

# **Bogart Subdivision Regulations**

*November 2007*



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**Sec. 39-102-1. TITLE**

An ordinance regulating the subdivision of land in the City of Bogart, Georgia requiring and regulating the preparations and presentation of preliminary and final plats for such purpose; establishing minimum subdivision design standards; requiring minimum improvements to be made or guaranteed to be made by the subdivider; setting forth the procedure to be followed by the Mayor and Council in applying these rules, regulations, and standards; and prescribing penalties for the violation of its provisions.





## ARTICLE I. GENERAL PROVISIONS

### Sec. 39-102 -1.1. Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of Bogart, Georgia (hereinafter "these regulations").

### Sec 39-102-1.2. Policy

1. It is declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of Bogart pursuant to the comprehensive plan of the city for the orderly, planned, efficient, and economical development of the city.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Map, and the capital budget and program of the city, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, Official Map and land use plan, and the capital budget and program of the city.
4. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulations(s) identified in Section 39-102-1.3.

### Sec. 39-102-1.3. Purposes

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the city.
2. To guide the future growth and development of the city in accordance with the Comprehensive Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, and to protect environmentally critical areas and areas premature for urban development.
5. To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proposed location and width of streets and building lines.

8. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
9. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measure to ensure that the development provides its fair share of capital facilities needs generated by the development.
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the city.
13. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest.
14. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

#### **39-102-1.4. Authority**

These regulations are adopted in accordance with, and under the power of, the 1983 Constitution of the State of Georgia (Article XI, Section II, Paragraphs I and IV). The Mayor and Council is vested with the authority to review, approve, conditionally approve, or disapprove applications of the subdivision of land, including, preliminary, plats, construction plans, stormwater management plans and final plats. The Mayor and Council may grant a variance from these regulations pursuant to the provisions of Section 39-102-1.13.

#### **39-102-1.5. Jurisdiction**

1. These regulations apply to all subdivision of land, as defined in Section 39-102-2.2, located within the corporate limits of Bogart.
2. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Mayor and Council in accordance with these regulations.
3. The Mayor and Council also shall have the authority to review and approve, conditionally approve or disapprove the sale, lease, or development of lands subdivided prior to or following the effective date of these regulations as follows:
  - a. The plat of the subdivided land was recorded without the prior approval of the Mayor and Council whether or not prior approval was required at the time the land was subdivided and the plat contains contiguous lots in common ownership where one or more lots are undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
  - b. The plat of the subdivided land has been of record for more than five (5) years, was not approved after the effective date of these regulations and contains contiguous lots in common ownership where one or more of the contiguous lots are undeveloped, whether the

lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;

- c. The plat has been of record for more than five (5) years, was approved after the effective date of these regulations and contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped and one or more is nonconforming under the zoning ordinance, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;
4. No land described in this Section 39-102-1.5 shall be subdivided or sold, leased, transferred or developed until each of the following conditions has occurred in accordance with these regulations:
  - a. The subdivider or his agent has submitted a conforming preliminary plat of the subdivision to the City of Bogart for review and recommendation to the Mayor and Council; and
  - b. The subdivider or his agent has obtained approval of the preliminary plat when required, the construction plans when required, the stormwater management plan when required and a final plat from the Mayor and Council; and
  - c. The subdivider or his agent files the approved plats with the Clerk of the Oconee County or Clarke County Superior Court, as appropriate.
5. No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

#### **Sec. 39-102-1.6. Enactment**

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of November 5, 2007. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the City unless the Mayor and Council determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

#### **Sec. 39-102-1.7. Interpretation, Conflict, and Separability**

##### **1. Interpretation.**

In their interpretation and applications, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

- a. *Public Provisions.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- b. *Private Provisions.* These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the Mayor and

Council in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

**2. Separability.**

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Mayor and Council hereby declare that it would have enacted the remainder to these regulations even without any such part, provision, or application which is judged to be invalid.

**Sec. 39-102-1.8. Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue or, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any persons, firm, or corporation by lawful action of the city except as shall be expressly provided for in these regulations.

