

DAWSON COUNTY

SUBDIVISION REGULATIONS



Dawson County Planning and Development

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ARTICLE I

GENERAL PROVISIONS

Section 100. Short Title.

The Subdivision Regulations and Standards shall be known and may be cited as the "SUBDIVISION REGULATIONS FOR DAWSON COUNTY, GEORGIA."

Section 101. Jurisdiction.

These Regulations control the subdivision of land within the unincorporated portions of Dawson County, Georgia.

Section 102. Content.

These Regulations, among other things, require and regulate the preparation of preliminary plats and final plats for the subdivision of land; establish minimum design and construction standards for subdivisions, streets and improvements; set forth the procedure to be followed in applying these Regulations; and set forth other matters pertinent to the subdivision of land.

Section 103. Purposes.

The various Articles and Sections of these Regulations have been adopted:

1. to promote the health, safety, and general welfare of the present and future inhabitants of Dawson County, Georgia;
2. to encourage economically sound and stable land development;
3. to encourage the development of economically sound and stable communities;
4. to assure the provision of required streets, utilities, and other facilities and services to new land developments;
5. to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
6. to assure the provision of needed public open spaces and building sites within new land development through the dedication or reservation of land for recreational, educational and other purposes;
7. to assure, in general, the wise development of new areas in harmony with the comprehensive plan of the county; and
8. to lessen congestion upon the streets and roads, to secure safety from fire and other dangers, to provide adequate light and air, to promote such development of land as will tend to facilitate and conserve adequate provision for transportation, water supply, drainage, sanitation, and for other purposes.

Section 104. Scope.**Section 104.1. Applicability of Regulations.**

No person shall divide or subdivide, recombine or cause a subdivision to be made, by deed or plat, of any parcel of land located within the boundaries of Dawson County, except a single lot or parcel of land may be divided into not more than two (2) parcels if the division of such single lot into two parcels conforms to the applicable zoning district does not obstruct natural drainage or a planned major highway, and does not adversely affect an adopted plan.

Any owner or developer of any tract of land situated within Dawson County who subdivides the tract of land shall cause a plat of such subdivision to be made and recorded in the office of the Clerk of the Superior Court of Dawson County, Georgia. No such plat of subdivision shall be filed or recorded unless and until the plat shall have been submitted to and approved by the Board of Commissioners.

These Regulations shall not effect any private easement, covenant, agreement, or restriction; and the responsibility of enforcing such private easement, covenant, agreement, or restriction shall be the sole responsibility of affected private parties. When these Regulations call for more restrictive standards than those required by private contract or contracts, the provisions of these Regulations shall control.

Section 104.2. Recombinations.

The combination or recombination of portions of previously approved platted lots where the total number of lots are not increased and the resultant lots are equal to the standards herein and are in compliance with the Land Use Resolution shall be exempt from the subdivision provisions of these regulations. A plat showing parcels to be combined shall be submitted to the Planning and Development Department for review and approval. The Planning and Development Department shall file the plat with the Clerk of the Superior Court of Dawson County, Georgia.

Section 105. Interpretation.

The provision of these Regulations shall be the minimum requirements for development of subdivisions, preparation, and recording of all plans and plats. Words used in the present tense include the future tense, except where the natural construction of these Regulations indicate otherwise; words in the singular number include the plural number; words in the plural number include the singular; "shall" is mandatory and not discretionary; "may" is permissive.

Section 106. Administration.**Section 106.1. Administrative Body.**

The Board of Commissioners is hereby delegated the authority and power to administer these Regulations.

Section 106.2. Authority.

The Board of Commissioners is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision of land, including Concept Plans, Preliminary Plats, and Final Plats. The Planning Commission may grant variances from these regulations pursuant to the provisions of Article XI.

Section 106.3. Duties.

The Board of Commissioners shall perform duties regarding the subdivision and resubdivision in accordance with these regulations. The Director of Planning and Development shall enforce these regulations. The

county attorney shall advise the Director of Planning and Development regarding enforcement or lack of compliance with these regulations.

Section 106.4. Professional Consultation and Technical Assistance.

In the performance of its duties, the Board of Commissioners and the Director of Planning and Development may call for opinions or decisions, either oral or written, from other departments and agencies when considering details of any submitted plat.

From time to time additional personnel may be employed, with the approval of the Board of Commissioners, to provide assistance, technical oversight and advice.

Section 106.5. Developments of Regional Impact (DRI's).

Prior to any action taken by the Board of Commissioners or Planning Commission, the Director of Planning and Development, or designated representative, shall determine if the proposed subdivision qualifies as a Development of Regional Impact (DRI). If so, then the county shall request a formal review by the Georgia Mountains Regional Development Center (GMRDC).

Section 106.6. Additional Authority.

In addition to the regulations herein contained with respect to the administration of the regulation, the Board of Commissioners may, from time to time, establish any reasonable additional regulations to promote the intent and purpose of the Regulations.

ARTICLE II

DEFINITION OF TERMS USED

Section 200. Purpose.

The purpose of this Article is to establish definitions of some terms used in the Regulation.

Section 201. Definitions.

When used in this Resolution, the following words and phrases have the meaning as defined in this Article. Terms not defined herein have the same meaning as is found in most dictionaries, where consistent with the context. The terms "must" and "shall" are mandatory in nature, indicating that action shall be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future. The word "developer" includes a firm, corporation, partnership, association, institution, or person. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."

Access. The place, means, or way by which pedestrians or vehicles shall have safe, adequate, or usable ingress and egress to a property, use, or parking space.

Accessory Structure or Accessory Use. A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.

Administrator, Planning. The Planning Administrator or Director of Planning and Development shall be appointed by the County Manager and shall be responsible for the enforcement of the provisions of this Resolution.

Agriculture. The tilling of the soil, the raising of crops, dairying, animal husbandry, forestry, and horticulture.

Alley. A paved private access drive which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street. Alleys will be maintained by the owner or property owners' association.

Alter. To change, add, or modify the construction or occupancy of a building or structure.

Amendment. A change in the wording, context, or substance of the Land Use Resolution, or a change in the district boundaries of the district map.

Amenity Area. The area situated within the boundaries of a development site intended for recreational purposes and may include landscaped areas, patios, private community rooms, balconies, communal lounges, swimming pools, sports fields, play areas and similar uses of attendant parking areas but does not include any area occupied by service areas, aisles or access driveways.

Appeal. The process by which an aggrieved party may petition for review of a decision made by an official or department of county government.

Applicant. The owner of land proposed to be subdivided or the representative who shall have express written authority to act on behalf of the owner.

Basement. That portion of a building that is partly or completely below grade.

Block. A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or boundary lines of local governments.

Bond. Any form of a surety bond in an amount and form satisfactory to the Governing Body.

Buffer. A horizontal distance designed to provide attractive space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce the impact of adjacent development.

Building. A structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property of any kind. The word "building" shall include the word "structure."

Building Height. The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average point of a pitch or hip roof.

Building Line. A line that coincides with the front side of the main building.

Building Permit. A written permit issued by the Building Official authorizing construction, renovation, or repairs to a structure.

County. Dawson County, Georgia

Cluster Development. A subdivision, planned development, or grouping of lots or dwellings attached or arranged in such a way that open space is maintained throughout the area, that sensitive lands such as wetlands and steep slopes remain undeveloped, and that lot layout requires reduced street and utility placement.

Common Driveway. A private driveway that is used by two or more different property owners. Common driveways are not maintained by the County. The owner of the driveway or other party accepting maintenance responsibilities must maintain the driveway.

Common Open Space. Publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, or other conservation purposes, to be used by the owners or residents of a particular development or the public in general.

Commission. The Board of Commissioners of Dawson County, Georgia.

Concept Plan. The Concept Plan shall represent the conceptual design of the property to be developed and also indicate the current uses, zoning, driveways, streets, streams, and trails on all adjacent and abutting properties that may have an impact on the design of the subject property. The Concept Plan shall include the following information with respect to the subject property:

- i. A drawing of the subject district and immediate surrounding area, drawn to scale of one inch equals 100 feet. The Planning Director may allow a smaller scale if deemed to be legible.
- ii. A date, scale and north arrow.
- iii. The proposed land use, zoning, building outline and maximum proposed height of all buildings and/or structures as it would appear should the rezoning application be approved.
- iv. The present zoning classification of all adjacent parcels. The proposed location of all drives, streets, off-street parking and loading areas, and entry/exit points for vehicular traffic, using arrows to depict direction of movement.
- v. Approximate location of point of access to public sewer where appropriate or septic tank and drain field lines, sewage plant if planned, storm water detention structures, lakes, ponds and any other improvements.
- vi. Location and elevation of the 100-year floodplain on the property subject of the proposed zoning.
- vii. Acreage of property and proposed number of residential lots, dwelling units, or manufactured home spaces, if applicable.
- viii. For multifamily developments, the minimum size of each type of dwelling unit (efficiency, one-bedroom, etc.) and the number of dwelling units by such type in each building.

Condominium. A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants and restrictions placing control over the common facilities in an elected board.

Conservation Subdivision. Subdivision of property that preserves green space, historic, archaeological sites, scenic views, while promoting construction of walking trails and bike paths connecting to neighboring communities, business, and facilities to reduce reliance on automobiles. Conservation subdivisions should reduce erosion and sedimentation by minimizing land disturbance. Conservation subdivisions promote clustering of houses to minimize environmental impacts.

Construction Plan. The maps or drawings and schedule 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 the Board of Commissioners as a condition of the approval of the plat.

Conventional Construction. A building constructed on the building site from basic materials delivered to the site and/or lumber cut on site. A conventional building is subject to local codes and ordinances.

Cooperative. An entire project that is under common ownership of a Board of Directors with units leased and stock sold to individual cooperators.

Courtyard. An open unoccupied space other than a yard, on the same lot with a building and bounded on two or more sides by such building.

Cul-de-sac. A local street with one lone outlet, closed and terminated by a vehicular turnaround.

Density, Net. The number of dwellings per acre based on the total area of the parcel, including vacated rights-of-way, and excluding separate or non-contiguous lands, previously designated common open space, and excluding rights-of-way or easements.

Density, Gross. The number of dwellings per acre, inclusive of all internal rights-of-way and open space.

Developer. The owner of land proposed to be subdivided or the representative who is responsible for any undertaking that requires review and / or approval under these regulations. See Subdivider.

Development Standard. A specific requirement of this Resolution regulating land use, generally quantitative in nature.

Driveway. An access way connecting one tax parcel and/or their parking spaces with a street.

Dwelling, Apartment or Multiple-Family. A building designed and used for occupancy by three or more families all living independently of each other, and having separate full kitchen facilities for each family.

Dwelling, Single Family. A detached building , not attached by any means to any other dwelling designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family and surrounded by open space or yards.

Dwelling, Two Family (Duplex). A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping, cooking, living and sleeping facilities for each family.

Dwelling Unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility except facilities designed for camping purposes such as tents and recreation vehicles.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Engineer. A registered, practicing engineer, licensed by the State of Georgia.

Escrow. A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

Family. One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

Fence, Sight Obscuring. A fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting arranged in such a way as to obscure visibility of the parcel at least by 80 per cent.

Fill. The placement of sand, sediment, or other material, usually in submerged lands, or wetlands, to create new uplands or raise the elevation of land.

