



SUBDIVISION
REGULATIONS
2003

FULTON COUNTY, GEORGIA

Effective Date August 4, 2003

Inclusive Of All Amendments
Through November 4, 2015

TABLE OF CONTENTS

Article I	Title and Purpose	Page 3
Article II	Authority and Application	Page 4
Article III	Definitions	Page 6
Article IV	Requirements	Page 11
Article V	General Principles of the Land	Page 15
Article VI	Conservation Subdivision Ordinance	Page 17
Article VII	Cedar Grove Agricultural Subdivision Ordinance	Page 24
Article VIII	Design Standards	Page 30
Article IX	Required Improvements	Page 38
Article X	Fees	Page 50
Article XI	Administration and Enforcement	Page 51
Article XII	Violation and Penalty	Page 53
Article XIII	Conflict	Page 54
Article XIV	Adoption	Page 55
Article XV	Severability	Page 56

ARTICLE I

TITLE AND PURPOSE

1.1 TITLE

The title of these regulations shall be known as “The Subdivision Regulations of Fulton County, Georgia.”

1.2 PURPOSE

These rules and regulations are intended to serve the following purposes, among others:

- A. To protect and promote the health, safety, and general welfare of the residents of Fulton County.
- B. To encourage economically sound and stable land developments.
- C. To assure the adequate provision of roads, access, utilities, and other facilities and services to new land developments in conformance with public improvement standards and regulations of Fulton County, Georgia.
- D. To assure the adequate provision of safe and convenient traffic access, connectivity to other developments or facilities, and efficient circulation (both vehicular and pedestrian) in new land developments.
- E. To assure the provision of needed open space and building sites in new land developments through dedication or reservation of land for recreational, educational, environmental, green space, bikeways and pedestrian trails, and other public purposes.
- F. To assure equitable handling of all requests for the subdivision of land by providing uniform procedures and standards for the subdivider.

ARTICLE II

AUTHORITY AND APPLICATION

- 2.1 The subdivision rules and regulations are adopted under the authority of Article IX, Section II, Paragraph IV and Article IX, Section II, Paragraph I of the 1983 Constitution of the State of Georgia.
- 2.2 Any subdivider of land within unincorporated Fulton County shall submit to the Director of the Department a minor or final plat. Minor and final plats must be properly filed and conform to all requirements set forth in these regulations. (Amended 11/04/15)
- 2.3 No person, firm, corporation, owner, agent or subdivider shall sell, transfer or agree to sell any subdivided land without the minor or final plat of that subdivision having been confirmed by the Board of Commissioners of Fulton County.
- 2.4 No subdivider shall proceed with any construction work on the proposed subdivision, including clearing, grading or grubbing, before obtaining the appropriate approvals and permits.
- 2.5 No land shall be dedicated, opened, extended or accepted as a public street or for any other public purpose before obtaining final approval from the Director and confirmation by the Board of Commissioners. The approval shall be entered in writing on the Final Plat by the Director. Any subdivider of property for public purpose (other than roads) shall be transferred by deed.
- 2.6 No building permit shall be issued within the unincorporated area of Fulton County unless legal access is provided to a public street or a private street approved under the terms of these rules and regulations.
- 2.7 In residential subdivisions, building permits shall not be issued for any approved minor plat or final plat until after the approval of the Director and the Board of Commissioners' confirmation. (Amended 11/04/15)
- 2.8 The divisions of property by court order, including but not limited to judgments of foreclosure or consolidation and disbursement of existing lots by deed or other recorded instruments, shall not be considered a subdivision for purposes of, and shall not obviate the necessity for compliance with, these regulations.
- 2.9 The subdivider shall be allowed one (1) building permit for a model home for each fifteen (15) lots located in the proposed subdivision, provided the subdivider provides an Agreement to Install Improvements Form and a cash surety equal to 125% of the cost for the remaining infrastructure improvements, based on written estimates by the design professional for the project. Notwithstanding the permitted rate for model homes, the maximum number of building permits for model homes to be allowed in any one subdivision shall not exceed 10.

The following shall apply for lots where model homes are allowed:

- A. The lots shall be located within 300 feet of an active fire hydrant;

- B. Main sewer and water lines for these lots shall be installed by the developer and be subject to review and approval by Fulton County, installation of these lines shall take place prior to issuance of the Certificate of Occupancy; and
- C. The lots shall have a minimum of twenty (20) foot wide fire access road extending from a paved public street to within 100 feet of the proposed structure.

ARTICLE III

DEFINITIONS

3.1 PURPOSE

Words not defined herein shall be construed to have the meaning given by Webster's New Collegiate Dictionary, tenth edition.

3.2 DEFINITIONS

Unless otherwise expressly stated, the following terms shall have the meaning herein indicated.

Alley or Service Drive - A minor, permanent vehicular service access to the back or the side of properties otherwise abutting a street.

Amenity - Means the common areas, structures, buildings, improvements, and facilities that are owned or maintained by the homeowners association in a common interest within a subdivision. Amenities include, but are not limited to, recreation facilities, parking areas, driveways, private roads, common landscapes, drainage structures, and other common property. (Added 6/20/2007)

Bike Paths - These paths serve to separate bicycle riders from vehicle and pedestrian traffic. Bike paths can meander through wooded areas, traverse the edge of open areas, and may (in many instances) parallel existing roadways or walks.

Block - A parcel of land or lots entirely surrounded by public or private roads, other than alleys.

Board of Commissioners - The Board of Commissioners of Fulton County, Georgia.

Buildable Area - That portion of a lot where buildings and specified structures may be located after all minimum yards, buffers, landscape strips, and other setbacks have been met.

Building Setback Line - A graphic representation of the required minimum horizontal distance between a building and the related front, side, or rear property lines which establish the minimum space to be provided between the building and property line(s).

Crosswalk - A right-of-way dedicated to public use, four (4) feet or more in width, that crosses a street and furnishes a specific area for pedestrian movements at an intersection.

Cul-de-sac - A street having only one connection to another street and being permanently terminated by a vehicular turn-around.

Cul-de-sac, Temporary - A street having one end open to traffic and being temporarily terminated by a vehicular turn-around. This temporary termination is to provide connectivity to future developments.

Department - Department of Planning and Community Services or future name as adopted by the Board of Commissioners. (Added 11/04/15)

Developer – any person or legal entity undertaking development.

Director - Director of the Department. (Added 11/04/15)

Driveway, access or shared - A paved area used for ingress or egress of vehicles, and allowing access from a street to a building, other structure or facility.

Driveway, Single-family Residential, access or shared (Private Drive) - A paved or unpaved area used for ingress or egress of vehicles which allows access from a street to a building, other structure, or facility for no more than three (3) single-family residential lots.

Easement - A grant by the property owner for use by the grantee of a portion of land for specified purposes.

Health and Wellness Department - The Fulton County Health and Wellness Department or future name as adopted by the Board of Commissioners or authorized representative thereof. (Amended 11/04/15)

Homeowner’s Association - A corporation formed for the purpose of exercising the powers of the members of any common interest community or subdivision. (Added 6/20/2007)

Land Disturbance Permit - An official authorization issued by the Department, allowing defoliation or alteration of a site or the commencement of any construction activities, including, but not limited to, clearing, grubbing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as defined in the Official Code of Georgia Annotated 1-3-3 (O.C.G.A.).

Lot - The basic lawful unit of land, identifiable by a single deed established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. In determining the area and dimension of a lot, no part of right-of-way of a road, crosswalk or required buffer per zoning condition or the Zoning Resolution may be included. (Amended 11/04/15)

Lot, Minimum Lot Size - The smallest permissible lot area established by the Zoning Resolution or conditions of zoning.

Lot, Corner - A lot abutting two or more streets at their intersection.

Lot, Double/Multiple Frontage - A lot other than a corner lot abutting two or more streets that may or may not intersect at that lot.

Open Space - 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. (Added 11/04/15)

Pavement - (1) A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate passage, gravel shall not be considered pavement; (2) that part of a street having an improved surface. (Added 11/04/15)

Plat - A map indicating the subdivision or re-subdivision of land, intended to be filed for recording.

Plat, Final - A finished drawing of a subdivision that provides a complete and accurate depiction of all legal and engineering information required by the Subdivision Regulations. Certification for recording and ratification of the Director's approval by the Fulton County Board of Commissioners is required.