**Sec. 39-102-1.9. Reservations and Repeals**

Upon the adoption of these regulations according to law, the Subdivision Regulations of Bogart adopted October 5, 1987, and as amended, are hereby repealed, except as to those sections expressly retained in these regulations. Upon the adoption of the Ordinance Regulating the Subdivision of Land adopted September 8, 1997 and as amended, are hereby repealed

**Sec. 39-102-1.10. Amendments**

For the purpose of protecting the public health, safety, and general welfare, the Mayor and Council may from time to time propose amendments to these regulations which shall then be approved or disapproved by the Mayor and Council at a public meeting following public notice. Before enacting any amendment to this Ordinance, the Mayor and Council shall hold a public hearing within thirty (30) days of the date of the submission of a request for an amendment. A public notice shall be given at least fifteen (15) days prior to the public hearing in the legal organ of the county.

**Sec. 39-102-1.11. Resubdivision of Land**

**1. Procedure for Resubdivision.**

Whenever a developer desires to resubdivide an already approved final subdivision plat, the developer shall first obtain approval for the Resubdivision by the same procedures prescribed for the subdivision of land.

**2. Resubdivision. Resubdivision includes:**

- a. Any change in any street layout or any other public improvement;
- b. Any change in any lot line;
- c. Any change in the amount of land reserved for public use or the common use of lot owners;
- d. Any change in any easements shown on the approved plat.

**3. Waiver.**

Whenever the Mayor and Council, in its sole discretion, makes a finding on the record that the purposes of these regulations may be served by permitting Resubdivision by the procedure established in this Sec. 39-102-1.11(3), the Mayor and Council may waive the requirement of Sec. 39-102-1.11(1). The Mayor and Council, after an application for resubdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation and shall provide personal notice to property owners in the subdivision. The notice shall include:

- a. The name and legal description of the subdivision affected by the application;
- b. The proposed changes in the final subdivision plat;
- c. The place and time at which the application and any accompanying documents may be reviewed by the public;
- d. The place and time at which written comments on the proposed resubdivision may be submitted by the public; and
- e. The place and time of the public meeting at which the Mayor and Council will consider whether to approve, conditionally approve, or disapprove the proposed resubdivision.

**4. Procedure for Subdivisions When Future Resubdivision is Indicated.**

Whenever land is subdivided and the subdivision plat shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be resubdivided, the Mayor and Council may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a requirement of plat approval.

**Sec. 39-102-1.12. Public Purpose**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this city. The developer has the duty of compliance with reasonable conditions laid down by the Mayor and Council for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the city and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

**Sec. 39-102-1.13. Variance, Exceptions, and Waiver of Conditions**

**1. General.**

Where the Mayor and Council finds purposes of these regulations may be served to a greater extent by an alternative proposal, the Mayor and Council may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Mayor and Council shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out provided that the variance, exception or waiver of conditions does not contribute an unlawful act or consequences prohibited by law.

- d. The relief sought will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, except that those documents may be amended in the manner prescribed by law.

**2. Conditions.**

In approving variances, exceptions, or waivers of conditions, the Mayor and Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 39-102-1.3.

**3. Procedures.**

A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Mayor and Council. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

**Sec. 39-102-1.14. Enforcement, Violations, and Penalties**

**1. General.**

- a. It shall be the duty of the Building Inspector to enforce these requirements and to bring to the attention of the Mayor and Council any violations thereof.
- b. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Mayor and Council in accordance with the provisions of these regulations and filed with the Clerk of the Superior Court of Oconee County or Clarke County, as appropriate.
- c. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
- d. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

**2. Violations and Penalties.**

Any person who violates any of these regulations shall be subject to a fine of not more than \$500.00, or imprisonment for a term not exceeding six (6) months, or both. Each day a violation continues is a separate offense.

**3. Civil Enforcement.**

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

**Sec. 39-102.1.15. Appeals**

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

## ARTICLE II. DEFINITIONS

### Sec 39-102-2.1. Generally

When used in this ordinance, the following words and phrases shall have the meaning given in this section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent 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 "person" includes a "firm," "association," "organization," "trust," "company," or "corporation" as well as an "individual." The word "building" includes the word "structure."

### Sec. 39-102-2.2. Words and Terms Defined

When used in this ordinance, the following words and phrases shall have the meaning given in this section:

Alley. A platted service way providing a secondary means of access to abutting properties.

Applicant: The owner of land proposed to be subdivided or his/her representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond. Any form of a surety bond in an amount and form satisfactory to the Mayor and Council. All bonds shall be approved by the Mayor and Council whenever a bond is required by these regulations.

Building. Any structure, either permanent or temporary, or above or below ground, and designed, built or used as a shelter or enclosure for persons, animals, or property of any kind.

Building Inspector. The authorized Building Inspector for Bogart, Georgia.