Final Subdivision Plat. The map of a subdivision to be recorded after approval by the Board of Commissioners and any accompanying material as described in these Regulations.

Floor Area. The sum of the gross horizontal area of several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven (7) feet;
2. Basement or cellar, unless finished and heated for occupancy;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers; and
6. Accessory off-street parking or loading spaces.

Frontage. Property abutting on a street.

Goal. A general statement establishing a direction for policies, resolutions, or actions.

Governing Body. The Board of Commissioners of Dawson County.

Grade. The slope of a road, private drive, street or public way specified in percentage terms.

Grade, Ground Level. The average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

Hazards. Threats to life, property, or the environment such as landslides, floods, erosion, or fire.

Health Department. The Dawson County Environmental Health Department.

Intensity. A measure of the magnitude and negative impact of a land use on the environment and neighboring land uses.

Land Use. Any use of the land including, but not limited to, commercial, industrial, residential, agriculture, recreation, public utilities placement, forest management, or natural uses.

Land Use District. Land Use Districts are areas of land within the county which have different development standards and criteria. These differences are intended to promote the separation of incompatible uses and to retain the character of the community.

Land Use Plan or Comprehensive Plan. A development plan or any part thereof adopted by Dawson County which indicates the general various physical classes of public works, places, and structures and general planned physical development of the County.

Loading Space. An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of ingress and egress.

Lot. For purposes of the Resolution, a lot is a parcel of land of at least sufficient size to meet minimum districts requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an

approved private street or easement, and may consist of:

1. A single lot;
2. A portion of a lot;
3. A combination of complete lots, of complete lots and portions of lots, or of portions of lots; and
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created that does not meet the requirements of this Resolution.

Lot Area. The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Coverage. The portion of a lot or parcel of land which is covered with buildings, parking and maneuvering area, patios, decks, covered or paved storage area, or other impervious surface.

Lot Depth. The average distance measured from the front lot line to the rear lot line.

Lot, Flag. Any lot that gains road frontage through the use of a narrow strip of land that is an integral part of the lot.

Lot, of Record (Buildable). A lot or parcel of land that existed as a single parcel recorded with the Clerk of Superior Court or that is shown in its entirety on a Final Plat or Exemption Plat duly approved under these or any previously applicable regulations providing for the subdivision of land in Dawson County and recorded with the Clerk of Superior Court of Dawson County.

Lot Line, Front. For an interior lot, a line separating the lot from the street; and for a corner lot, lines separating both frontages of the lot from the street.

Lot Panhandle. See Lot, Flag.

Lot Line, Rear. For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lot either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line ten (10) feet in length that is parallel to and at the maximum distance from the front lot line.

Lot Line, Side. For an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots, a line other than the front lot line and rear lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

Lot Width. The average distance between side lot lines.

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new public or private street or extension of the local government facilities or the creation of any street and drainage improvements.

Major Thoroughfare. Any public street, existing or proposed, which is shown in the Dawson County Comprehensive Plan Transportation Element as an arterial or major collector.

Minor Subdivision. Any subdivision containing not more than five (5) lots, not involving any new street or road, or the extension of public facilities or the creation of any public improvements, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any

provision or portion of the Master Plan, Official Map, Land Use Resolution, or these regulations. Access to parcels within a minor subdivision may be achieved by means of a Common Driveway as defined in these regulations.

Model Home. A dwelling unit used initially for display purposes which typifies the types of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.

Non-Conforming Structure or Use. A lawful existing structure or use, at the time this Resolution or any amendment thereto become effective, which does not conform to the requirements of this Resolution.

Non-conforming Private Street. A private street existing prior to December 31, 2009 that does not meet the standards for public streets contained herein.

Non-residential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.

No Access Easement. A linear easement parallel to a property line or right-of-way that is platted and disallows the extension of any public or private road or driveway system onto adjacent lots or right of ways.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

Open Area. The area devoted to lawns, setbacks, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open area and maintained in plant cover, and excluding storage areas for materials, boats, or vehicles.

Owned Unit. A designated unit which is a condominium, stock cooperative, or community apartment.

Owner. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land, including the attorney and agent thereof.

Parking Area, Private. Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Resolution and not open for use by the general public.

Parking Area, Public. Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this Ordinance for retail customers, patrons, and clients.

Parking Space. An area permanently available for the parking of a full size automobile, having dimensions of not less than 9 feet by 18 feet.

Parcel. A unit of land which is created by a partitioning of land.

Pavement. That portion of a street having an all-weather, stable constructed surface and subsurface for the support and movement of vehicular traffic.

Pavement Width. The shortest distance as measured from edge of pavement to edge of pavement exclusive of curb and gutter.

Person. Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Planning Commission. The Dawson County Planning Commission.

Plat. Includes a final map, final plat, diagram, drawing, replat or other writing containing all the descriptions, locations, specification, dedications, provisions, and information concerning a subdivision.

Police Power. Inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety, and general welfare.

Policy. A definitive statement of requirements of the comprehensive plan or development Resolution, generally qualitative in nature.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Director of Planning and Development for approval.

Private Street. A street owned and maintained by a private entity that is constructed to public street standards. Private street access is limited to users allowed by the owner, government agencies and utility providers requiring access for public services.

Property Owners' Association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision-be it a lot, parcel site, unit plot, condominium, or any other interest-is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, other improvement, or other facility for which the county may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which county responsibility is established.

Public Street. A street owned and maintained by a government

1. Arterial - Arterials are usually state and federal highways designed to move traffic over greater distances and provide access between counties and states.
2. Collector Roads - The main function of collector roads is to provide access to arterials and to move traffic from local roads to arterials. A collector road that serves a neighborhood should be designed so that no residential driveways access it and houses should not face onto it.
3. Local Road and Street - Local roads or streets are designed to provide access to abutting property and to provide right-of-way beneath it for sewer, water and storm drainage pipes. Local roads and are not intended for through traffic.

Public Utility(ies). Water, sanitary and storm sewer, natural gas, electrical and communications lines and facilities.

Rental Unit. A designated unit which is not a condominium, stock cooperative, or community apartment.

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

Right-of-Way. A strip of land occupied or intended to be occupied by any or all of the following: a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage for 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.

Road Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Roundabout. A circular intersection with specific design and traffic control features including yield control of all entering traffic, channelized approaches, and appropriate geometric curvature to ensure that travel speeds on the circulatory roadway are within safe parameters. Roundabouts shall comply with recommendations of the latest published roundabout manual by the Federal Highway Administration and the recommendations of the latest edition of the Manual on Uniform Traffic Control Devices. The center portion of a roundabout shall be maintained by the property owners association.

Screen. A fence, wall berm, hedge, tree row, or other dense structure intended to perform a buffering effect in a limited space, and may be required in addition to a buffer.

Setback. The minimum allowable horizontal distance measured from the furthest projection of the structure to the adjacent property line.

Shoulder. That portion of a street or road from the outer edge of the paved surface or back of curb to the inside edge of the ditch or gutter, original ground surface, foreslope or backslope.

Sidewalk. The portion of the right-of-way which is intended for pedestrian traffic.

Sight Distance. The length of an uninterrupted line, measured along the path of vehicle travel, of visibility from a driver's perspective regarding certain aspects of decision making. All sight distance recommendations contained in the American Association of State Highway and Transportation Officials' (AASHTO) publication "A Policy on Geometric Design of Highways and Streets" latest edition shall be complied with.

Sign. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered to be a sign.

Slope. See Grade.

Speed Hump. A raised section of pavement in the street designed to encourage safe running speeds on local streets.

Storm Sewer. The pipe system designed to accommodate the 100-year storm water runoff collected in the street.

Story. That portion of a building included between a floor and the ceiling next above which is six (6) feet or more above the grade.

Street. An officially approved public or private thoroughfare or right-of-way dedicated, deeded, or condemned, which has been officially approved by the Board of Commissioners and accepted by the Board of Commissioners for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this Resolution. The word "street" shall include all arterial highways, freeways, traffic collector streets, local streets, roads and lanes. Official designations for streets in Dawson County include: Local Residential Street, Local Commercial Street, Local Industrial Street, Minor Residential Collector, Minor Non-Residential Collector, Major Collector, Minor Arterial and Major Arterial.

Structure. Materials that when combined form a construction for use occupancy or ornamentation. A structure may be installed on above or below the surface of land or water. For purposes of this Code all buildings (including overhangs) are considered structures but not all structures are considered buildings. Specifically exempted from the definition of structure are the following: driveways; mail boxes; flag poles; walls, unless they are an integral part of a structure not exempted herein; light poles/fixtures; patios at grade; pool decking at grade; sidewalks; swing sets; and any construction not requiring a building permit by Dawson County.

Subdivider. Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this Resolution to effect a subdivision of land hereunder for himself or for another.

Subdivision. Subdivision means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development.

Traffic Calming Device. A feature used on a roadway to encourage lower running speeds than would exist without the feature. Devices include tee-intersections, roundabouts, speed humps, and minimum radius horizontal curves or other devices approved by the Public Works Director.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Vehicle. A device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Water-Related. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highway, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. On grade patios may be constructed up to the accessory structure setback line.

Yard, Front. That part of a lot which extends across the full width of a lot between the front lot line and the nearest wall of a building or structure on the lot.

ARTICLE III

PLATTING JURISDICTION AND ENFORCEMENT

Section 300. Platting Authority.

From and after the adoption and enactment of the Subdivision Regulations, The Board of Commissioners shall be the official platting authority, and no plat of a subdivision within the unincorporated portion of Dawson County shall be filed or recorded in the office of the Clerk of the Superior Court of Dawson County until it shall have been submitted and approved by the Director of Planning and Development and such approval entered in writing on the plat by the Chairman of Board of Commissioners. The Clerk of the Superior Court shall not file or record a plat of a subdivision which does not have the approval of the Chairman of Board of Commissioners as required by the Enabling Legislation of the County and by these Regulations. The filing or recording of a plat of a subdivision without the approval of the Chair of the Board of Commissioners as required by these Regulations is hereby declared a misdemeanor and, upon conviction, is punishable as provided by law.

Section 301. Penalties for Transferring Lots in Unapproved Subdivisions.

The owner or agent of the owner of any land to be subdivided within Dawson County who transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the Board of Commissioners and recorded in the Office of the Clerk of the Superior Court of Dawson County shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by the law; 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. Dawson County, through its attorney or other official designated by the governing authority of Dawson County, may enjoin such transfer or sale or agreement by appropriate action.

Section 301.1. Plat Approval Procedures.

Plats shall be submitted to the Planning and Development Department. The plats shall then be reviewed within 45 days for compliance with these Regulations and if found to be in compliance shall then be recorded in the order stamped. Any plat not in accordance with these Regulations shall promptly be returned to the person who presented it for recording. The Plat shall be filed by the Planning and Development Department on the applicant's behalf with the Clerk of the Superior Court of Dawson County and date stamped upon filing.

Section 302. Acceptance of, Improvements in, and Requirements as to Unapproved Streets.

The governing authority of Dawson 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 before the effective date of these Regulations or unless such street is shown on a subdivision plat approved by the Board of Commissioners or on a street plat made and adopted by said Board of Commissioners; provided, however, that the Board of Commissioners may within the spirit and intent of these Regulations and Standards locate and construct or may accept any other street if the resolution or other measure for such approval is submitted to the Board of Commissioners for review and comment.

Section 303. Public Access.