Plat, Minor - A finished drawing of a single family residential subdivision of no more than three (3) lots that, at the time of subdivision, does not necessarily, but may involve a land disturbance permit, new roads, the extension of a utility or other municipal facility and depicts all legal and engineering information required by these Subdivision Regulations. (Amended 11/04/15)

Public Works Department - The Fulton Public Works Department or future name as adopted by the Board of Commissioners or authorized representative thereof. (Added 11/04/15)

Right of Way Dedication and Reservation Plan - An element of the Fulton County Comprehensive Transportation Plan maintained by the Department of Public Works which includes guidelines and/or procedures for the dedication and reservation of rights-of-way along public roadways. (Amended 11/04/15)

Standard Details - Illustrative minimum standards for land development activities authorized under the land development regulations of the County. These standards shall not supersede more restrictive prudent design requirements or good engineering practices as applied to specific situations on a case-by-case basis. All construction shall meet or exceed the Fulton County minimum standards established by the Georgia Department of Transportation.

Street Classifications - The classification of streets based on functions, from high-traffic arterial roads to low traffic residential streets. The following are definitions intended to distinguish between different street classifications. All Roadways are classified per the Georgia Department of Transportation:

- A. **Freeway** - a multi-lane roadway that has full access control and separation of directional traffic. Freeways accommodate large volumes of high speed traffic and provide efficient movement of vehicular traffic for interstate and major through travel.
- B. **Arterial** - a functional classification for a street or highway that provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.
- C. **Principal Arterial** - a roadway that has partial or no access control, and is primarily used for fast or large volumes of traffic. Emphasis is placed on mobility rather than access to adjacent land.
- D. **Minor Arterial** - a roadway that has partial or no access control and is primarily used for inter-connectivity of principal arterials and placing more emphasis on access to adjacent land over mobility.

- E. **Collector** - a roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose is to distribute trips to and from the arterial system and allow access to the local roads.
- F. **Local** - any roadway that has no access control, and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.
- G. **Full Access Control** - a street or highway to which owner or occupants abutting land have complete right of access.
- H. **No Access Control** - a street or highway to which owner or occupants abutting land have no right of access.
- I. **Partial/Limited Access Control** - a street or highway to which owner or occupants abutting land have little or no right of access.
- J. **Frontage Street** - A road that typically runs parallel to a partial access controlled roadway, a full access controlled facility, or a railroad. Frontage roads provide public access to the adjacent parcels, help control access to the major facility, and/or maintain circulation of traffic on each side of the major facility.

Street, Residential - The following definitions are intended to distinguish between different categories of streets internal to residential subdivisions:

- A. **Major Subdivision Street:** a local road internal to a subdivision which serves 50 or more housing units. These units do not have to be directly served by the major subdivision street. Major subdivision streets are roads that serve as collectors for the subdivision traffic. Any residential street which accesses a collector or arterial road shall be considered a major subdivision street for the first 300 feet regardless of housing unit service.
- B. **Minor Subdivision Street:** a local road internal to a subdivision which serves fewer than 50 housing units and does not access a collector or arterial road.
- C. **Housing Unit Service:** The number of housing units served by a street or collection of streets shall be the aggregate number of housing units provided, or potentially to be provided, with driveway access directly from the street(s) plus the number of units utilizing or potentially utilizing the street(s) for through traffic movements. Such calculations shall be made beginning and ending at the same street intersection.

Stub-out road- A road having one end open to traffic and being temporarily terminated at the other. Stub-outs generally do not have a temporary vehicular turn-around. This temporary termination is to provide connectivity to future developments and may be constructed without curb and gutter provided such stub-out street meets the standards of the Fulton County Fire Department.

Subdivider - Any property owner, person, individual, firm, partnership, association, corporation, estate, trust, agent of property owner, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as herein defined

Subdivision, residential and non-residential - Any division of a lot, tract or parcel, regardless of its existing or future use, into two (2) or more lots, tracts or parcels. The term “subdivision” may mean the act or process of dividing property, except that, where appropriate to the context, the term “subdivision” may be used in reference to the aggregate of all lots held in common ownership at the time of subdivision.

Traffic Mitigation Action Plan - A plan that studies and addresses the number of trips a subdivision will produce when such development results in the reduction of the level of service on any roadway currently functioning at “D” or worse in accordance with the County Transportation Standards. This plan shall include, but is not limited to, roadway improvements and other proposals such as providing transit access, transit use incentives, car/van pooling, bicycle path construction, off-site and internal sidewalk construction, and lunch trip reduction. Such plan shall mitigate the traffic impact in a manner that will show no negative impact on roads with level of service of “D” or worse.

Trails, Pedestrian or others - Extended and usually continuous strips of land established independently of other routes of travel and dedicated, through ownership or easement, to recreational travel including hiking, horseback riding, etc.

Utility Accommodations / Guidelines and Procedures - A County program maintained by the Department of Public Works which includes installing, maintaining, repairing, operating, or using a pole line, buried cable, pipeline, or miscellaneous utility facility, and performing miscellaneous operations authorized by a utility permit.

Utility Permit - An official authorization issued by the Department of Public Works, allowing alteration of land within the right-of-way for the commencement of any construction activities pertaining to utility installation or relocation.

Zoning Resolution - The Zoning Resolution of Fulton County, Georgia.

ARTICLE IV
REQUIREMENTS

4.1 SUBDIVIDING OR RECOMBINING PROPERTY

All proposals to subdivide combine or recombine parcels of land under the provision of these regulations shall be in compliance with the Fulton County Standard Procedures and Guidelines for Subdividing Property.

- 4.1.1 All final plats, replats and minor plats shall have the consent of the owners of all affected lots shown on said plat. Replats or new plats showing modifications to common areas shall require the consent of owners of all lots shown in the original final plat.
- 4.1.2 Proposals for the subdivision, combination or recombination of lawful previously platted lots or parcels, or portions thereof, shall be in compliance with the Fulton County Zoning Resolution, as amended.
- 4.1.3 If construction activity contemplated results in the disturbance of an area of 5,000 square feet or more, a land disturbance permit must be approved along with any building permit prior to construction.
- 4.1.4 Where a proposed lot fronts an existing public street, the Subdivider shall improve the street along the lot's frontage to the applicable standards of these regulations and any Standard Details as determined by the Director.
- 4.1.5 All slope, drainage and utility easements, as well as necessary right-of-way widths (as determined by the Director) on an existing public street, paved or unpaved, shall be provided by the Subdivider at no cost to Fulton County.
- 4.1.6 Each proposed lot shall comply with the requirements of the Fulton County Department of Health, whose certification of approval shall accompany the submission of the final plat to the Director.
- 4.1.7 A minor plat proposal, as defined in Article 3 of these regulations, may be exempt from traffic and drainage studies and tree surveys, when an analysis is submitted and concludes that the development would have no negative impact on traffic or drainage.
- 4.1.8 Each lot created under the provisions of a minor plat shall not subsequently be re-subdivided pursuant to the provisions of a minor plat.
- 4.1.9 Standalone commercial and industrial parcels which do not have a legally recorded plat pursuant to these regulations and are subject to either: a zoning action; the Land Disturbance Permit process; or a proposed change in the building footprint, shall be required to plat the parcel according to these regulations prior to the Certificate of Completion of a Land Disturbance Permit or the issuance of a Building Permit. (Added 11/04/15)

4.1.10 For the division of land after initial development of the property, the following standards shall also apply:

- A. A proposed lot fronting an existing public street shall contain the necessary frontage required by the Fulton County Zoning Resolution.
- B. The Subdivider shall submit documentation of the necessary easements providing for access to a public street for proposed lots that front only on an existing, documented, paved private street or driveway.
- C. All slope, drainage and utility easements, as well as necessary street rights-of-way (as determined by the Director) shall be provided by the Subdivider at no cost to Fulton County.

4.2 PROCESS

4.2.1 LAND DISTURBANCE PERMIT (Amended 11/04/15)

- A. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the Director is authorized to grant a maximum of two extensions of time not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- B. Prior to the issuance of a Land Disturbance Permit, an Indemnity Agreement Form must be filed by the subdivider subsequent to the subdivision of the property protecting Fulton County against the event that a developer should cease business activities. Said agreement shall cover infrastructure damage, repair and/or maintenance claims and liability arising out of drainage problems. The Director, or his/her designee, is hereby authorized to execute such agreements on the behalf of the County.

