel Trailer Parks: Minimum design standards and restrictions.

a. The minimum land area of any recreational vehicle or travel trailer park shall be five (5) acres, suitable for development. Each space within the park shall have a minimum finished (excluding slope) area of not less than 3,000 square feet, and lot lines shall be clearly delineated.

b. Lots may be set at an angle, set parallel to the street, or varied in other ways provided that the arrangement is approved by the Planning Commission.

c. Each lot within the park shall have a minimum of thirty (30) feet of street frontage, and shall have a minimum depth of one hundred (100) feet.

d. Off-street parking for the park shall be provided at a rate of one parking space per each travel trailer lot.

e. All travel trailer lots shall abut upon an interior **streets**. All interior street shall have unobstructed access to a public street or highway.

f. All interior streets within the park shall be graded, stabilized, and covered with a dust-free material, which shall be durable and well drained under normal use and weather conditions. All streets shall be a minimum of 18 feet wide with 4 foot shoulder on either side. All curves and cul-d-sacs shall have a minimum radius of 40 feet.

g. If lots are to be sold for private ownership, **They shall meet all requirements of the Towns County Sub-division.** Sections 203 and 204 shall apply and covenants governing the conditions and restrictions of the park shall be submitted and

approved by the Towns County Planning Commission. Changes to the Covenants must also be submitted and approved by the Towns County Planning Commission.

h. No permanent structures and non-motorized vehicles, except those falling under the definition of Travel Trailer, shall be permitted on any approved lot within the park.

i. Parks designed to accommodate 15 or more travel trailers; campers, etc. shall provide one or more recreation areas. Parks of 5 acres or more shall provide green space of 20% total area and of which **no more than** 50 % shall be used for Sanitation disposal.

j. Water Supply and Sewage Disposal: Every park must have a public, community or private water and sewer system which shall be approved by the Towns County Health Department and the Towns County Water Authority, when appropriate. Water and sewer approval shall be obtained prior to submission of the site plan to the Planning Commission.

Should any section, clause or provision of this resolution be declared by a court of competent jurisdiction to be invalid, such adjudication shall not affect the validity of these regulations as a whole or any part thereof together than the part so declared to be invalid, each section, clause and provision thereof other than the part so declared to be invalid, each section, clause and provision thereof being declare servable.

k. Each Campsite located within the 100-year flood plain shall be marked with a permanent sign so indicating at each campsite.