Access to every private road within a major subdivision shall be provided over and through a public street or a public access street or a public easement in existence on the effective date of this resolution. Access to a private road shall not be provided by way of private easements or private right-of-way. Private roads within a major subdivision shall abut a public street or a public access street (a street with right-of-way dedicated to a property owner's association of the subdivision involved or reserved in the name of the developer). Lots within a minor subdivision may be accessed by means of private common driveway.

Section 304. Privately Maintained Streets or Roads.

The following statement shall be placed on all plats identifying privately maintained roads:

"The roads, streets identified as "Privately Maintained" are private ways and are not maintained by state, county, city or other public agencies. Maintenance of these private ways shall be the responsibility of an established homeowners association or related private organization."

All roads or 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 if a subdivision has privately maintained roads, then a statement regarding whether such roads have specifically been approved shall be placed on the plat. All private streets and roads shall be constructed to public street and road standards.

In subdivisions, neighborhoods and developments where roads are privately maintained, a mandatory property owners association or related organization shall be established to administer the maintenance of the privately maintained roads.

Section 305. Privately Maintained Common Driveways

The following statement shall be placed on all plats identifying privately maintained common driveways in the following words:

"The common driveways identified as "Privately Maintained" are private ways and are not maintained by state, county, city or other public agencies."

ARTICLE IV**PROCEDURES FOR CONDITIONAL APPROVAL OF CONCEPT PLAN AND PRELIMINARY PLAT****Section 400. Preapplication Review.**

Whenever the subdivision of a tract of land within Dawson County is proposed, the subdivider is urged to consult early and informally with the Director of Planning and Development or his or her designated representative. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the preapplication review.

If a developer owns, controls or has property under contract beyond the boundary of the first proposed subdivision of land, then a Concept Plan must be prepared. The purpose of the Concept Plan is to give Dawson County a preview of the overall development so that large scale issues such as transportation planning, utility planning, and other infrastructure impacts can be planned for by the developer and the County.

The developer must certify that no adjacent land is owned, controlled or under contract for purchase by the developer or an affiliated entity unless a Concept Plan including this land has been reviewed and approved by the County. If the developer purchases or contracts to purchase land adjacent to the original proposed development, then the developer shall submit a revised Concept Plan to the Planning and Development Department incorporating the additional land purchased or to be purchased.

No rights shall be vested in a subdivision on the basis of informal meetings with the Chairman of the Board of Commissioners, members of the Board of Commissioners or County staff. The County reserves the right to amend subdivision regulations at any time, and any amendment adopted before the submission of a formal application for preliminary plat approval shall apply to the subdivision being proposed.

Section 400.1. Application for Concept Plan Approval.

The subdivider shall submit the following to the Planning and Development Department:

1. Copies of the Concept Plan and other documents, as may be specified.
2. A Concept Plan review fee as scheduled by the Board of Commissioners.

Section 400.2. Review of Concept Plan.

The Director of Planning and Development and the Public Works Director or their designated representatives shall review the plat for conformance with these Regulations and report findings to the Board of Commissioners.

One copy of the Plan shall be returned to the subdivider or his agent, one copy forwarded to the appropriate public health agency, and one copy retained in the records of the Planning and Development Department.

Approval of a Concept Plan does not constitute approval of a Preliminary Plat or Final Plat, but indicates only approval of the layout as a guide to the preparation of the Preliminary Plat. Approval shall expire and be null and void after a period of one year unless an extension of time is approved by the Director of Planning and Development and the Public Works Director. If work has begun, then the developer can apply for an extension of an additional year or appropriate time period as determined by the Director of Planning and Development and the Public Works Director.

If action on a Concept Plan is not taken by the Director of Planning and Development and the Public Works Director within forty-five (45) days of the date of submittal, then the Concept Plan shall be considered approved and a certificate of approval shall be issued upon written request by the applicant. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section 400.3. Concept Plan Specifications.

The Concept Plan shall contain the required information specified in the latest copy of the review checklists available from the County's web site. The plan preparer is advised to obtain the latest version of the review checklists from the County web site prior to plan preparation.

Section 401. Application for Preliminary Plat (Construction Plans) Approval.

The subdivider shall submit to the Director of Planning and Development, or the designated representative the following:

1. Copies of the Preliminary Plat and other documents, as may be specified.
2. A Preliminary Plat review fee.

Section 402. Review of Preliminary Plat.

The Director of Planning and Development and the Public Works Director or their designated representatives shall review the plat for conformance with these Regulations and report their findings to the Board of Commissioners.

One copy of the Plat shall be returned to the subdivider or his agent, one copy forwarded to the appropriate public health agency, and one copy retained in the records of the Planning and Development Department.

Approval of a Preliminary Plat does not constitute approval of a Final Plat, but indicates only approval of the layout as a guide to the preparation of the Final Plat. Approval shall expire and be null and void after a period of one year unless an extension of time is approved by the Director of Planning and Development and the Public Works Director.

If no comments are provided to the applicant within forty-five (45) days of the date of submittal, then the Preliminary Plat shall be considered approved and a certificate of approval shall be issued upon written request by the applicant. However, the applicant for approval may waive this requirement and consent to an extension of time.

Section 403. Preliminary Plat Specifications.

The Preliminary Plat shall conform to the specifications in the checklist and contain the required information:

1. Cover Sheet with applicable notes
2. Preliminary Plat including lots, streets and utility layout
3. Hydrology Study in accordance with County Stormwater Regulations
4. Grading and Drainage Plans
5. Erosion, Sedimentation Control and Pollution Prevention Plans
6. Street or Common Driveway Plan and Profiles (showing existing utilities)
7. Sanitary Sewer Plan and Profiles
8. Storm Drainage Profiles
9. Water Distribution Plan
10. Details

The latest checklist, as amended from time to time, for review of the Preliminary Plat is available from the Planning and Development Department or from the Dawson County web site.

The Preliminary Plat must also contain the following Certifications:

Certification of Approval: A Certificate of Approval of the Preliminary Plan in the exact language as set forth below properly executed shall be inscribed on the plat:

“Pursuant to the Subdivision Regulations of Dawson County, Georgia, all the requirements of Approval having been fulfilled, this Preliminary Plat was given Approval by the County Director of Planning and Development and Pubic Works Director on _____, 20___. This approval does not constitute approval of a Final Plat. This Certificate of Approval shall expire and be null and void on _____, 20___.”

Director of Planning and Development,
Dawson County

Date: _____

Director of Public Works,
Dawson County

Date: _____

An extension to the one-year period may be granted by the Director of Planning and Development and the Public Works Director. No extensions will be granted beyond three years of initial approval.

Certification concerning Privately Maintained Roads. A statement required by Sections 608 and 609 if the roads within the subdivision that are not accepted by the County.

ARTICLE V

FINAL PLAT PROCEDURE

Section 500. Application for Final Plat Approval.

After the Preliminary Plat of a proposed land subdivision has been given approval by the Director of Planning and Development and the Public Works Director, the subdivider may, within one year from approval, submit to the Director of Planning and Development and the Public Works Director:

1. Four (4) paper copies of the Final Plat and other documents, as may be specified; and the original tracing or reproducible print thereof drawn in permanent ink or equivalent on film, which is to be returned to the subdivider.
2. A Final Plat filing fee.
3. A complete disclosure on how all utilities, roads, and amenities are to be maintained, e.g., Department of Housing and Urban Development Property Report, plus information requested as a result of findings during preliminary review must be submitted.
4. As Built upon completion including stormwater ponds, storm drainage pipes, streets, sewers and water mains.

Section 501. Review of Final Plat.

The Director of Planning and Development and Public Works Director or their designated representatives shall review the Final Plat for conformance with the approved Preliminary Plat, and with the rules and regulations of this Resolution and report the findings and recommendations to the Chairman of the Board of Commissioners.

If disapproved the Final Plat shall be returned to the applicant with comments in order to make corrections. If action on a Final Plat is not taken by the Director of Planning and Development and Public Works Director within forty-five (45) days of the date of the submittal, then the Final Plat shall be considered approved and a certificate of approval shall be issued upon written request by the applicant. However, the applicant may waive this requirement and consent to an extension of time. If initially approved or after corrections are made to the satisfaction of the Director of Planning and Development and Public Works Director, the Chairman of the Board of Commissioners shall approve or disapprove the Final Plat.

Section 502. Recording of Final Plat.

Upon approval of final plat by the Chairman of the Board of Commissioners, the final plat must be recorded in the Office of the Clerk of the Superior Court of Dawson County. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the final plat as provided in the preceding Section. The Planning and Development Department will record the Final Plat and return a copy to the subdivider. A digital file of the Final Plat and As-builts in the format required by Dawson County GIS must be provided to Dawson County prior to recording of the Final Plat.

Section 503. Final Plat Inspection.

The final plat shall conform to and meet the following specifications and contain the required information as specified in the latest copy of the review checklists available from the County. The plat preparer is advised to obtain the latest version of the review checklists from the County prior to plat preparation.

Section 504. Minor Subdivision Plat Specifications (Not applicable to Commercial/Industrial Districts)**Section 504.1. Purpose and Intent**

It is intended that the subdivision process comply with this section to allow for subdivision of land up to five lots. It is the intent of the Board of Commissioners to prohibit the practice of “chain” subdivisions where the same or related landowners seek to subdivide consecutive and/or contiguous minor subdivisions to avoid the requirements of a major subdivision. It is also the intent of the Board of Commissioners to prohibit minor subdivisions adjacent to each other within a five-year period if the original tract of land is owned by another person or entity and was transferred or sold to circumvent the major subdivision requirements. The Planning and Development Director and Public Works Director have the discretion to require a major subdivision plat if a minor subdivision plat does not conform with the purposes and intent of the minor subdivision plat specifications.

Section 504.2. General Requirements

The Minor Subdivision Plat shall conform to all applicable regulations regarding subdivision of land and the Dawson County Minor Subdivision Plat Review Checklist in addition to the following requirements:

1. No more than five lots will be created from the parent tract within a five-year period.
2. Minimum lot size shall be regulated according to the Land Use Resolution.
3. Extension of common driveways onto adjacent tracts beyond the subdivision of a maximum of 5 lots will not be allowed.
4. No further subdivision will be allowed within five years of the approval of the Minor Subdivision Plat.
5. Dawson County Public Works reserves the right to require the applicant to submit a Storm Water Management Plan with the Minor Subdivision Plan.
6. Common Driveways shall be centered in a 30-foot- wide access and utility easement.
7. Submittal, review, approval and recording of a Minor Subdivision Plat shall be in accordance with the procedures for a Final Plat contained in Sections 500, 501, 502, 503.

Section 504.3. General Plat and Plan Appearance

The Georgia Plat Act (O.C.G.A. § 15-6-67) and Dawson County Minor Subdivision Plat Review Checklist shall govern the appearance and size of the documents.

Section 504.4. Access

Access to Minor Subdivisions may be provided by either existing public streets or a common private driveway. Profiles of common private driveways will be required to be submitted with the Minor Subdivision Plat.

Section 504.5. Flag Lots

No more than two flag lots shall adjoin one another. The “pole” portion of the flag lot shall be a minimum of 30 feet wide for its entire length. Multiple individual driveways are discouraged. One common private driveway is preferred to serve multiple lots. No two “flag” portions of the lot shall be contiguous.