4.2.2 FINAL PLAT (Amended 11/04/15)

- A. Whenever the provisions of these rules and regulations have been complied, the subdivider may submit to the Director an application for Final Plat pursuant to these regulations. All required infrastructure shall be completed and approved, or performance bonds for a portion of such improvements shall be filed in accordance with section 4.2.3.C. of this regulation.
- B. The Final Plat shall be submitted and drawn to the specifications of the Georgia Plat Act and Standards of Fulton County.
- C. Prior to approval or recording of a final plat, the following must be provided by the subdivider, or the designee thereof:
 - 1. a Fulton County approved cash assurance in an amount equal to 125% of the cost of infrastructure improvements not yet in compliance. Said cash bond shall be maintained until the improvements have been approved by the County;

2. a Fulton County approved maintenance bond to ensure the viability of infrastructure improvements. Said maintenance bond shall be in effect for a period of 36 months from the date of issuance. At any time within 3 months of the expiration of said maintenance bond, or any extended maintenance bond, less than 75% of the total buildable lots as indicated on the Final Plat have been issued a certificate of occupancy, the Director may require an extension of said maintenance bond for up to 12 months; (Amended 11/04/15)
 3. an electronic format acceptable to the Public Works Department containing data about the sanitary sewer and water systems where available;
 4. a signed release of the project by the Development Inspector; and
 5. a recorded deed to Fulton County for any dedicated space.
- D. Having been certified by the Director as compliant to these and other applicable regulations, the final plat shall be recorded with the Clerk of the Superior Court of Fulton County.
- E. The final plat shall be considered approved at the time of the certification by the Director. Upon receipt of the recorded plat by the Department, the final plat shall be presented for confirmation to the Board of Commissioners at the next regularly scheduled meeting. In residential and non-residential subdivisions, building permits shall not be issued for any approved minor or final plat until the approval of the Director and the receipt by the Department of the final recorded plat for subsequent confirmation by the Board of Commissioners is complete. (Amended 11/04/15)
- F. For a subdivision proposed or represented to have amenities, the plat for the initial phase of the development shall identify an area encompassing twenty-five percent of the proposed buildable lots with installed and approved infrastructure sufficient to fully support the houses or residential units proposed for construction in said area. Said area shall be clearly delineated on the plat as “not approved for construction or building permits”. Only after Fulton County has issued the applicable certificate of occupancy for those areas or amenities requiring such a certificate and has otherwise approved those areas or amenities not requiring a certificate of occupancy, shall the final plat for said area be approved. For large multi-phased projects, the Director shall have the discretion to shift the requirement to a later phase that upon completion achieves no more than fifty percent of the planned fully built out project. (Added 6/20/2007)
- G. Should the Director not approve any subdivision plat, the basis for the denial shall be stated in writing to the applicant. The Subdivider may file an appeal in accordance with Article 11 of these regulations.

4.2.3 HOMEOWNER’S ASSOCIATIONS (Added 6/20/2007)

- A. Where a subdivision includes an amenities package consisting of subdivision common areas, buildings, and/or structures for which the homeowner’s association will assume maintenance and responsibility and/or where a homeowner’s association shall be established to govern all community maintenance of property outside of all dwelling units

including recreation facilities, parking, driveways, private roads, landscape materials, drainage structures, and other common property within a subdivision the following requirements, in addition to any other requirements established by this regulation or the Fulton County Zoning Ordinance, shall be met.

- B. A prerequisite to transfer of the homeowner's association responsibilities to the resident membership shall require that not more than 60 days prior to the date of transfer of management control for the homeowner's association from the developer to the resident members of the subdivision, the homeowner's association shall request, and Fulton County shall perform, an inspection of the infrastructure, common areas and amenities to be maintained by the homeowner's association. The inspection shall identify those areas that do not meet Fulton County Standards. Prior to requesting the inspection, the homeowner's association shall have completed their own inspection(s) of the infrastructure, common areas and amenities and a Subdivision Common Area Checklist and Certification, on a form provided by the Department, that shall require the execution of the Common Area Checklist and Certification by the developer and design professionals certifying the sufficiency of these facilities. A copy of the Checklist and Certification shall be submitted to Fulton County with the request for inspection. Fulton County shall provide a report of inspection to the homeowner's association within three (3) weeks of receiving the request. The developer shall correct and bear the cost of any substandard conditions identified by Fulton County prior to the transfer of management responsibilities from the homeowner's association to the resident membership. The certification shall be recorded with the Clerk of Superior Court prior to transfer of management responsibilities of the homeowner's association to the resident membership.

ARTICLE V

GENERAL PRINCIPLES OF THE LAND

(Amended 11/04/15)

5.1 SUITABILITY OF THE LAND

5.1.1 Land subject to flooding, improper drainage, erosion, and deemed unsuitable for development in accordance with Fulton County standards shall not be platted for any use that may continue such conditions or increase danger to health, safety, life, or property unless steps are taken to eliminate the above-mentioned hazards.

5.2 ACCESS

5.2.1 Unless otherwise herein noted, every subdivision shall be served by publicly dedicated streets or private streets in accordance with the following:

- A. The proposed streets shall meet Fulton County standards and regulations.
- B. No road intended to be private is to be extended to serve property outside that development unless approved by the Department.
- C. In residential subdivisions, the private roads shall be maintained by a mandatory homeowners' association and documents of incorporation shall be submitted to the Director for review and approval prior to the recording of the final plat.
- D. The subdivider shall provide all necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities.
- E. The final plat of any subdivision that contains private streets shall clearly state that such streets are private streets.

5.2.2 When land is subdivided, created parcels shall be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

5.2.3 No subdivision shall be designed so as to completely eliminate street access to adjoining parcels of land without current street access.

5.2.4 Lots may share access as stipulated herein. Lot frontage and access do not necessarily have to be along or front the same public street, if approved by the Director.

5.2.5 The Director shall have the right to encourage design of the subdivision in a manner that will:

- A. enhance traffic circulation and other community needs;
- B. encourage pedestrian traffic to schools, parks, existing and planned greenspace corridors, and neighborhood shopping centers;

- C. reduce impacts on streams and lakes;
- D. reduce unwanted noise, lights on neighboring lots; and
- E. discourage vehicular speeding on local streets.

5.3 ZONING AND OTHER REGULATIONS

- 5.3.1 No subdivision shall be created or recorded that does not comply with the standards of the Fulton County Zoning Resolution and/or the approved conditions of zoning for the property.
- 5.3.2 Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, or other official regulations or resolutions, the most restrictive shall apply unless set forth in the conditions of zoning.
- 5.3.3 All proposed subdivisions shall comply with the County Stormwater Management Design Manual.

5.4 MODIFICATION

- 5.4.1 Modifications of the provisions set forth in these regulations may be approved by the Director when granting of such modification will not adversely affect the general public or nullify the intent of these regulations.
- 5.4.2 Should the Director deny a request to modify in accordance with Section 5.4.1, the applicant may appeal the Director's decision in accordance with Section 11 of these regulations.

ARTICLE VI

CONSERVATION SUBDIVISION ORDINANCE

(Added 5/21/2004)(Amended 11/04/15)

6.1 PURPOSE AND INTENT

It is the purpose and intent of this ordinance to insure preservation of open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.

6.2 APPLICABILITY OF REGULATIONS

The Conservation Subdivision option is available for single family detached residential developments in the following districts: AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5 and R-5A in unincorporated Fulton County south of the City of Atlanta (South Fulton). Compliance with all applicable Fulton County ordinances, regulations, or resolutions is required; however, when in conflict, the provisions of this ordinance shall prevail.

6.3 OPEN SPACE REQUIREMENT

Each conservation subdivision shall provide a minimum of 40% of its total acreage as open space as defined in Article III. The open space shall be recorded on the final plat. Interconnectivity of all open space within a Conservation Subdivision shall be required.

6.3.1 **OPEN SPACE NETWORKS CONFIGURATION.** The minimum standards for open space networks are as follows:

- A. The minimum width of any open space area is 25 feet.
- B. All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.
- C. All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places/rights-of-way.
- D. Paths located in primary conservation areas shall be constructed of pervious materials.
- E. Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the Director.

- F. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by the Director.

6.4 OPEN SPACE AND CONSERVATION AREAS

Open space shall be designated as either primary conservation areas or secondary conservation areas and shall be configured to create or maintain a network of open space.

6.4.1 **PRIMARY CONSERVATION AREAS.** Primary conservation areas form the core of the open space to be protected. Active recreation areas are prohibited in primary conservation areas unless approved by the Director. Primary conservation areas, as defined by this ordinance, include the following:

- A. Cemeteries;
- B. Habitats for endangered or threatened species as defined by the Georgia Department of Natural Resources;
- C. Wetlands identified by the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service, or a certified wetlands delineation using data from the U. S. Army Corps of Engineers;
- D. Alluvial soils identified by the Federal Emergency Management Agency (FEMA) and 100-Year floodplain;
- E. Lakes (natural and manmade), rivers, streams, existing ponds, stormwater management ponds/facilities designed in accordance with the Fulton County Subdivision Regulations, creeks, including but not limited to blue line tributaries and state waters;
- F. Riparian zones equal to any required stream buffers and improvement setbacks;
- G. Existing slopes greater than 25% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps from the Fulton County GIS system or from a topographic survey prepared by a licensed land surveyor.