Building Line. A line, parallel to the street line, beyond which the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

Building Permit. A written permit issued by the Building Inspector.

Central Water System. A private water system formed by a developer to serve a new subdivision in an outlying area. It includes water treatment and distribution facilities.

Central Sewerage System. A private sewerage system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Certify. Whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the city by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

City Attorney. The attorney so designated by the Mayor and Council.

City Engineer. The engineer so designated by the Mayor and Council.

Collector Road. A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

City. The City of Bogart, Georgia.



City Clerk. The City Clerk for Bogart, Georgia.

City Engineer: The City Engineer for Bogart, Georgia.

Common Ownership. Ownership by the same person, corporation, firm entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock broker, partner, or associate, or a member of his family owns an interest in each corporation, firm partnership, entity, or unincorporated association.

Comprehensive Plan. The Joint City/County Comprehensive Plan for Oconee County and the cities of Bishop, Bogart, North High Shoals, and Watkinsville, January 1992, and as may be amended or updated.

Construction Plans. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Mayor and Council as a condition of the approval of the plat.

Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot

Cul-de-Sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

County Sanitarian. The sanitarian for Oconee County, Georgia.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises in order to undertake subdivision development.

Drainage Easement. An area set aside for the purpose of transporting storm water. Maintenance of the easement is the responsibility of the private property owner unless dedicated to and accepted by the City.

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

Easement. A grant of one (1) or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Final Plat. The map of a subdivision to be recorded after approval by the Mayor and Council and any accompanying material as described in these regulations.

Frontage. The distance for which the front boundary line of the lot and the street line are coincident. For the purpose of corner lots, all sides of a lot adjacent to streets shall be considered frontage.

Frontage Street. The street coincident to the front boundary line of the parcel.

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

Health Department. The Oconee County Health Department.

Household. Any person or persons who reside or intend to reside in the same housing unit.

Landscaping. Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer or ownership, or possession, or for building development.

Lot Improvement. Any building, structure, place, work of art, or other object situated on a lot.

Lot, Double Frontage. A lot having frontage on two (2) streets as distinguished from a corner lot.



Lot, Corner. A lot abutting two (2) or more streets at their intersection where the interior angle of the intersection does not exceed one hundred and thirty-five degrees (135°).

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of local government facilities or the creation of any public improvements.

Master Preliminary Plat. That portion of a preliminary plat submitted in connection with a multi phase or phased subdivision application which provides the information and graphics meeting the requirements of this ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

Mayor and Council. The Mayor and Council for the City of Bogart, Georgia.

Minor Subdivision. All subdivisions that create a maximum of three (3) lots or less provided that:

1. Each lot in the proposed subdivision abuts an existing street for a minimum distance of one hundred (100) feet and the depth shall not exceed three (3) times the width.
2. The proposed subdivision shall be directly accessible to existing required improvements that shall be necessary for connection to existing utilities and other existing facilities.
3. The combination or recombination of portions of previously platted lots is permitted where the total number of lots is not increased and the resultant lots comply with the standards of these Regulations and all other ordinances and resolutions of Bogart, Georgia.

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

New Development. A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City's subdivision regulations, the issuance of a building permit, or connection to the County's water or sanitary sewer system.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial.

Official Map. The map established by the Mayor and Council pursuant to law showing the streets, highways, parks, drainage systems and setback lines laid out, adopted, and established by law, and any amendments or additions to adopted by the Mayor and Council resulting from the approval of subdivision plats by the Council and the subsequent filing of approved plats.

Official Submission Date. The date of the meeting of the Mayor and Council at which the public hearing on approval of a preliminary or final subdivision plat, including any adjourned date thereof, is closed, shall constitute the Official Submission Date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the preliminary or final subdivision plat shall commence to run.

Open Spaces. A parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Open space shall be substantially free of structures, but may contain such improvements as are in the plans as finally approved and are appropriate for the benefit of residents of the development. Unless dedicated and accepted by the Mayor and Council, city maintenance shall be the responsibility of all property owners within the subdivision.

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

Parcel. A general term including all plots of land shown with separate identification on the official tax maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

Phased Subdivision Application. An application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phases(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments.

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 Mayor and Council for approval.

Public Hearing. An adjudicatory proceeding held by the Mayor and Council preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted.

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

Public Utilities. An entity engaged in regularly supplying the public with some commodity or service which (1) is of public consequence or need, such as electricity, gas, water, transportation, or telephone services; (2) are regulatory and controlled by a state or federal regulatory commission; and (3) often have the power of eminent domain.