Section 504.6. Maintenance of Common Elements

The common private driveway and all other common elements of the minor subdivision shall be owned and maintained by a mandatory property owners' association. Dawson County will not be responsible for maintenance of common private driveways or other common elements. The Minor Subdivision Plat shall contain the following note in large bold letters: "The Common Private Driveway shown on this plat is the responsibility of the property owners' association or property owner. Dawson County will not maintain the Common Private Driveway."

ARTICLE VI**GENERAL DESIGN AND OTHER REQUIREMENTS****Section 600. Suitability of the Land.**

Land subject to flooding, improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor for any other use that will continue to increase danger to the health, safety, or property destruction, unless the hazards can be and are corrected.

Section 601. Names of Subdivisions and Streets.

The name of the subdivision and streets must have approval of E911 and the Director of Planning and Development. The name shall not duplicate or closely approximate the name of an existing subdivision or street.

Section 602. Access.

Access to every subdivision shall be provided over and through a public or private street built to public street standards as specified herein, except as provided in Sections 303 and 304.

- 1 to 50 contiguous lots -- Single means of street access
- 51 to 124 contiguous lots – Minimum of two means of street access. Traffic study may be required by the Director of Public Works. Traffic study may require additional street access points.
- 125 + contiguous lots – Minimum of two means of street access and traffic study required.

Section 602.1. Connective Street Access Easements

All major residential subdivisions of more than 50 lots started after the adoption date of this resolution shall provide one connective street easement equal to the width of the right of way. The easement shall be directed toward the nearest main public road opposite the road to which the main entrances of the subdivision enter and exit. If the property opposite the connective street easement is subdivided, the developer of the subdivision shall provide a connective street easement equal to the first established connective street easement. Connective street easements may be constructed over these easements and opened to the public at the direction of Board of Commissioners after approval of the developers involved or the approval of the majority of the homeowners of the subdivisions to be connected.

Section 603. Conformance to Adopted Dawson County Plans.

All streets and other features should be coordinated and located in conformance with Dawson County Community Agenda and Transportation Element, Dawson County Transportation Improvement Plan and any other County Transportation Plans approved by the Board of Commissioners.

Whenever a plat proposes the dedication of land to public use that the Director of Planning and Development finds not required or suitable for such public use, the Board of Commissioners Chairman may refuse to approve the plat, and shall notify the governing body of the reasons for such action.

Section 604. Large Scale Developments and Developments of Regional Impact.

Large scale developments which meet or exceed the thresholds of a Development of Regional Impact, as defined by the Department of Community Affairs pursuant to the Georgia Planning Act will require a review by the Georgia Mountains Regional Commission.

Section 605. Easements.

A common ten (10) foot wide drainage easement shall be centered on each side and rear lot line within the subdivision. This easement is to the benefit of each adjacent property owner for the purpose of allowing storm water runoff to drain without obstruction. This easement may not be encroached upon within by a permanent structure. The property owner must remove any permanent structure placed within the common drainage easement that obstructs storm water flow.

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a storm water or drainage easement of a minimum of 20 feet shall be provided. If conditions dictate additional width may be required by Public Works Director.

Section 606. Reservation of Public Sites and Open Space.

Where the features of a Concept Plan, such as school site, parks, playgrounds, and other public spaces are located in whole or in part in a proposed subdivision, such features shall be reserved by the subdivider. Whenever the public body responsible for land acquisition executes a written release, stating that the reserved land is not to be accepted, the Board of Commissioners shall waive the reservation requirements.

Whenever the Board of Commissioners finds that proposed reservation of land or dedication of land for public use is not required or suitable for such public use lots may be reconfigured to include subdivision of unrequired land or reservation of land suitable for public use.

Section 607. Responsibility for Private Streets, Private Roads and Private Common Driveways.

The owner, agent, or seller of any subdivisions where the roads or streets have not been accepted by the County shall include the following statement on the instrument of transfer and sales contract: "grantee herein recognizes that any and all means of ingress and egress, which is provided by the grantor herein or assigns, to the property hereby conveyed are considered by the governing body of Dawson County to be private streets and private common driveways not maintained by said governing authority. Therefore, the grantee herein hereby agrees to hold harmless the governing body of Dawson County of any upkeep or maintenance." The responsibility for maintenance and upkeep of private common driveways and private streets is the private common driveway owner's or private street owner's or party accepting this responsibility from the owner of the private street or private common driveway.

Maintenance for private roads, private streets or private common driveways may be designated as a responsibility of a Property Owners Association (POA) of the subdivision. In doing so, this designation shall also be recorded on the deed of property.

Common Driveways are privately maintained and are waived of the provisions of curb and gutter.

If a request is made for any privately maintained road or streets to be taken on by the county, said road or streets must be brought up to current county specifications, including curb and gutter, if required, prior to being accepted by the County. The Board of Commissioners has the authority to accept or deny the acceptance of a privately maintained road or street into the County's public road system. This requirement

applies to existing subdivisions.

Section 608. School Bus Service, Mail/Parcel Delivery, Fire Service and Police Service.

Privately maintained roads may not be acceptable or adequate for school bus service or for mail or parcel delivery service unless specifically approved by the County School Superintendent, the Postmaster, the County Fire Marshall and Sheriff. A statement to the effect that a privately maintained road has or has not been so accepted shall be placed on the plat.

Private streets, private roads or private common driveways that are gated shall provide copies of the keys or access codes to the County for access in the event of emergency and to promote public safety.

Each gate shall have a unique number assigned by the County and the keys or access code for use by the County for access in the event of emergency to promote public safety. It is the gate owner's responsibility to keep the gate in working order and to notify Dawson County of any changes.

ARTICLE VII

REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY

Section 700. Continuation of Existing Streets.

Existing streets shall be continued at the same or greater width. However, in no case shall the extended portion of the street be less than the required width.

Sections 701. Street Names and Signage.

Proposed streets which are in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names or the sound of existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, way, court or trail. Through its index list of street names on file, the Sheriff's Office can assist the subdivider in avoiding duplication. All signs shall meet the *Manual on Uniform Traffic Control Devices* standards. Street name signs shall be green for public streets and blue for private streets or for named driveways where postal addresses contain the name of that driveway.

Section 702. Street Jogs.

Street jogs with center-line offsets of less than one hundred and twenty-five (125) feet shall not be permitted.

Section 703. Cul-de-sacs or Dead-end Streets.

1. Minor streets or courts designed to have one end permanently closed shall be no more than fifteen hundred (1,500) feet long unless necessitated by topography. They shall be provided with an approved turn around at the closed end.
2. When street access to adjoining property is provided, street shall be extended to the boundary of such property and be provided with a temporary turn around. Stub streets must be provided for future extension onto a neighboring property where the land uses are compatible as determined by the Director of Planning and Development. Stub streets in excess of one hundred fifty (150') shall have an approved turn around such as a cul-de-sac or hammerhead.

Section 704. Development Along Major Thoroughfares, Limited Access Highway.

When a subdivision occurs and the subdivision abuts or contains a major thoroughfare or a limited access highway, the Director of Planning and Development shall 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 the intervening land, with a non-access reservation suitably planted. Design shall determine the approach grades and future grade separation distances. Lots shall have no access to major thoroughfare (or limited access highway) but only to access street.

Section 705. Alleys.

Alleys are allowed at the rear of all lots used for single-family, multi-family, commercial, or industrial developments.

Sections 706. Street Right-of-Way Widths.

See Road and Street Design Criteria – Chart 1

In cases where a split street or one-way street is desirable, the subdivider must consult with the Public Works Director regarding required street and right-of-way widths.

Section 707. Additional Widths on Existing Streets.

Subdivisions which adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

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

Section 708. Street Grades.

See Road and Street Design Criteria – Chart 2

Section 709. Horizontal Curvature.

See Road and Street Design Criteria – Chart 2

Section 710. Tangents.

See Road and Street Design Criteria – Chart 2

Section 711. Vertical Alignment.

See Road and Street Design Criteria – Chart 2

Section 712. Street Intersections.

Street intersections shall be as nearly at right angle as possible. No street intersection shall be at an angle of less than eighty-five (85) degrees, unless required by unusual circumstances and approved by the Public Works Director.

See Road and Street Design Criteria – Chart 2 for other applicable criteria

Intersection Approaches: Horizontal Alignment

New local streets which approach an intersection with a street in a category higher than itself on a horizontal curve having a centerline radius less than 240 feet shall provide a tangent section of roadway at least 30 feet long. Minor collectors approaching an intersection with a major thoroughfare on a horizontal curve having a centerline radius of less than 550 feet shall also provide a 30 foot tangent section. The tangent length shall be measured along the centerline of the street, from the right-of-way line of the intersecting street, extended, to the point of tangency with the

centerline of the curve section.

New major thoroughfares shall provide tangent sections at intersections with streets in equal or higher categories as needed to provide adequate stopping distances at their design speeds.

Section 713. Curb-line and Right-of-Way Radii.

See Road and Street Design Criteria – Chart 1

Section 714. Slope Development.

1. Depth of cuts and fills shall be held to a minimum in order to avoid excessive land disturbance. The smallest practical area should be denuded at any one time during the construction period. Suitable vegetative cover or mulch shall be applied immediately following construction to all denuded areas located on street rights-of -ways.

2. Permanent drainage structures shall be designed for anticipated run-off must be installed in the initial phase of road construction.

3. Structures shall be digitally located and the coordinates provided to E911.

Section 715. Privately Maintained Roads and Streets.

Privately maintained roads and street shall be identified as such and shall be constructed to the same standard as public right-of-ways. (See Section 304, Section 608 and article 7)

Section 716. Shoulders of Street or Road.

All streets or roads shall have shoulders complying with the standard detail for that type of road as shown in Road and Street Design Criteria – Chart 1. Shoulders of the road shall be sloped at 0.25 inches per foot either toward the road or away from road depending on drainage considerations. Shoulder of uncurbed roads shall always slope away from the pavement.

Section 717. Deceleration, and Left Turn Lanes.

All subdivisions will be evaluated by the designer for the necessity of deceleration and/or left-turn lanes. Georgia Department of Transportation's Regulations for Driveway and Encroachment Control shall be consulted for guidance regarding traffic volumes requiring deceleration and/or left-turn lanes and the design of these facilities. The Institute of Transportation Engineer's (ITE)'s *Trip Generation* shall be consulted for non-residential traffic volumes. For typical residential subdivisions, it can be assumed that each home generates nine (9) trips per day. Deceleration and/or left-turn lanes shall not be required on main line streets having a speed limit of 25 mph. The Public Works Director may approve a variance to these requirements based on site conditions.

Section 718. Grade of Driveway Entering Street or Road.

All driveways entering any county street or road shall have a minimum ten (10) foot breaking area no greater than five (5) inches above the crown of the street or road.

Section 719. Exemption from Curb and Gutter Requirement.

All residential subdivisions and developments where lot sizes are 1.5 acres or greater shall be exempt from the provision of curb and gutter. All other street requirements must be met.

Section 720. Sight Distance Requirements

Intersection and stopping sight distance shall comply with the recommendations of the latest edition of AASHTO's *A Policy on Geometric Design of Highways and Streets*. Where the words "should" and "recommended" will be interpreted as "shall" and "required" respectively unless otherwise approved by the Public Works Director. See Road and Street Design Criteria – Chart 2 for additional information.