6.4.2 **VALUE OF PRIMARY CONSERVATION AREAS.** Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space.

6.4.3 **SECONDARY CONSERVATION AREAS.** Secondary conservation areas consist of undeveloped (unconstrained) but buildable land and protected (constrained) lands. Secondary conservation areas, as defined by this ordinance, include the following:

- A. Farmlands (fields, pastures, meadows);
- B. Woodlands and buffers except riparian buffers;

- C. Historic and/or archaeological sites as identified by the Fulton County Historic Resources Survey;
- D. Passive recreation areas, public and private, to include pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
- E. Active recreation areas and facilities, public and private, to include parks as identified by the Parks and Recreation Master Plan, playing fields, and playgrounds. Recreation areas with impervious surfaces (e.g., tennis courts, basketball courts and pools) and golf courses shall be excluded.

6.4.4 VALUE OF SECONDARY CONSERVATION AREAS. With the exception of active recreation areas and facilities, 100% of secondary conservation areas may be counted as open space. Because active recreation areas are cleared and graded and therefore reduce natural resources and wildlife habitats, only 50% of active recreation areas and facilities may be counted as open space.

6.5 OPEN SPACE PROTECTION

The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant (per O.C.G.A. Section 44-5-60(c)). Fulton County reserves the right to enforce all restrictive covenants and conservation easements.

6.5.1 REQUIREMENTS FOR CONSERVATION EASEMENTS. The conservation easement(s) shall:

- A. Clearly delineate primary and secondary conservation areas;
- B. Describe the features of the subject property that should be permanently protected in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;
- C. List the parties, that is, the owner(s) of the property, the holder of the easement and Fulton County as a third party beneficiary with rights to enforce the easement if Fulton County is not the holder;
- D. Specify how the easement may be transferred as in the case of a homeowners association dissolving;
- E. Clearly identify the boundaries of the property by survey and a metes and bounds legal description;
- F. Clearly list restrictions;
- G. Provide for inspections of the property by the owner, the holder of the easement and Fulton County;

- H. Provide for maintenance of the property;
- I. Be shown on the final plat and duly recorded with the Clerk of Superior Court prior to the issuance of a Land Disturbance Permit; and
- J. Provide for amendments only with the express written permission of the property owner(s), the holder of the easement and Fulton County. Amendments to the easement shall be filed with the Director and shall be recorded in Superior Court.

6.5.2 **REQUIREMENTS FOR PERMANENT RESTRICTIVE COVENANTS.** The permanent restrictive covenant(s) shall:

- A. Clearly delineate primary and secondary conservation areas;
- B. Describe the features of the subject property that should be permanently protected;
- C. Clearly identify the boundaries of the property by survey and a metes and bounds legal description;
- D. Clearly list restrictions;
- E. Provide for inspections of the property by Fulton County;
- F. Provide for maintenance of the property;
- G. Be shown on the final plat and duly recorded with the Clerk of Superior Court prior to the issuance of a Land Disturbance Permit; and
- H. Provide for amendments only with the express written permission of the property owner(s) and Fulton County. Amendments to the covenant shall be filed with the Director and shall be recorded in Superior Court.

6.6 MAINTENANCE OF OPEN SPACE

Open space may be maintained and/or improved through reforestation, pasture management, buffer replantings, stream bank protection and wetlands management or by other means as approved by the Director.

6.7 OWNERSHIP OF OPEN SPACE

All open space shall be permanently protected and held in fee simple interest by a qualified conservation organization as defined in The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq., or a homeowners association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. 44-3-220 et seq., or a land trust, or Fulton County. If accepted by the County, the property must be in accordance with the provisions herein.

6.7.1 **OWNERSHIP OF OPEN SPACE BY A HOMEOWNERS ASSOCIATION.** Open space that is owned by a homeowners association is subject to the following:

- A. Prior to the approval of the final plat, the developer of a conservation subdivision shall submit to the Director a description of the homeowners association, including by-laws, and methods for maintaining the open space.
- B. Membership of each lot owner in the conservation subdivision shall be mandatory.
- C. The homeowners association shall be responsible for maintenance, insurance, and taxes on the open space.
- D. The homeowners association shall not be dissolved before providing the appropriate documentation to transfer conservation easements.
- E. Any transfer of conservation easements is subject to the approval of the Director.

6.8 CONSERVATION SUBDIVISION DENSITY

The maximum number of lots shall be based upon 80% of the net buildable area’s density allowed by zoning, with net buildable area defined as the total acreage minus primary conservation areas. Density bonuses are allowed in accordance with section 6.9.

6.9 CONSERVATION SUBDIVISION DENSITY BONUS

The number of lots in a Conservation Subdivision may exceed the number of lots as specified in section 6.9 with one or more of the following bonus options:

- A. A density increase is permitted when more than 40% of the total acreage of the project is designated as permanent, protected open space. For each additional whole acre, greater than 40 percent, additional lots or units may be developed as follows:

Current Zoning	Additional Lots Allowed Per Development for each acre of protected open space greater than 40%
AG-1	1
R-1	0.5
R-2	1
R-2A	1
R-3	2
R-3A	2
R-4	4
R-4A	3
R-5	5
R-5A	10

- B. In lieu of providing additional open space over 40% in the development, the applicant may purchase, in fee simple, additional land in unincorporated Fulton County within one (1) mile of the development comprised of primary and/or secondary conservation areas. The density increase within the development shall be based on the same criteria as in Sec.

6.9.A. As with conservation areas within a development, protected open space, purchased in fee simple outside a development, shall also be protected in perpetuity from further development or unauthorized use by a conservation easement held by Fulton County or other conservation organization, land trust, or homeowners association.

- C. Dedication of land for a public use, excluding roads and utility easements, shall entitle an owner to an additional unit per acre of dedicated land as detailed in Section 6.9.A. Prior to the issuance of a Land Disturbance Permit, dedications of land for public use shall be approved by the Fulton County Board of Commissioners or the Fulton County Board of Education if for school purposes, based upon recommendations of existing and future recreation and park plans, comprehensive plans, school board plans and the County's Capital Improvements Program.
- D. At no time shall the number of lots exceed 95% of the net buildable area's density allowed by zoning.

6.10 LOT REQUIREMENTS

The minimum lot size in any project shall be 4,000 square feet. The total number of lots may not exceed the number of lots that could otherwise be developed under the existing zoning except with the allowable density bonuses described herein.

6.11 MINIMUM LOT FRONTAGE

The minimum lot frontage on a right-of-way shall be 20 feet.

6.12 SETBACKS AND BUILDING SEPARATION REQUIREMENTS

Setbacks and building separations are subject to the provisions of the Standard Building Code.

6.13 BUFFER REQUIREMENTS

A minimum 50-foot wide natural buffer, undisturbed except for approved access and utility crossings and replantings where sparsely vegetated, plus a 10-foot improvement setback, shall be provided along all property lines adjacent to AG-1 zoned properties, residentially zoned or used properties, and existing roads, or as may be approved by the Director.

6.14 STREET STANDARDS

Conservation subdivision streets shall be designed based on the following standards:

- A. Streets should follow existing contours with a minimum of cut and fill and shall be designed for interparcel access.
- B. The maximum length for an interior block is 600 linear feet with the total perimeter length not to exceed 1,680 linear feet. The total area of an interior block shall not exceed 3.30 acres.
- C. All newly created lots should derive access from internal subdivision streets.

6.15 ZONING MODIFICATION REQUIREMENTS

Proposed conservation subdivisions for properties where zoning is conditional shall require an approved modification to the site plan and other conditions pertinent to use, number of lots and density, as applicable, prior to the approval of a final plat.

6.16 TAX ASSESSMENT OF OPEN SPACE

Once a legal instrument for permanent protection has been placed upon the open space, the Fulton County Tax Assessor shall reassess the value of the open space.

ARTICLE VII

CEDAR GROVE AGRICULTURAL SUBDIVISION ORDINANCE

(Added 12/5/2007)

7.1 **PURPOSE AND INTENT**

It is the purpose and intent of this ordinance to insure preservation of open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.