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

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

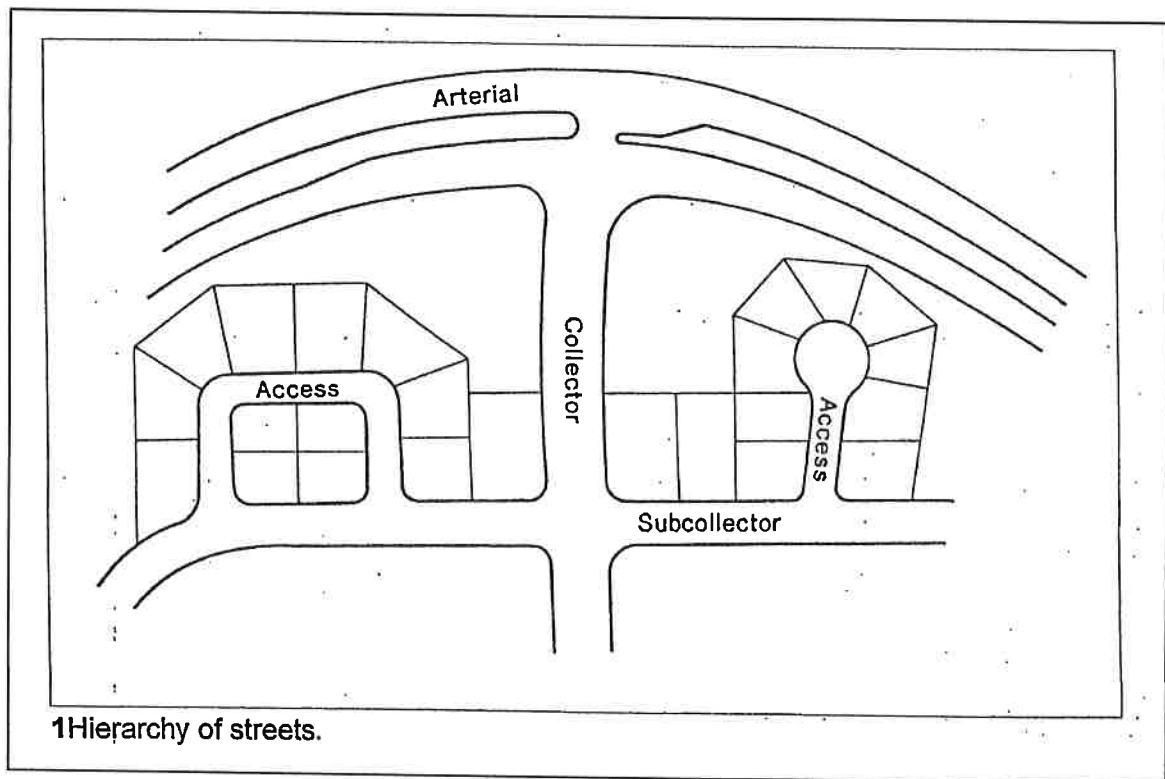
Security. The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.

Setback. The distance between a building and the street right-of-way line nearest to the building.

Street. Streets within Bogart shall be classified as to one of the following:

1. Arterial: An arterial is a high-volume street that should have no residences on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.
2. Collector: As the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic; as such, communities should not encourage parking or residences along a collector. The collector's secondary function is to serve abutting land uses. A collector street may also accommodate public transit such as buses.
3. Subcollector: The subcollector provides passage to access streets and conveys traffic to collectors. Like the access street, the subcollector provides frontage and access to residential lots but also carries some through traffic to lower-order (access) streets. The subcollector is a relatively low-volume street. Subcollectors usually serve more dwellings than an access street and carry a small volume of through traffic to one or more access streets.
4. Access: Sometimes called a place or land, the access street is designed to conduct traffic between dwelling units and higher order streets. The access street usually carries no through traffic and includes short streets, cul-de-sac, and courts. Access streets are noteworthy for their complete lack of through traffic and for the fact that they serve only a few dwelling units.

1 – Hierarchy of streets



Subdivide. The act or process of creating a subdivision.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develops or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision.

Surveyor. A registered surveyor, licensed by the State of Georgia.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Mayor and Council for approval and which, if approved, may be submitted to the Clerk of the Superior Court for Oconee County for filing.

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

Vested Rights: Right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.

### **ARTICLE III. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**