Section 721. Sidewalk Requirements

Sidewalks and curb ramps shall be constructed in all new development or redevelopment along all abutting or internal streets. Whenever a discrepancy occurs between the design and construction standards of this section and any state or federal regulation, then the most restrictive shall apply. Internal sidewalks at a minimum of 5' wide, 4" thick and a compressive strength of 2,800 p.s.i. will be required on one side of the street. Internal sidewalks are not required in subdivisions where lot sizes are 1.5 acres or greater.

Sidewalk Installation & Timing

Sidewalks shall be installed as follows:

1. Residential Subdivision Projects. Sidewalks shall be installed on new internal streets (including "eyebrow" turnarounds) and on abutting external streets (abutting side). Sidewalks are not required adjacent to cul-de-sac turnarounds or on streets ending in a cul-de-sac turnaround which provide access to 5 or fewer lots. Sidewalks may end at the radius transition of a cul-de-sac turnaround with an L-shaped "mid-block" curb ramp in alignment with the ramp on the opposite side of the street.
 - a. Residential Subdivision Developer Responsibility.

Developers shall install sidewalks on abutting external streets, "passive" recreation area lots, common area lots, and open space lots, and shall install intersection radius curb ramps at new street intersections, and L-shaped mid-block ramps at cul-de-sac turnarounds, within 60 days of approval of the Final Plat. Sidewalks on "active" recreation area lots shall be installed prior to issuance of a Certificate of Occupancy or shall be installed by the developer prior to release of the subdivision maintenance surety, whichever is earlier. Developers shall also install sidewalks on any vacant lots remaining between developed lots (i.e. dwellings under construction or completed) prior to release of the subdivision maintenance surety.
 - b. Homebuilder Responsibility.

Homebuilders shall install sidewalks, and curb ramps not required to be installed by developers, on building lots prior to release of the Certificate of Occupancy for a home. It is the developers responsibility to meet all compaction standards as outlined in AASHTO Method T-99, See section 902, Grading
2. Nonresidential Subdivision Projects.

Sidewalks shall be installed by the developer on new internal streets (both sides including cul-de-sac and "eyebrow" turnarounds) and on abutting external streets (abutting side) within 60 days of approval of the Final Plat.
3. Maintenance Surety.

Maintenance surety provided to the county shall include 20% of the cost of all sidewalk construction in an amount acceptable to the county.
4. Escrow Alternative.

The cost of sidewalk installation may be set aside in escrow with the Department of Public Works if proposed road improvements by the county may impact the location of a sidewalk.

Section 722. Sidewalk Design & Construction Standards

Sidewalks shall be constructed in accordance with the requirements of this section. The Director of Planning and Development and the Public Works Director are authorized to grant modifications upon specific application due to topographic or drainage difficulty.

1. Width.
All sidewalks shall be at least 5 feet wide.
2. Setback.
Sidewalks shall be located at least 2 feet from the back of curb except in conservation subdivisions or subdivisions in which street trees are provided (bridges excepted).

Sidewalks in conservation subdivisions or in subdivisions in which street trees are provided shall be located at least 6 feet from the back of curb (bridges excepted). The area between the curb and the sidewalk shall consist of grass or landscaping. Where no curb exists, or if road improvements are proposed for installation by the county, sidewalks (including appropriate drainage facilities) shall be constructed in a location acceptable to the Department of Public Works.
3. Cross Slope.
Sidewalks shall be constructed with a 2.00 percent cross slope. Sidewalks shall maintain this cross slope at driveway crossings, unless the transition from sidewalk to driveway uses ramps and detectable warnings.
4. Material.
Sidewalks shall be constructed of concrete at least 4 inches thick. Concrete shall be Class "B" (as defined by Georgia DOT) with a minimum strength of 2,800 PSI at 28 days.
5. Final Stabilization.
Disturbed areas resulting from sidewalk construction shall be backfilled, stabilized, and grassed or landscaped. The strip of land between the sidewalk and curb plus the two feet on the opposite side of the sidewalk must be sodded.
6. Georgia DOT Controlled Roads.
Sidewalks located in the right-of-way of roads under the jurisdiction of the Georgia DOT shall be constructed in accordance with Georgia DOT design and construction standards.

Section 723. Sidewalk Curb Ramp Design & Construction Standards.

Intersection radius curb ramps shall be provided at street intersections. L-shaped mid-block curb ramps shall be provided to end sidewalks at the radius of cul-de-sac turnarounds in residential subdivisions. Straight ramps may be provided at intersections of curbed driveways and at streets without sidewalks. Curb ramps shall meet the requirements of the County's Standard Drawings.

Section 724. Sidewalk Damage Repair.

Damage to sidewalks and ramps caused by construction or development activity shall be repaired at no cost to the county within 30 days from the date the damage occurs or prior to issuance of a Certificate of Occupancy, whichever is earlier.

Section 725. Traffic Calming Requirements

Traffic calming shall be required in residential subdivisions. No tangent section of 500 feet or more or curve with a radius exceeding 500 feet with a length of 500 feet or more shall be allowed to be constructed without a

traffic calming device installed near the middle of the distance between the curves. Traffic calming devices include measures such as speed humps, tee-intersections, standard cul-de-sacs, roundabouts or minimum radius curves.

Section 726. Trail Specifications

ADA specifications shall apply if trails are chosen as an alternative to sidewalks.

ARTICLE VIII

DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 800. Block Lengths and Widths.

Block lengths and widths shall be as follows:

1. Blocks shall not be greater than one thousand eight hundred (1,800) feet.
2. Blocks shall be wide enough to allow two tiers of lots, except where fronting on major thoroughfares, limited access highways, or prevented by topographical conditions or size of property; in which case the Director of Planning and Development and the Public Works Director may approve a single tier of lots of minimum depth (See Section 807) to include buffer zone.

Section 801. Lots Sizes and Proportions.

1. Residential lots shall meet the lot width and lot area requirements of any existing Land Use Resolution.
2. Residential lots shall have a depth of not less than one hundred (100) feet, unless circumstances make these limitations impracticable.
3. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable for the intended use.
4. Residential corner lots shall have adequate width to meet front yard building setback requirements from both abutting streets.
5. Lot sizes shall meet the requirements of the Dawson County Environmental Health Department when not served by public water and public sewer.

Section 802. Adequate Building Sites.

Each lot shall contain an adequate building site which is not subject to flooding, and which does not encroach on any existing easement or building setback lines required by these Regulations or any existing Zoning Resolution.

Section 803. Lot Line Arrangements.

In so far as practical, side lot lines shall be at right angle to straight street lines or radial to curved street lines. Each lot must front for at least thirty (30) feet on or have access to a dedicated public street or private street, except as provided in Sections 303 and 304. Lot lines may vary up to ten degrees from radial to the street centerline. Lot lines proposed to be more than ten degrees from non-radial will require approval of a variance from the Director of Planning and Development and the Public Works Director.

Section 804. Panhandle or Flag Lots.

Panhandle or flag lots, of required width and area may be allowed where terrain makes standard design or frontage impossible or impractical. 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. No panhandle access points shall abut each other. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other provisions of these Regulations and Standards.

Section 805. Building Setback Lines.

Building setback lines shall be indicated on each plat. The minimum setbacks shall be established by the Dawson County Land Use Resolution.

Section 806. Double Frontage Lots.

Double frontage lots with the exception of rear alleys should be avoided except where essential to provide separation of residential development from major traffic arteries 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 lots abutting such a traffic artery or other disadvantageous use.

ARTICLE IX**REQUIRED IMPROVEMENTS****Section 900. Performance and Specifications.**

Every subdivider shall be required to make the following improvements outlined in this Article in accord with the specifications herein or otherwise adopted by Dawson County.

Section 901. Monuments.

1. For subdivisions greater than 5 lots, Dawson County Control Monuments shall be placed at block corners, and at intermediate points of at least one Dawson County Control Monument for each 25 lots or fraction thereof. Monuments shall be of reinforced concrete with dimensions of at least 4" x 4" x 24" with metal center pins of one-fourth (1/4) inch diameter and four (4) inch length or PK nails shall be installed in the curbing at a frequency of one per 15 lots. After installation the top of the Dawson County Control Monument shall be flush with the finished grade. The coordinates of Dawson County Control Monuments shall be submitted to the GIS Department prior to Final Plat approval.
2. Lot corners shall be marked with rebar not less than one-half (1/2) inch in diameter and eighteen (18) inches in length and driven so as to be flush with the finished grade or countersunk no more than three (3) inches.

Section 902. Grading.

All street, road, and alleys shall be graded by the subdivider so that pavement and sidewalks can be constructed to the required cross section. Deviation from the above will be minimally allowed only by approval of the Public Works Director. Subgrade preparation shall be in accordance with Georgia DOT specifications and these Regulations.

1. Preparation. Before grading is started, the right-of-way shall be first cleared of all stumps, roots, brush, and other objectionable materials, and all trees not intended for preservation.

2. Cuts. All tree stumps, boulders, and other obstructions shall be removed to a depth of two feet below the subgrade. Rock, when encountered shall be scarified to a depth of twelve inches below the subgrade. Maximum slope of cuts is 2H:1V unless otherwise certified by a geotechnical engineer and approved by the Director of Public Works.
3. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc, shall be removed from the right-of-way. The fill shall be spread in layers not to exceed eight inches (loose measurement) and compacted by a sheepsfoot roller. The filling of utility trenches and other places not accessible to the roller shall be mechanically tamped. All compacted material must meet or exceed 95 % of maximum dry density except for the top 12" which shall be compacted to 100% of maximum dry density as determined by AASHTO Method T-99. Maximum slope of fills is 2H:1V unless otherwise certified by a geotechnical engineer and approved by the Director of Public Works.
4. Subgrade. The subgrade shall be properly, shaped, rolled, and uniformly compacted to conform with the lines, grades, and typical cross-sections as shown on approved drawings. Unsuitable materials shall be excavated and replaced with acceptable compacted material. All compacted material must meet or exceed 95 % of maximum dry density except for the top 12" which shall be compacted to 100% of maximum dry density as determined by AASHTO Method T-99.
5. Grading outside of Rights-of-Way. The subgrade for areas outside of rights-of-way, which will include structures, parking lots, driveways and utilities, shall be compacted to 95 % of maximum dry density as determined by AASHTO Method T-99 and shall be free from unsuitable materials such as organic materials and soft clays. All other areas outside of rights-of-way shall be compacted to at least 85 % of maximum dry density as determined by AASHTO Method T-99.
6. Maximum Disturbed Area. No more than 50 acres of disturbed area excluding road and rights-of-way shall exist on the site at one time. If proposed development disturbance exceeds 50 acres at any one time excluding roads and road rights-of-way, then the applicant shall obtain a variance before proceeding with the proposed development.

Section 903. 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-drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to accommodate the full width roadway and the required slopes. All storm drainage and stormwater management systems shall meet the requirements of the latest editions of the Dawson County Stormwater Management Ordinance and the Dawson County Addendum to the Georgia Stormwater Management Manual

Section 903.1. Storm Drainage Plan.

The plan for storm drainage and stormwater management shall meet the requirements of the latest editions of the Dawson County Stormwater Management Ordinance and the Dawson County Addendum to the Georgia Stormwater Management Manual.

Section 904. Installation of Utilities

After grading is completed and approved 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.

Section 905. Water Supply System.

Public water systems shall meet the requirements of the provider unless requirements contained herein are

more stringent in which case the more stringent of the two criteria shall apply. Water mains within subdivisions must be provided with connections to each lot.