7.2 **APPLICABILITY OF REGULATIONS**

The following subdivision requirements are for residential developments in all zoning districts in that portion of unincorporated Fulton County bordered to the west by the Chattahoochee River, to the south by Coweta County, and to the east by the Cascade Palmetto Highway (SR 154) except for villages, hamlets and minor subdivisions. Compliance with all applicable Fulton County ordinances, regulations, or resolutions is required; however, when in conflict, the most restrictive provisions shall prevail.

7.3 **OPEN SPACE REQUIREMENT**

Each subdivision shall provide a minimum of 40% of its total acreage as open space as defined in Article III. The open space shall be recorded on the final plat. Interconnectivity of all open space within a subdivision shall be required. (Amended 11/04/15)

7.3.1 OPEN SPACE NETWORKS CONFIGURATION. The minimum standards for open space networks are as follows:

- A. The minimum width of any open space area is 25 feet.
- B. All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.
- C. All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places, paths or rights-of-way.
- D. Paths located in primary conservation areas should be constructed of pervious

materials.

- E. Where path networks cross internal subdivision streets or public streets, access points should be directly across from each other.
- F. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels.

7.4 OPEN SPACE AND CONSERVATION AREAS

Open space shall be designated as either primary conservation areas or secondary conservation areas and shall be configured to create or maintain a network of open space.

7.4.1 **PRIMARY CONSERVATION AREAS.** Primary conservation areas form the core of the open space to be protected. Active recreation areas are prohibited in primary conservation areas. Primary conservation areas, as defined by this ordinance, include the following:

- A. Cemeteries;
- B. Habitats for endangered or threatened species as defined by the Georgia Department of Natural Resources;
- C. Wetlands identified by the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service, or a certified wetlands delineation using data from the U. S. Army Corps of Engineers;
- D. Alluvial soils identified by the Federal Emergency Management Agency (FEMA) and 100-Year floodplain;
- E. Lakes (natural and man-made), rivers, streams, existing ponds, stormwater management ponds/facilities designed in accordance with the Fulton County Subdivision Regulations, creeks, including but not limited to blue line tributaries and state waters;
- F. Riparian zones equal to any required stream buffers and improvement setbacks;
- G. Existing slopes greater than 25% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps from the Fulton County GIS system or from a topographic survey prepared by a licensed land surveyor.

7.4.2 **VALUE OF PRIMARY CONSERVATION AREAS.** Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space.

7.4.3 **SECONDARY CONSERVATION AREAS.** Secondary conservation areas consist of undeveloped (unconstrained) but buildable land and protected (constrained) lands.

Secondary conservation areas, as defined by this ordinance, include the following:

- A. Farmlands (fields, pastures, meadows);
- B. Woodlands and buffers except riparian buffers;
- C. Historic and/or archaeological sites as identified by the Fulton County Historic Resources Survey;
- D. Passive recreation areas, public and private, to include pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
- E. Existing active recreation areas and facilities, public and private, to include parks as identified by the Parks and Recreation Master Plan, playing fields, and playgrounds. Recreation areas with impervious surfaces (e.g., tennis courts, basketball courts and pools) and golf courses shall be excluded.
- F. Alternative wastewater treatment facilities as approved by the Department.

7.4.4 **VALUE OF SECONDARY CONSERVATION AREAS.** With the exception of new active recreation areas and facilities, 100% of secondary conservation areas may be counted as open space. Because new active recreation areas may be cleared and graded and therefore reduce natural resources and wildlife habitats, only 50% of new active recreation areas and facilities may be counted as open space.

7.5 OPEN SPACE PROTECTION

The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant (per O.C.G.A. Section 44-5-60(c)). Fulton County reserves the right to enforce all restrictive covenants and conservation easements.

7.5.1 **REQUIREMENTS FOR CONSERVATION EASEMENTS.** The conservation easement(s) shall:

- A. Clearly delineate primary and secondary conservation areas;
- B. Describe the features of the subject property that should be permanently protected in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;
- C. List the parties, that is, the owner(s) of the property, the holder of the easement and Fulton County as a third party beneficiary with rights to enforce the easement if Fulton County is not the holder;
- D. Specify how the easement may be transferred as in the case of the dissolution of a homeowners association;
- E. Clearly identify the boundaries of the property by survey and a metes and bounds

legal description;

- F. Clearly list restrictions;
- G. Provide for inspections of the property by the owner, the holder of the easement and Fulton County;
- H. Provide for maintenance of the property;
- I. Be shown on the final plat and duly recorded with the Clerk of Superior Court, prior to the issuance of a land disturbance permit; and
- J. Provide for amendments only with the express written permission of the property owner(s), the holder of the easement and Fulton County. Amendments to the easement shall be filed and shall be recorded in Superior Court.

7.5.2 **REQUIREMENTS FOR PERMANENT RESTRICTIVE COVENANTS.** The permanent restrictive covenant(s) shall:

- A. Clearly delineate primary and secondary conservation areas;
- B. Describe the features of the subject property that should be permanently protected;
- C. Clearly identify the boundaries of the property by survey and a metes and bounds legal description;
- D. Clearly list restrictions;
- E. Provide for inspections of the property by Fulton County;
- F. Provide for maintenance of the property;
- G. Be shown on the final plat and duly recorded with the Clerk of Superior Court, and prior to the issuance of a land disturbance permit; and
- H. Provide for amendments only with the express written permission of the property owner(s) and Fulton County. Amendments to the covenant shall be filed with the Director and shall be recorded in Superior Court.

7.6 MAINTENANCE OF OPEN SPACE

Open space may be maintained and/or improved through reforestation, pasture management, buffer replantings, stream bank protection and wetlands management or by other acceptable means.

7.7 OWNERSHIP OF OPEN SPACE

- A. All open space shall be permanently protected and held in fee simple interest by a qualified conservation organization as defined in The Georgia Uniform

Conservation Easement Act, O.C.G.A. 44-10-1 et seq., or a homeowners association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. 44-3-220 et seq., or a land trust, or Fulton County. If accepted by the County, the property must be in accordance with the provisions herein.

- B. Individual lots of five (5) or more acres may provide open space on individual lots through a conservation easement or permanent restrictive covenant. Primary and secondary conservation area calculations shall not apply.

7.7.1 **OWNERSHIP OF OPEN SPACE BY A HOMEOWNERS ASSOCIATION.** Open space that is owned by a homeowners association is subject to the following:

- A. Prior to the approval of the final plat, the developer of a subdivision shall submit a description of the homeowners association, including by-laws, and methods for maintaining the open space.
- B. Membership of each lot owner in the subdivision shall be mandatory.
- C. The homeowners association shall be responsible for maintenance, insurance, and taxes on the open space.
- D. The homeowners association shall not be dissolved before providing the appropriate documentation to transfer conservation easements and restrictive covenants.
- E. Any transfer of conservation easements and restrictive covenants is subject to the approval of the Director.

7.8 DENSITY

The maximum number of lots shall be based upon the density allowed by zoning for the area defined as the total acreage minus primary conservation areas. When sixty (60) percent or more of the total acreage is protected in perpetuity as open space, density may be calculated based upon the total acreage of the property.

7.9 LOT REQUIREMENTS

The minimum lot size in any single family detached residential subdivision shall be 4,000 square feet.

7.10 MINIMUM LOT FRONTAGE

The minimum lot frontage on a right-of-way shall be 20 feet.

7.11 SETBACKS AND BUILDING SEPARATION REQUIREMENTS

Setbacks and building separations are subject to the provisions of the Standard Building Code.

7.12 STREET STANDARDS

Subdivision streets shall be designed based on the following standards:

- A. Streets should follow existing contours with a minimum of cut and fill and shall be designed for interparcel access.
- B. All newly created lots should derive access from internal subdivision streets.
- C. All subdivisions shall provide street interconnectivity with adjacent properties where possible.

7.13 ZONING MODIFICATION REQUIREMENTS

Proposed subdivisions for properties where zoning is conditional shall require an approved modification to the site plan and other conditions pertinent to use, lot size, number of lots and density, as applicable, prior to the approval of a final plat.

7.14 TAX ASSESSMENT OF OPEN SPACE

Once a legal instrument for permanent protection has been placed upon the open space, the Fulton County Tax Assessor shall reassess the value of the open space.

ARTICLE VIII

DESIGN STANDARDS

8.1 All applicable design standards as set forth in this ARTICLE and the Standard Details shall be observed in all plats as approved by the Director.

8.2 **STREETS**

All streets, public or private, shall be constructed to the construction standards of the Fulton County Department of Public Works.