Minimum diameter of water pipes shall normally be eight (8) inches. Individual connections shall be made to each lot, and pipe sizes shall not be less than three-fourths (3/4) of an inch in diameter.

Dawson County Emergency Services shall be notified 24 hours prior to construction of water main. The developer must obtain Dawson County Emergency Services approval of the water system prior to approval of a Final Plat.

If a public water supply is not available to the subdivision at the time of development, the developer should provide an adequate water source and an adequate water storage facility. This should be accomplished by the use of individual wells for each housing unit. Individual wells are the responsibility of the lot purchaser. Any community (subdivision) water system shall be sanitary, and shall have a minimum adverse pressure of thirty (30) pounds per square inch at each lot in the subdivision, and the capacity to provide 100 gal./day/capita.

Any community water system shall be approved by the appropriate health agency; and a Letter of Approval from the Georgia Department of Human Resources, Public Health Division or Georgia Department of Natural Resources, Water Supply Section, as appropriate, shall accompany the recording permit application.

Section 905.1. Water Distribution Plan.

A water distribution plan shall be provided for all developments having a community water system. It shall contain the following information:

1. Location and size of water distribution system including pipes, valves, fittings, hydrants, high pressure pumping equipment, pressure reducing valves, etc., complete to individual lots.
2. Location and size of all wells, storage tanks, and lift stations.
3. A certificate in the exact language set forth below, properly executed shall be attached or affixed to the water distribution plan:

Water Supply Certification:

State of Georgia, County of Dawson.

"The water supply system proposed for (Name of Development or Subdivision) meets all design requirements for an acceptable water supply system based on the appropriate code of the State of Georgia.

Public Water Provider Representative
or, (Dawson County Environmental Health Department)

Date

Section 905.2. Placement of Fire Hydrants and Valves.

Fire hydrants shall be required for all subdivisions and water systems if public water is available. Fire hydrants shall be located no more than five hundred (500) feet apart within a residential subdivision and no more than three hundred (300) feet apart within a commercial subdivision. Fire hydrants must also be placed at the end of each cul-de-sac. To eliminate future street openings, all underground utilities for fire hydrants, together with fire hydrants themselves and all other water supply improvements shall be installed before any

base course application of a street shown on the subdivision plat. All fire hydrants shall be set plumb with outlets 18 inches above a finished concrete surface. No valves shall be located within the pavement or curb area.

Section 906. Sanitary Sewers.

Public Sewer systems shall meet the requirements of the provider, as applicable, unless requirements contained herein are more stringent in which case the more stringent of the two criteria shall apply. If the sewage disposal facilities cannot be connected to a trunk line sewer at the time of development of the subdivision, then septic tanks, an oxidation pond, or other approved method of sewage treatment shall be installed by and at the expense of the subdivider or lot purchaser for interim use in conformity with the requirement of the appropriate health agency. Standard on-site Sewage Management (septic) systems shall follow the "Manual for On-Site Sewage Management Systems" (current edition) published by the Georgia Department of Community Health.

Section 906.1. Sanitary Sewer Plan.

A sanitary sewer plan shall be provided for those developments offering such service and shall contain the following information:

1. Location of all proposed and existing waste water treatment facilities and information concerning present and projected capacities.
2. Location and size of all existing and proposed sewer lines in the development and tie points to other systems. Location of all sewer laterals.
3. Direction of flow of each sewer line and average slope as built.
4. Location of each manhole and other sewerage system appurtenances including lift stations, oxidation ponds, and treatment plants.
5. Profile of sewage system.
6. A certificate of the exact language as set forth below, properly executed, shall be attached to the sanitary sewerage plan:

Sanitary Sewage System Certification:

State of Georgia, County of Dawson.

"I, _____, a Registered Engineer, certify that the Sanitary Sewage System shown on this drawing is properly designated; meets all local and state specifications and is adequate both in size and established depth to serve the drainage area whose sewage would normally be carried through this development or subdivision system, whether or not the total area to be served is within this subdivision. It is further certified that the information shown hereon is true and correct."

	Number	Date
--	--------	------

"I, (Appropriate Official), hereby attest to the fact that this sewage system and treatment plant is satisfactory and meets all requirements of the State of Georgia."

	Date
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Public Sanitary Sewer Provider Representative
or, (Dawson County Environmental Health Department)

Section 907. Street Pavement Widths.

See Road and Street Design Criteria – Chart 1

Section 908. Street and Alley Improvements.**Section 908.1. Specifications**

Unless otherwise specifically set forth herein, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction shall conform to the latest specifications of the Georgia Department of Transportation (Georgia DOT). See Road and Street Design Criteria – Chart 1 for reference. All curbing shall be Class “A” (as defined by GDOT) and have a minimum 28-day compressive strength of 3,000 PSI.

Section 908.2. Subgrade Preparation for All Streets

Subgrade preparation shall be in accordance with Georgia DOT specifications and these Regulations.

If any sections of the subgrade are composed of topsoil, organic, or other unsuitable or unstable material, such material shall be removed and replaced with suitable material and then thoroughly compacted as specified for fill or stabilized with stone or a geo-textile or geo-grid.

Fill shall be placed in uniform, horizontal layers not more than 8" thick (loose measurement). Moisture content shall be adjusted as necessary to compact material to 95% of maximum dry density except for the top 12" which shall be compacted to 100% of maximum dry density.

After the earthwork has been completed, all storm drainage, water, and sanitary sewer utilities have been installed within the right-of-way as appropriate, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades, and typical roadway section shown on the plans.

Utility trenches cut in the subgrade shall be backfilled as specified herein. Compaction tests at the rate of one per 150 feet of trench shall be provided to verify compaction.

The subgrade must pass roll testing prior to placement of the base material. With the approval of the Department, a geo-textile or grid may be used to stabilize a subgrade that does not pass proofrolling.

When the street is to be used for construction traffic before the paving work is completed, a layer of stone (except crusher run) shall be laid as a traffic surface. This material shall not be used as a part of the base material. It may be worked into the subgrade, or it shall be removed before the base course is set up for paving.

Provisions shall be made to drain low points in the road construction when the final paving is delayed. A break in the berm section is required when the curbing has not been constructed. After installation, drainage under the curb to side slopes is required, using minimum 4 inch diameter pipe sections.

Section 908.3. Project Access Improvement Standards

For sections 4 feet or greater in width, the section shall comply with the construction standards for new streets, in accordance with the street's category as shown on the Comprehensive Plan. The base course must pass roll testing prior to paving. If a delay in paving is reasonably expected by the Developer or the Department, the base shall be primed with 0.25 gallon of R.C. 70 per square yard and cured for 78 days before paving.

For sections less than 4 feet wide, 7 inches of Class "A" concrete base (5 inches on local and minor collector streets) and 1.5 inches of "E" or "F" topping shall be required.

Section 908.4. New Local Residential and Minor Residential Collector Streets (Curbed)

The base course shall consist of graded aggregate base as specified in the Road and Street Design Criteria – Chart 1. After being thoroughly compacted and brought to proper section, 2 inches of "B" binder shall be applied. If a delay in paving is reasonably expected by the Developer or the Department, the base shall be primed with 0.25 gallon of R.C. 70 per square yard the same day it is compacted, and cured for 7 days prior to paving. The "E" or "F" wearing course shall be applied after 90% of the houses on the street have been built, or prior to the end of the maintenance period (but after the 11th month), whichever occurs first. Prior to applying wearing course, a tack coat shall be applied to the binder course at a rate of no less than 0.05 gallons per square yard. Type of tack shall be approved by the Department prior to placement.

Section 908.5. Local Residential Streets (Not Curbed)

The road base shall be extended 1 foot beyond the edge of pavement and the shoulders shall extend 8 feet from the edge of pavement to a standard ditch section on each side (see Standard Drawings). Otherwise, the roadway shall comply with the standards for new residential subdivision streets, above.

Section 908.6. New Nonresidential Local Streets and Minor Collectors

Asphalt

The base course shall consist of at least 7 inches of graded aggregate base. After being thoroughly compacted and brought to proper section 2 inches of "B" binder shall be applied. If a delay in paving is reasonably expected by the Developer or the Department, the base shall be primed with 0.25 gallon of R.C. 70 per square yard the same day it is compacted, and cured for 7 days prior to paving. The final 1 inch of type "E" or "F" wearing course shall be applied after 90% of the buildings on the street have been built, or prior to the end of the maintenance period (but after the 11th month), whichever occurs first. Prior to applying wearing course, a tack coat shall be applied to the binder course at a rate of no less than 0.05 gallons per square yard. Type of tack shall be approved by the Department prior to placement.

Concrete

Seven (7) inches of Class "A" 3500 psi concrete is to be applied on a stabilized subgrade consisting of at least 150 pounds of stone per square yard mixed in four inches deep and compacted. The design and construction of the street shall comply with the Portland Cement Association standards.

Section 908.7. New Major Thoroughfares

Major Collectors, Minor Arterials and Major Arterials shall be constructed with designs prepared by Dawson County or Georgia DOT depending on the jurisdiction. If no design is provided for a Dawson County road, the criteria in Road and Street Design Criteria – Chart 1 shall apply.

Section 908.8. Curb and Gutter Requirements

1. Curb and gutter required. All streets within subdivisions shall provide curbs and gutters constructed with either precast concrete curb, or integral concrete curb and gutter conforming to Road and Street Design Criteria – Chart 1.
2. Exception to curb and gutter requirement. An exception may be made to the curb and gutter requirement in subdivisions where no sidewalks are required.

3. Curb and gutter shall be set true to line and grade, horizontal be field staked, and finished to the section shown on the plans. Along the Project Access Improvements of a road which the Department of Transportation has identified for resurfacing within 1 year of the new construction, the grade of the new gutter shall be placed 1" above the Project Access Improvement pavement grade in areas where drainage will not be adversely affected.
4. Line and grade shall be set by developer's engineer or surveyor on grade less than 2% and over 12%, and within 100 feet in both directions from all low points.
5. One-half inch expansion joints or premolded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 250 feet in the remainder of the curb and gutter.
6. Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
7. Disturbed areas along all curbing shall be backfilled, stabilized, and grassed.

Section 908.9. General Requirements for Road Construction

Defects shall be remedied as soon as they are discovered. New material shall be added if necessary, and defective portions shall be entirely removed.

The base course shall be maintained under traffic and kept free from ruts, ridge and dusting, true to grade and cross-section until it is primed.

No based material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.

Sealing of joints. Care and precaution shall be taken that all joints between the surface and mixture and such structures as manholes and curbs are well sealed.

Section 909. Guarantee Against Faulty Material

Final approval of street improvements shall be granted and streets accepted for maintenance by the county only in accordance with one of the following provisions:

1. (a) Developer will provide the Public Works Director with soil compaction reports and proof roll approvals before filling and for the subgrade. Four (4) out of five (5) tests shall exceed 95% standard proctor type testing. Compaction tests shall be performed at every utility crossing and must pass Dawson County requirements. Copies of all reports will be provided to the Public Works Director and Director of Planning and Development.
- (b) Developer will hire a Licensed Testing and Engineering Facility to carry out the testing required in this paragraph when inspections are not provided by the County.
- (c) All testing will be done in accordance with DOT specifications and standards.
2. Said street improvements shall have been completed and in place for a period of 18 months and shall, upon inspection, following such period of time, be found to be free from defective workmanship or material and from sink-holes or other settling.
3. Following otherwise satisfactory completion of such work, the subdivider shall post with the county a guaranty bond or other surety as approved by the governing body in an amount equal to twenty (20) percent of the development costs of the street for which acceptance is sought. Said bond will guarantee the county that said street has been installed in a workmanlike manner, that same is free

from defects caused by faulty material or workmanship, and that said street will remain in acceptable condition for a period of at least eighteen 18 months. Said guaranty bond shall be effective for a period of twenty-one (21) months. If, before the end of the eighteen 18 month period, the street is found to have settled or be otherwise unacceptable because of faulty workmanship or material, said defective street shall be repaired at the cost of the subdivider up to the amount of the guaranty bond, and upon the failure or refusal to do so within ninety (90) days after demand is made upon by the governing body, then the county shall make such repairs as are reasonably necessary, and recover the cost thereof.

4. A Certificate of Development Conformance (CDC) package will be required prior to Final Plat approval.

Section 910. Street Lights

Street lights may be provided by the developer in new subdivisions which propose the construction of a new street to be dedicated to the County. Street lights may be required under certain conditions such as the Land Use Ordinance, Master Plan or any conditional use deemed by the Planning Commission or Board of County Commissioners.

1. Prior to the approval of a Final Plat, the developer shall submit a copy of the approved Preliminary Plat to the power company having jurisdiction. The power company shall prepare a street light design drawn on the Preliminary Plat based upon AASHTO recommendation. The developer shall pay the power provider the appropriate cost for materials and installation. Proof of payment to the power provider shall be required.
2. All fixtures and poles shall meet the requirements of the County and all maintenance shall be the responsibility of the power provider. All street lights shall be shaded so that light shall be directed downward and not visible horizontally. Fixtures shall be mounted a minimum of 16 feet above the ground and each fixture shall have appropriate arm length to illuminate the street. The County, in addition to other requirements, may require a light to be located at street intersections within the development.
3. Upon acceptance of the street light installation by the County, the power provider shall submit monthly bills to the Property Owner's Association.

ARTICLE X

CONSERVATION SUBDIVISIONS

Section 1001. Purposes

- A. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- B. To provide for preservation of greenspace as a habitat protection measure and a water quality protection measure in connection with the Etowah Habitat Conservation Plan.
- C. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- D. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- E. To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- F. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- G. To promote interconnected greenways and corridors throughout the community.
- H. To promote contiguous greenspace with adjacent jurisdictions.

- I. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- J. To encourage street designs that reduce traffic speeds and reliance on main arteries.
- K. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- L. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- M. To preserve important historic and archaeological sites.

Section 1002. Definitions

A. Infiltration. The process of percolating stormwater runoff into the subsoil.

B. Open Space. The portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

C. Large impervious area. An area of impervious surface including, but not limited to, a parking lot of more than 10 spaces, large building, street, cul-de-sac, large amenities complex and other similar impervious area.

D. Small impervious area. An area of impervious surface such as a small swimming pool, or one small basketball court, or one tennis court, or a small maintenance building, or an historic home site, or an existing or new trail system, or some other similar impervious area.

E. Stream. Any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of less than 25 acres, Dawson County may require field studies to verify the existence of a stream.

F. Package plant for sewage treatment. Any plant which: (a) consists of units or modules designed for construction, assembly, connection and installation at the site for treatment of sewage; and (b) is privately owned and will be operated to treat wastewater and sewage for a limited area. The term does not include septic systems comprised of single or multiple septic tanks and leach fields.

G. Nonstructural Stormwater Management Practice. Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depression, and vegetated channels.

Section 1003. General Regulations

A. Applicability of Regulations. This Conservation Subdivision option is available in all single-family residential and agricultural districts as a use by right. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.

B. Ownership of Development Site. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

C. Housing Density Determination. The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

(1) **Calculation:** The maximum number of lots is determined by dividing the tract acreage by the minimum lot size specified in the underlying zoning.

(2) **Yield Plan:** The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible permitted by the underlying zoning classification. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

D. Minimum Lot Size. The minimum lot size in a Conservation Subdivision shall be 60 feet wide by 100 feet deep and 6,000 square feet. The density allowed by the underlying zoning limits the maximum tract density.

E. Perimeter Buffer. A 50-foot undisturbed buffer must be provided around the entire site. The buffer is only allowed to be disturbed for perpendicular road, drainage and utility crossings. In locations where the buffer would not provide a opaque screen from adjacent properties and roads, the buffer shall be planted or enhanced with vegetation to provide an opaque visual screen.

F. Street Trees. Street trees are required along all streets within the conservation subdivision. Street trees shall be 3-inch caliper shade tree species at the time of planting. The owner of the home adjacent to the street tree is responsible for pruning the tree in order to not interfere with pedestrian and vehicular traffic.

Section 1004. Application Requirements

A. Site Analysis Map Required. Concurrent with the submission of a site concept plan, the Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary site plan shall include the following features:

1. Property boundaries;
2. Relationship of the subject property to natural and man-made features existing within 1,000 feet of the site, noting whether surrounding property is slated for protection as greenspace in the county greenspace plan;
3. All streams, rivers, lakes, wetlands and other hydrologic features;
4. Topographic contours of no less than 10-foot intervals;
5. All Primary and Secondary Conservation Areas labeled by type, as described in Section D of this Article;
6. General vegetation characteristics;
7. General soil types;
8. The planned location of protected Open Space;
9. Existing roads and structures;
10. Potential connections of protected Open Space with existing greenspace and trails, including adjacent protected areas or adjacent non-protected natural lands that are possible candidates for inclusion as part of a future area of protected greenspace.

B. Open Space Management Plan Required. An open space management plan, as described in Section 5.E., shall be prepared and submitted prior to the issuance of a land disturbance permit.

C. Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 5.F., shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.

D. Four Step Design Process. All sketch plans or conceptual design plans for conservation subdivisions shall include documentation of a four-step design process in determining the layout of proposed Open Space lands, house sites, streets and lot lines, as described below.

Step 1: Delineation of Open Space Lands

- a. The minimum percentage and acreage of required Open Space lands shall be calculated by the applicant and submitted as part of the Concept Plan or Preliminary Plat (whichever is submitted first) in accordance with the provisions of this ordinance. Open Space lands shall include all Primary Conservation Areas and those parts of the Secondary Conservation Areas with the highest resource significance, as described in parts 3 and 4 of Step 1 below.
- b. Proposed Open Space lands shall be designated using the Site Analysis Map as a base map and complying with Section 5.A. herein, dealing with Open Space design standards. The Dawson County Greenspace Plan shall also be referenced and considered.
- c. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitabilities for inclusion in the proposed Open Space.
- d. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated so that, together with all Primary Conservation Areas, they meet at least the minimum area percentage requirements for Open Space lands. Secondary Conservation Areas should also be delineated in a manner clearly indicating their boundaries as well as the types of resources included within them.

Step 2: Location of House Sites

Potential house sites shall be tentatively located, using the proposed Open Space lands as a base map as well as other relevant data on the Site Analysis Map such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

Step 3: Alignment of Streets and Trails

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed Open Space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the municipality, when reasonable based upon the site features, and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).

Step 4: Drawing in the Lot Lines

Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

E. Other Requirements. The Applicant shall adhere to all other applicable requirements of the underlying zoning from the Land Use Resolution and the Subdivision Regulations.

Section 1005. Open Space

A. Definition. Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

B. Standards to Determine Open Space.

1. The minimum restricted Open Space shall comprise at least 40% of the gross tract area. Where practical, Open Space shall be contiguous with a minimum width of 50 feet.
2. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - a. The regulatory 100-year floodplain;
 - b. Buffer zones of at least 50 ft width along all perennial and intermittent streams;
 - c. Slopes above 35% of at least 5000 square feet contiguous area;
 - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - e. If populations of endangered or threatened species are found on the property, the Department of Natural Resources shall be contacted to develop a protection plan for the species in the Conservation Subdivision; and,
 - f. Archaeological sites, cemeteries and burial grounds.
3. The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.
 - a. Important historic sites;
 - b. Existing healthy, native forests of at least one acre contiguous area;
 - c. Individual existing healthy trees greater than 15 inches caliper dbh, as measured from their outermost drip line;
 - d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - e. Prime agricultural lands of at least five acres contiguous area; and,
 - f. Existing trails that connect the tract to neighboring areas.
4. Above-ground utility rights-of-way and easements and small areas of impervious surface small impervious areas may be included within the protected Open Space but shall not count towards the 40% minimum area requirement. (exception: historic structures and existing trails, defined as small impervious areas, may be counted). Large impervious areas shall be excluded from the Open Space.
5. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

C. Permitted Uses of Open Space. Uses of Open Space may include the following:

1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of porous paving with pervious materials;
4. Passive recreation areas, such as open fields;
5. Active recreation areas, provided that they are limited to no more than 10 percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space. Active recreation areas may include small impervious areas. These small

impervious areas shall not count towards the minimum open space requirement. Active recreation areas shall not include large impervious areas.

2. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, such activities are not conducted within Primary Conservation Areas, and no existing healthy, native forests of more than one contiguous acre in size are removed to allow for such activities.
3. Nonstructural stormwater management practices and structural stormwater management practices that allow for infiltration, such as bioretention areas;
4. Septic systems comprised of single or multiple septic tanks and leach fields located on soils particularly suited to such uses;
5. Easements for drainage, access, and underground utility lines; or
6. Other conservation-oriented uses compatible with the purposes of this ordinance.

D. Prohibited uses of Open Space.

1. Golf courses;
2. Roads, parking lots of more than 10 spaces and impervious surfaces, except as specifically authorized in the previous sections;
3. Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
4. Impoundments (can be within Open Space but the area of inundation shall not count toward the 40% requirement);
5. Package plants for sewage treatment;
6. Use of motorized vehicles, except for maintenance purposes as provided for in the Open Space Management Plan or electric golf carts; and,
7. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

E. Ownership and Management of Open Space.

1. Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.
2. Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:
 - a. allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - b. estimates the costs and staffing requirements needed for maintenance and operation of, and

- insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
 - c. provides that any changes to the Plan be approved by the Board of Commissioners of Dawson County;
 - d. provides for enforcement of the Plan; and
 - e. none of the required elements of the management plan may be changed.
3. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, Dawson County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties. The Homeowner's Association is bound to hold harmless the County and all of its employees or contractors from any damages incurred while performing maintenance in Open Space or other common elements of the neighborhood such as street trees, stormwater management facilities and recreational facilities.

F. Legal Instrument for Permanent Protection.

1. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - (a) A permanent conservation easement in favor of either:
 - i) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - ii) a governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
2. If the entity accepting the easement is not Dawson County, then a third right of enforcement favoring Dawson County shall be included in the easement;
 - (a) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
 - (b) An equivalent legal tool that provides permanent protection, if approved by Dawson County.
3. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

ARTICLE XI

VARIANCES

Section 1100. Purpose.

The purpose of a variance is to provide relief when a strict application of the subdivision regulations would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized or in a manner not authorized by the subdivision regulations.

Section 1101. Conditions.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this Article and the subdivision regulations. Guarantees and evidence may be required to show compliance.

- (a) The Planning Commission is responsible for considering and making recommendations on applications for variances, per article 8 of the Land Use Resolution.
- (b) The variance request shall specify which requirements are to be varied and shall specify alternative standards and requirements to be met.