8.2.1 The arrangement, character, extent, width, grade, and location of all streets shall consider their relation to existing and planned streets, topographical conditions, and appropriate relation to the proposed uses of the land to be served by such streets. (Amended 11/04/15)

8.2.2 Streets serving residential subdivisions shall be arranged and designed such that their use for through traffic will be discouraged.

8.2.3 Where a subdivision contains a dead-end street or stub-street other than a cul-de-sac, the subdivider shall provide a temporary cul-de-sac within the right-of-way. Where a temporary cul-de-sac is required, the subdivider shall be responsible for maintaining and for the construction of the final street connection or turn-around as required.

8.2.4 Where a subdivision abuts or contains an existing or proposed street classified as a collector street or higher, the Director may require frontage streets. Double frontage lots may be required to have screening and no access easements along lot lines fronting on arterials or collector streets. Deep lots with rear service drives, or other treatment as may be necessary for adequate protection of residential properties, may be required to afford separation of through and local traffic.

8.2.5 Where a subdivision borders on or contains a railroad right-of-way, or a full or partial access control facility right-of-way, the Director may require a street approximately parallel to and on each side of the right-of-way.

8.2.6 Street right-of-way widths for major streets shall be dedicated as specified in the County Comprehensive Transportation Plan and the Right-of-Way Dedication and Reservation Plan. Other street right-of-way widths shall be not less than as specified under Section 8.5.

8.2.7 Where a subdivision abuts an existing street, the subdivider shall dedicate additional right-of-way on the existing streets to meet the requirements as set forth in the Right-of-Way Dedication and Reservation Plan.

8.2.8 New road grades should be as follows:

A. Collector: Eight (8%) percent maximum

B. Major Subdivision Street: Twelve (12%) percent maximum

- C. Minor Subdivision Street: Fourteen (14%) percent maximum; Grades exceeding twelve (12%) shall not exceed a length of two hundred fifty (250) feet.

8.2.9 Interparcel access shall be provided to adjacent properties upon determination by the Director that such access is in the best interest of the public health, safety, or welfare. In residential subdivisions, where private streets are proposed, the Director may require a public street for interparcel connection purposes; the Director may also require a shared access.

8.2.10 ALIGNMENT

- A. Minimum Vertical:

All local roads with 25 m.p.h. designs shall be connected by vertical crest curves of a minimum length not less than (12) times the algebraic difference between the rates of grade, expressed in feet per hundred. All local roads with a 25 m.p.h. design speed shall be connected by vertical sag curves of minimum length not less than twenty six (26) times the algebraic difference between the rates of grade, expressed in feet per hundred. In any case, the sight distance shall meet the minimum requirements of this Article.

1. In proposed approaches of new streets to intersections with existing streets, there shall be a suitable leveling of the street at a grade not exceeding three (3) percent and for a distance of not less than fifty (50) feet as measured from the back of the curb of the intersecting street.
2. In approaches to intersections internal to residential subdivisions, there shall be a suitable leveling of the street at a grade not exceeding five (5) percent and for a distance of not less than fifty (50) feet as measured from the center point of the intersection.

- B. Minimum Horizontal - Radii of Centerline Curvature:

1. Major Subdivision Street designed for 35 MPH: 200 Feet
2. Other Major Subdivision Streets: 100 Feet
3. Minor Subdivision Streets: 100 Feet

- C. Tangents - Between reverse curves, there shall be not less than the following minimum tangents:

1. Major Subdivision Streets designed for 35 MPH: 100 Feet
2. Other Major Subdivision Streets: 50 Feet
3. Minor Subdivision Streets (where there is no super-elevation): 50 Feet

D. Intersection Visibility Requirements

Roadways and their intersections shall be designed such that proper sight distance is maintained. Minimum sight distance shall be determined by the operating speed of the road as determined by the Department of Public Works. Intersection sight distance shall be no less than the following:

280 feet for 25 mph
335 feet for 30 mph
390 feet for 35 mph
445 feet for 40 mph
500 feet for 45 mph
610 feet for 55 mph

1. Minimum horizontal visibility shall be measured on centerline.
2. When a proposed curb cut intersects an existing roadway, the minimum visibility shall be provided as follows:
 - a. When measuring in the horizontal plane, intersection sight distance is determined with the following assumptions. The driver's eye location is to be assumed at the center line of the exiting lane of the proposed curb cut behind the stop bar. The object location is to be assumed at the centerline of the closest oncoming lane for each direction.
 - b. When measuring in the vertical plane, intersection sight distance is determined with an assumed height of driver's eye and an assumed height of object of 3.5 feet.
 - c. When measuring in either plane, the line of sight must remain in the proposed dedicated right-of-way, unless sufficient easements, maintenance agreements, indemnifications agreements are provided, or additional right-of-way is dedicated.

E. Stopping Sight Distance Visibility Requirements Roadways and their intersections shall be designed such that proper stopping sight distance is maintained. Minimum sight distance shall be determined by the design speed of the proposed road as determined by the Department of Public Works.

Stopping sight distance along a roadway shall be no less than the following:

155 feet for 25 mph
200 feet for 30 mph
250 feet for 35 mph

1. Minimum vertical visibility for stopping sight distance along the roadway shall be determined by measuring between two points of which the height of the driver's eye shall be assumed at 3.5 feet to an assumed object which is 2.0 feet in height. The line of sight must remain within the proposed dedicated right-of-way, unless

sufficient easements, maintenance agreements, and indemnification agreements are provided, or additional right-of-way is dedicated.

2. Minimum horizontal visibility for stopping sight distance shall be measured on centerline.

8.2.11 Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than eighty (80) degrees. Detailed designs of intersections shall be required to include all striping and pedestrian crosswalks.

Pedestrian crossing signs and signals may be required

8.2.12 The Curb line radius at street intersections shall parallel the right-of-way radius.

8.2.13 Right-of-way Radius: The right-of-way radius at street intersections shall be at least twenty (20) feet, and where the angle of intersection is less than ninety (90) degrees, the Department of Public Works may require a greater radius.

8.2.14 The centerline offsets on streets internal to a residential subdivision shall not be less than 200 feet. The centerline offsets for all other streets and curb cuts providing access to developments shall not be less than 300 feet, except greater centerline offsets may be required by the Director.

8.2.15 Cul-de-sac streets shall be designed so that the maximum desirable length shall be six hundred (600) feet.

8.3 BLOCKS

8.3.1 The lengths, widths, and shapes of blocks shall be determined with due regard to:

- A. Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
- B. Zoning requirements as to lot sizes and dimensions unless a planned unit development is contemplated;
- C. Needs for convenient access, circulation, control and safety of street traffic; and
- D. Limitations and opportunities of topography.

8.3.2 Residential blocks shall be wide enough to provide two tiers of lots, except where fronting on streets classified as a collector street or higher or prevented by topographical conditions or size of the property. The Director may require and/or approve a single tier of lots of minimum depth.

8.4 LOTS

8.4.1 The size, shape, arrangement, orientation of every lot shall be subject to approval of the Director for the type of development and use contemplated. Proposed internal lot lines (not on the street side) shall not be curved.

- 8.4.2 Every lot shall conform to the dimension, area, and size requirements of the Zoning Resolution and/or conditions of zoning.
- A. On any development, prior to obtaining a building permit, the person requesting the permit or the landowner must file a current survey of the property sealed by a registered land surveyor/engineer providing such information as shall be required by the Department. (Added 11/04/15)
 - B. Prior to pouring footings/slab, it shall be the responsibility of the builder or developer to accurately and clearly flag all pin corner boundaries and building setback lines prior to any footings inspection. (Added 11/04/15)
 - C. Should the builder or developer place *any* footing/slab within five (5) feet of an applicable building setback line or setback as conditioned by a Condition of Zoning, the builder or developer shall provide a footing (foundation) survey sealed by a registered land surveyor showing the footing location and the outer perimeter of the proposed structure. Prior to the footings/slab inspection and pouring of the footings/slab, it shall be the responsibility of the registered land surveyor to accurately and clearly flag the footing/slab location and the outer perimeter of the proposed structure. (Added 11/04/15)
 - D. The failure to provide such a footing/slab survey shall be a primary consideration by the Board of Zoning Appeals in whether or not to grant any future variance request. (Added 11/04/15)
- 8.4.3 Lots not served by a public sewer or community sanitary sewage system and/or public water shall meet the dimension and area requirements of the Department of Health.
- 8.4.4 Double frontage lots shall be prohibited, except as approved by the Director provided that such lots are essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planted screen may be required along lot lines abutting a traffic artery or other use that would have potential negative impact.
- 8.4.5 The creation of remnant lots that are below minimum standards shall be prohibited unless such lots are designated as common area on the final plat and maintained by the Homeowners' Association or some other entity approved by Fulton County.
- 8.4.6 Each lot shall have direct access to an abutting, existing public street or to a street contained within the proposed subdivision. A connection through an approved private drive may be permitted by the Director.
- 8.4.7 The subdividing of land adjacent to or surrounding an existing or proposed lake where lots abutting the lake shall be drawn to the centerlines of the lake or identified as a common area, maintained by the homeowner's association.
- 8.4.8 Any lot located on a gravel road shall contain a minimum of 3 acres and meet all required development standards of the applicable zoning district. (Added 11/04/15)
- 8.4.9 No portion of any residentially zoned lot shall be allowed to be part of a buffer or landscape strip

required by conditions of zoning; the Fulton County Zoning Resolution or the Fulton County Tree Preservation Ordinance. (Added 11/04/15)