Section 1102. Criteria for Granting Variances.

Variances may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, all four expressly written findings below are made:

- (a) that a strict or literal interpretation and enforcement of the specified standard or
- (b) requirement would result in practical difficulty or unnecessary hardship; and
- (c) that these are exceptional or extraordinary circumstances or conditions
- (d) applicable to the property involved or to the intended use of the property which do not apply generally to other properties; and
- (e) that the granting of the variance will not be detrimental to the public health, safety, or welfare; and
- (f) That the granting of the variance would support the general objectives contained within the Resolution. Variances in accordance with this Article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

Section 1103. Variance Procedures.

The following procedures apply:

- (a) Application for variance shall be filed with the Planning Commission on the form prescribed by the County, by any person with a legal interest in the property. The application shall specify the requirement(s) from which the applicant seeks a variance, the reasons said variance is necessary, and the plans, and other information required by the application in order to aid the decision makers.
- (b) The Planning Commission shall review the application and investigation report at the public hearing. The Planning Commission shall determine whether the evidence supports a finding that the required criteria have been met and recommend approval with conditions (if applicable), or denial of the application accordingly.
- (c) Appeals may be processed in accordance with Article 1400 & 1401 hereof.

Section 1104. Compliance with Conditions Approval.

Compliance with conditions imposed in the variance, and adherence to the submitted plans, as approved, is

required. Any departure from these conditions of approval and approved plans constitutes a violation of this Resolution or ordinance, which ever is applicable.

Section 1105. Vested Interest in Approved Variances.

A valid variance supersedes conflicting provisions of or amendments to this Resolution unless specifically provided otherwise by the provisions of this Article or the conditions of approval to the variance.

Section 1106. Investigations and Reports.

The Planning Development Director shall make or cause to be made an investigation to provide necessary information to insure that the action on each application is consistent with the variance criteria. Any report of such investigation shall be included in the application file.

Section 1107. Revocation.

Variances shall be automatically revoked if not exercised within one year of the date of approval unless an extension is sought and obtained from the Planning Commission.

Section 1108. Limitations of Reapplication.

Applications for which a substantially similar application has been denied shall be heard by the Planning Commission only after a period of twelve (12) months has elapsed from the date of denial.

Section 1109. Variances for Bona Fide Intra-Family Transfers.

- (a) Upon application the Planning Commission may grant a variance from any provision of this resolution if 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 or quit claim deed with consideration recited in the deed as "love and affection", and
 - 2. The grantor and grantee 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
 - 3. The conveyance meets all other applicable criteria for a variance under this resolution; and
 - 4. The purpose of the conveyance is not to subdivide property for sale or resale to persons not listed in subparagraph (b) or otherwise circumvent the provisions of this resolution and the applicant so states by sworn verification.

ARTICLE XII**INSPECTION****Section 1200. Inspection.**

The Board of Commissioners shall have the power to conduct or cause to be conducted such investigation as they may reasonably deem necessary to carry out the duties as prescribed in this Resolution, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of subdivision activities.

ARTICLE XIII**ENFORCEMENT****Section 1300. Stop Work Orders.**

Any person failing to comply with any provision of this Resolution shall be subject to a stop work order. Upon receipt of notice of the stop work order, work on any project that is being performed in violation of this Resolution shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

Section 1301. Civil Penalties.

Any person violating any provision of this Resolution shall be liable for a civil penalty of not less than \$100.00 per day or not to exceed \$500.00 per day. Each day the violation continues shall constitute a separate violation.

Section 1302. Enforcement In Magistrate Court.

Any person who shall do anything prohibited by this Resolution or who shall fail to do anything required by this Resolution shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Dawson County, and upon conviction, shall be assessed with any penalty, including fine, confinement, or both, allowed by law for the violation of county resolutions or ordinances. Each and every day that such violation exists shall be deemed a separate offense.

Section 1303. Other Penalties.

Any subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions of these regulations. Failure to comply with these regulations shall result in the County's refusal to accept the subdivision. The County shall also refuse to maintain, grade, pave or light any street in such subdivision unless such street shall have received the status of a public street prior to the effective date of these Regulations.

Section 1304. Enforcement By Injunction Or Mandamus.

The Board of Commissioners, in addition to other remedies, may institute injunction, mandamus or other appropriate action in a proceeding to stop the violation.

ARTICLE XIV

APPEALS

Section 1400. Administration by Planning Commission.

The Dawson County Director of Planning and Development is hereby assigned the responsibility for administration (other than enforcement which shall lie with the Board of Commissioners of this Resolution; provided, however, that any decision of the Board of Commissioners may be appealed to the Superior Court as provided herein).

Section 1401. Appeals of Decisions of the Planning Department.

Any decision or action of the Director of Planning and Development or the Public Works Director under this Resolution may be appealed to the Board of Commissioners of Dawson County; provided, however, that any such action or decision shall remain in full force and affect pending such appeal. If an applicant or permittee desires to appeal a decision or action of the Director of Planning and Development or the Public Works Director, he shall so notify the Board of Commissioners in writing within ten (10) calendar days of the date of the action or decision of the Director of Planning and Development or the Public Works Director. Upon receipt of this notice the Board of Commissioners shall establish a date and time on which the appeal shall be heard and shall notify the applicant or permittee in writing.

Section 1402. Appeals from Decisions of the Board of Commissioners.

Any decision of the Board of Commissioners may be appealed to the Superior Court of Dawson County.

ARTICLE XV

AMENDMENTS AND MODIFICATIONS

Section 1500. Amendments and Modifications.

These Regulations may be amended or modified. Before enacting an amendment or a modification to the Regulations, the County Planning Commission shall review and recommend the approval or disapproval and the Board of Commissioners shall hold two public hearings thereon, notice of which shall be published at least fifteen (15) days prior to such hearing in a newspaper of general circulation in Dawson County, Georgia. The decision of the Board of Commissioners shall be binding.

ARTICLE XVI

REMEDIES

Section 1600. Remedies

If any land is used in violation these Regulations, the Planning Commission, the County Engineer, the County Attorney, and the County Commission of Dawson County, or any adjacent property owners who would be damaged by such violation, in addition to other remedies, may institute legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute such a violation.

ARTICLE XVII

PENALTIES FOR VIOLATION

Section 1700. Penalties for Violation.

Any person violating any provision of these Regulations shall be guilty of violating a duly adopted Resolution of Dawson County. Violation of any provision of these Regulations is hereby declared a misdemeanor and, upon conviction, the offender shall be punished as provided by law. Each day such violation continues shall constitute a separate offense.

Any subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions of these Regulations. Failure to comply with the regulations herein shall result in the following:

1. The jurisdictional unit shall not accept the subdivision, nor shall it improve, maintain, grade, pave, or light any street within such subdivision unless such street shall have received the status of a public street prior to the effective date of these Regulations.

ARTICLE XVIII

LEGAL STATUS PROVISION

Section 1800. Validity/Severability.

Should any section, clause, or provision these Regulations 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 severable.

Section 1801. Repeal of Previous Resolutions.

All resolutions or parts of resolutions in conflict with the terms of the Resolution are hereby repealed, but it is hereby provided that any resolution or law which may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be literally construed to be in favor of Dawson County is hereby adopted as a part hereof.

Section 1802. Conflict with Other Laws.

Whenever the provision of the resolution impose more restrictive standards than are required under any other statute, the requirements of this resolution shall govern.

Section 1803. Liability.

Neither the approval of a plat under the provisions of this Resolution, nor the compliance with the provision of this Resolution shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon Dawson County for damage to any person or property.

Section 1804. Effective Date.

These Regulations shall take effect and be in force from and after the adoption and enactment of the Land Development Resolution of which the Regulations are a part, the public and welfare demanding it.

Approved this 19th day of August, 2010.

DAWSON COUNTY, GEORGIA

ATTEST:

Mike Berg, Chairman

Kristie Keylon, Interim County Clerk

Road and Street Design Criteria - Chart 1

	Minimum Right-of-Way Required (ft)	Minimum Pavement Width (ft)	Shoulder Width (ft)	Intersection R/W Radius (ft)	Intersection Radius (curb)(ft)	Crushed Stone Base (inches)	Intermediate Course	Surface Course	Curbing Dimensions	Cul-de-sac R/W Radius (ft)	Cul-de-sac Pavement Radius (ft)
Common Driveway ²	30 (private easement)	16	2		25	5	N/A	2" Type E or F	N/A	N/A	N/A
Alley	20 (private easement)	16	2		25	5	N/A	2" Type E or F	N/A	N/A	N/A
Local Residential Street (curbed)	50	20	11	14	25	6	2" Type "E"	1.25" Type "F"	6" x24" x12"	57.5	47.5
Local Residential Street (not curbed)	60	24	8	17	25	6	2" Type "E"	1.25" Type "F"	N/A	57.5	47.5
Local Commercial Street	60	24	11	19	30	8	3" Type B Mod.	1.5" Type E or F	8" x24" x14"	60	50
Local Industrial Street	60	26	11	29	40	8	4" Type B Mod.	2" Type "E"	8" x24" x14"	60	50
Minor Residential Collector	60	20	11	14	25	8	2" Type "E"	1.25" Type "F"	6" x24" x12"	57.5	47.5
Minor Non-Residential Collector	60	26	11	29	40	8	4" Type B Mod.	2" Type "E"	8" x24" x14"	57.5	47.5
Major Collector	100	66 - 4 through + center	11	29	40	10	4" Type B Mod.	2" Type "E"	8" x30" x14"	N/A	N/A
Minor Arterial	100	66 - 4 through + center	11	29	40	10	4" Type B Mod.	2" Type "E"	8" x30" x14"	N/A	N/A
Major Arterial	100	66 - 4 through + center	11	29	40	10	4" Type B Mod.	2" Type "E"	8" x30" x14"	N/A	N/A

1. Measured at edge of pavement.

2. Used only within Minor Subdivisions (5 lots or less)

Road and Street Design Criteria - Chart 2

	Minimum Design Speed (mph)	Maximum Grade	Stopping Sight Distance (ft) ¹	Minimum Centerline Radius (ft)	Superelevation Allowed	Minimum k (crest) ²	Minimum k (sag) ²	Minimum Tangent Between Curves (ft)	Approach Distances at Major Intersections (ft) ³
Common Driveway	10	14%	60	30	No	3	10	20	N/A
Alley	10	14%	60	30	No	3	10	20	N/A
Local Residential Street	20	14%	115	110	No	10	20	50	50
Local Commercial Street	20	14%	115	110	No	10	20	50	50
Local Industrial Street	30	14%	115	110	No	10	20	50	50
Minor Residential Collector	30	10%	200	340	No	19	37	75	75
Minor Non-Residential Collector	30	10%	200	See AASHTO	Yes	19	37	75	75
Major Collector	40	10%	305	See AASHTO	Yes	44	64	100	75
Minor Arterial	40	10%	305	See AASHTO	Yes	44	64	100	100
Major Arterial	50	8%	425	See AASHTO	Yes	84	96	125	100

1. Stopping sight distances must be adjusted to factor in road grade per AASHTO criteria

2. Adhering to minimum values will not necessarily ensure adequate sight distance for all conditions

3. Where a street approaches a major thoroughfare, a grade not exceeding 2% must be maintained for the following distances (measured from the edge of pavement of the through street to the PVC of the intersecting street)