8.5 SUBDIVISION STREETS

8.5.1 The minimum requirements for major subdivision streets shall be as follows:

- A. Right of Way: 50 Feet
- B. Pavement Width: 24 feet back of curb to back of curb
- C. Cul-de-sac:
R.O.W.: 50-foot radius to back of curb (Amended 11/04/15)
- D. Sidewalks: In accordance with Section 9.2.4.
- E. Street Trees: If required by the Director, installed on both sides at a spacing approved by the County Arborist.

8.5.2 The minimum requirements for minor subdivision streets shall be as follows:

- A. Right of Way: 44 Feet
- B. Pavement Width: 22 feet back of curb to back of curb
- C. Cul-de-sac:
R.O.W.: 42-foot radius to back of curb (Amended 11/04/15)
- D. Sidewalks: In accordance with Section 9.2.4.
- E. Street Trees: If required by the Director, installed on both sides at a spacing approved by the County Arborist. For streets other than mentioned in Sections 8.5.1 and 8.5.2, the Director shall determine the required cross section.

8.5.3 All residential subdivision streets shall be designed for a maximum of 25 mph. The Director may require that subdivision streets that will not provide direct residential access be designed for up to 35 mph.

8.5.4 Where streets are longer than 600 feet, traffic calming devices may be required. Said traffic calming efforts may include green space, islands, residential roundabouts, and/or other traffic calming devices as approved by the Director. (Amended 11/04/15)

8.6 GATED COMMUNITIES

8.6.1 Gates installed in subdivisions with more than one lot shall comply with the following:

- A. Plan approval and a permit shall be obtained prior to installing any gates. The permit fee

shall be calculated in accordance with applicable building permit fees. Gates shall not prohibit public access to dedicated areas as defined within the regulations.

- B. No gate shall be installed within the County's right-of-way.
- C. The gate shall not create a dead end street without first installing a cul-de-sac conforming to the County's standards on a dead end street exceeding 250 feet in length.
- D. Gates shall provide for stacking distance, turnaround and emergency vehicle access as required by the County.
- E. Gate permits may be denied based on traffic conditions, interconnectivity needs, and when not in compliance with adopted guidelines.

8.7 TRAFFIC CONTROL SIGNS FOR NEW SUBDIVISIONS (Added 8/18/2004)

8.7.1 The following signs shall be installed in all new subdivisions as applicable:

A. **STOP Signs (R1-1):**

The STOP sign shall be installed on the right side of the approach to which it applies. Stop lines, when used to supplement a STOP sign, should be located at the point where the road user should stop. Where there is a marked crosswalk at the intersection, the STOP sign should be installed in advance of the crosswalk line nearest to the approaching traffic.

STOP signs should be installed in a manner that minimizes the numbers of vehicles having to stop. In most cases, the street carrying the lowest volume of traffic should be stopped. A STOP sign should not be installed on the major street unless justified by a traffic engineering study as recommended by the MUTCD. If two streets with relatively equal volumes and/or characteristics intersect, typically the direction that conflicts the most with established pedestrian crossing activity or school walking routes or the direction that has the longest distance of uninterrupted flow approaching the intersection should be stopped.

No all-way stops may be installed in a new subdivision without the permission of the Director of the Department of Public Works.

B. **Yield Signs (R1-2):**

These should be installed when there are right turns at an intersection that are channelized apart from the through and/or left turn movements with a striped or raised island. In addition, yield signs should be installed on each approach of a roundabout.

C. **Right Lane Must Turn Right Signs (R3-7R):**

One of these signs should be installed 25 feet from the back of the deceleration lane of the development, if applicable.

D. Speed Limit Signs (R2-1):

These should indicate a 25 mph speed limit for streets internal to residential subdivisions, unless it is a local collector road for the development, and then it should be no higher than 35 mph. Only one speed limit sign shall be installed at each project entrance.

E. Street Names Signs (D3):

Corner mounted street name signs must be installed at every intersection and must conform to Fulton County Ordinance 01-0582 and standards designated by the Department of Public Works. Overhead street name signs shall be installed where a subdivision street intersects at any traffic signal instead of corner mounted signs.

F. Roundabout Signs:

Roundabouts must be signed and marked per Fulton County standards. This includes yield signs for every approach, as well as an advance roundabout sign as established by the Department of Public Works. The pavement marking shall include yield lines and channelization islands for each approach.

G. Other Signs:

Additional signs may be required as appropriate by the Department of Public Works.

H. A Sign and marking plan shall be submitted for approval prior to the installation of any signs. (Added 11/04/15)

I. Retro reflective sheeting use on all roadway signs must meet current County Standards. (Added 11/04/15)

J. Signpost and Anchors must meet current County Standards. (Added 11/04/15)

K. Street Name Signs shall be single faced and installed in accordance with County Standards. **No Caps and Crosses are allowed.** (Added 11/04/15)

L. Custom Signpost and Sign Frames are allowed; however a Custom Sign Permit must be obtained from the Department of Public Works prior to installation. (Added 11/04/15)

ARTICLE IX

REQUIRED IMPROVEMENTS

9.1 PUBLIC UTILITIES

Every subdivider shall be required to install or have installed the appropriate public utility and improvements referred to in this ARTICLE as found in the following documents:

- A. DEPARTMENT OF PUBLIC WORKS - STANDARD PLANS
- B. FULTON COUNTY COMPREHENSIVE STORM DRAINAGE DESIGN AND CRITERIA MANUAL
- C. SEWER REGULATIONS OF FULTON COUNTY
- D. FULTON COUNTY TREE PRESERVATION ORDINANCE
- E. UTILITY ACCOMMODATION- GUIDELINES AND PROCEDURES

9.2 STREETS

9.2.1 STREET GRADING

- A. All street rights-of-way shall be cleared and graded to standards of the Public Works Department.
- B. Finished grades shall be at levels approved in accordance with the Standard Plans.
- C. When property adjacent to the street is not owned by the subdivider, he/she shall obtain the necessary easements of sloping banks before submitting for a Land Disturbance Permit (LDP).

9.2.2 STREET PAVING/STRIPING

- A. All street paving widths shall be in conformance with standards set forth in Article 8.
- B. Street pavement shall be installed according to standards adopted by the Board of Commissioners.
- C. Striping shall be installed according to standards adopted by the Board of Commissioners.
- D. On all roads adjacent to a development, the adjacent lane of the road must be widened to provide twelve (12) foot lanes. The road must be repaved throughout the subdivision frontage and along the roadway improvements, whichever is greater. The road must either be resurfaced from edge to edge, or it must be milled and repaved to the centerline. No more than one (1) inch vertical drop may be allowed at the pavement/gutter joint and

a maximum of six (6) inches of exposed curb must be retained.

- E. No striping should be provided on subdivision streets designed for 25 m.p.h., except for stop bars and 50 feet of double yellow centerlines, to be located at each entrance to the subdivision.

9.2.3 CURBS AND GUTTERS

- A. Curbs and gutters shall be installed on all streets except noted herein. Installations shall be in accordance with standards adopted by the Board of Commissioners.
- B. Curbs and gutters shall be of a straight or standard construction on one or both sides where sidewalks are required or as approved by the Director.
- C. Curbs and gutters may be waived by the Director if the sidewalk along the same portion of the roadway is set back a minimum of 12 feet from the edge of pavement and drainage is adequately addressed. Setbacks greater than 12 feet may be required by the Director.

9.2.4 SIDEWALKS (Amended 11/04/15)

A. Introduction

1. Purpose: The objective is to provide facilities that ensure safe pedestrian movement in Fulton County.
2. Intent: Sidewalks are intended to provide a safe pedestrian connection between the subdivision/development and nearby destinations. Pedestrians consist of children walking to and from school and neighborhood activities, as well as adults walking to and from neighborhood shopping and transit stops. In addition to the need for sidewalks for circulation and safety, sidewalks can be important elements in the recreational system of this community. They can also serve as walking and hiking trails.

B. Single Family, Two Family and Townhouse Residential Zoned Development (R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, CUP, NUP, TR zoning districts and inactive zoning districts SUB A, SUB B, and SUB C)

1. Single family residential subdivisions shall be required to place a sidewalk along both sides of all internal publicly dedicated streets.
2. Single family residential subdivisions shall be required to place a sidewalk along the development's frontage on external publicly dedicated streets.

C. AG-1 (Agricultural) Zoned Residential Development

1. Single family residential subdivisions shall be required to place a sidewalk along one side of all internal publicly dedicated streets.
2. Single family residential subdivisions shall be required to place a sidewalk along

the development's frontage on external publicly dedicated streets or as may be approved by the Director.

3. Non-residential development shall provide sidewalks as may be approved by the Director.

D. Multi-Family Zoned Development (A and A-L zoning districts and inactive zoning districts A-1 and A-O)

Provide sidewalks along all external publicly dedicated streets for which the overall development has frontage.

E. Non-Residential Zoned Development (O-I, C-1 and C-2 zoning districts)

Provide sidewalks along all external publicly dedicated streets for which the overall development has frontage.

F. MIX (Mixed Use) Zoned Development

1. For entirely residential components of the mixed use development, provide sidewalks in a location and width consistent with the proposed residential use as required by Section B.
2. Where residential is located above non-residential uses or where the proposed development is entirely non-residential, sidewalks shall be required along both sides of all publicly dedicated roads where the mixed use or non-residential components are developed or as may be approved by the Director.

G. Industrial Zoned Developments (M-1A, M-1 and M-2 zoning districts)

1. For developments with publicly dedicated internal streets, a sidewalk shall be provided along one side of the street.
2. For developments with frontage on an external publicly dedicated street(s), a sidewalk shall be required along the entire frontage.

H. General Specifications:

1. Sidewalks shall be provided by the subdivider at no cost to the County.
2. Sidewalks for residential development shall have a minimum width of five (5) feet wide as indicated by a note on the minor or final plat.
3. Sidewalks along publicly dedicated streets shall be located within the public right-of-way and shall be set off the street curb by a minimum 2-foot wide landscape strip.
4. For non-residential developments, sidewalks shall be a minimum of six (6) feet wide.

5. Where sidewalks are required, they must be installed prior to the issuance of a Certificate of Occupancy.
6. Prior to the recording of the final plat, 125% of the cost of the internal sidewalks for any residential subdivision must be performance bonded. This bond will be released when all sidewalks required pursuant to the development have been constructed and approved. All required sidewalks must be provided for any residential subdivision within two years of the recording of the final plat, otherwise, the bond is forfeited and the County will use the funds to complete the sidewalk construction.

I. Exception:

1. When a developer requests to install (within a development) sidewalks that are not required by the Subdivision Regulations and at no cost to the County, the Director may approve a reduction in width to a width of no less than four feet.
2. For developments located adjacent to streets identified on the South Fulton Trail Net Plan, the Director may consider the location of the multi-purpose trail in lieu of any required sidewalk.

9.2.5 **STREET TREES**

- A. Street trees and other shrubbery that may be retained or planted shall not obstruct sight distances and shall be subject to the approval of the Director.
- B. Street trees that may be required by the Director along the street(s) shall be of species approved as street trees in the Fulton County Tree Preservation Ordinance.

9.2.6 **SIGN INSTALLATION POLICY FOR NEW DEVELOPMENTS**

Each applicant of a Land Disturbance Permit will be responsible for the installation of the street and traffic control signs in the new subdivisions.

The signs must be installed per the most recent edition of the Manual on Uniform Traffic Control Devices (MUTCD) with relation to the installation height, size, distance from curb, etc. In general, signs should be installed at least seven feet from the shoulder to the bottom of the sign, and at least two feet from the face of curb to the closest edge of the sign, or as required by the MUTCD or otherwise designated by the Department of Public Works. The sign size, materials, and mounting equipment should conform to standards adopted by the Department of Public Works.

The identification of the number and location of signs shall be performed by the Department as part of the Land Disturbance Permit process. The minimum sign installation shall conform to the standards set forth in Article VIII – Design Standards, Section 8.7.

The sign inspection shall be done by the Department. The signs should be performance bonded at the same time as the pavement, at a cost of \$100 per sign or as established by the Director of

the Department. The bond or a portion thereof will be forfeited if the County at the time of final inspection has to replace a defective or non-conforming sign.

9.3 WATER SUPPLY

- 9.3.1 Where a public water supply is within 300 feet, the subdivider shall install or have installed a system of water mains and connect to such supply. The installation of mains and connections to each lot shall be installed prior to the paving of the street, if possible. (Amended 11/04/15)
- 9.3.2 Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the Health Department.
- 9.3.3 A separate water service connection shall be provided for each residential unit. Meters shall be located as specified by the utility company.
- 9.3.4 Fire hydrants shall be located and set in accordance with City of Atlanta Water Works Specifications. In addition, the fire hydrant shall be serviced by the following:
- A. Not less than a 8-inch diameter main if the system is looped.
 - B. Not less than an 8-inch diameter main if the system is not looped or the fire hydrant is installed on a dead end main exceeding 300 feet in length.
 - C. In no case shall dead end main(s) exceed 600 feet in length for main sizes less than 10 inch.
- 9.3.5 When required by the Public Works Department, a reuse water irrigation distribution system to each lot shall be installed. This system shall consist of an 8-inch diameter ductile iron pipe identified an “non-potable water,” painted purple in accordance with standard pipe identification schedules, and installed on the south or east shoulder of the right of way limit. All pipes and appurtenances must be in accordance with the Fulton County Water Reuse Standards. Each property owner requesting an irrigation meter shall connect to the reuse water main, if activated.
- 9.3.6 If a subdivision is re-platted and the originally platted lots configuration is changed after the water service lines have been installed, the water system shall be modified to properly serve each lot in accordance with Fulton County water specifications.

9.4 SANITARY SEWER MANAGEMENT

- 9.4.1 When public sanitary sewers are within 300 feet of the subdivision, the subdivider shall provide sanitary sewer services to each lot within the bounds of the subdivision. All street sewers serving lots in the subdivision shall be installed by the subdivider. A formula may be developed by the Department of Public Works to provide for a sharing of the costs of sewer facilities needed to serve the subdivision and other subdivisions in the same drainage basin.
- 9.4.2 When, in the written opinion of the Health and Wellness Department and the Department of Public Works, public sanitary sewer is not accessible, an alternate method of sewage disposal for each lot or a community sewerage disposal system may be used when in compliance with the standards of the Health and Wellness Department and Fulton County Sewer Regulations.

- 9.4.3 When the operation of a temporary sanitary sewer system requires land to be set aside for a disposal plant, the property owner shall give the County title to the property for as long as the plant is in operation. The title may carry a reversionary clause returning the property to the owner when the site is no longer necessary for the operation of the plant.
- 9.4.4 In a drainage basin which at time of plat application is scheduled for a public sewerage system, all subdivisions shall be provided with a temporary community sewerage disposal system as approved by the Department of Public Works and the Health and Wellness Department. The system shall include permanent sewerage outfall lines plus a temporary treatment plant to be installed by the subdivider.

Whenever the installation of a sanitary sewer is required, as provided by these rules and regulations, no new street shall be paved without the sewer being first installed in accordance with the requirements of the sewer specifications of the Fulton County Department of Public Works and the Fulton County Sewer Regulations.

If a subdivision is re-platted and the originally platted lots configuration is changed after the sewer service lines have been installed, the sewer system shall be modified to properly serve each lot in accordance with Fulton County sewer specifications.

9.5 STORMWATER PROVISIONS

9.5.1 STORMWATER MANAGEMENT

- A. Engineering and construction on any land within the County shall be carried out in a manner as to maintain water quality and rate of run-off to protect neighboring persons and property from damage or loss resulting from excessive stormwater runoff, pollution, soil erosion, or deposition upon private property or public streets of water-transported silt and debris.
1. Plans shall be submitted for review by the Department. These plans shall be prepared by a Professional Engineer or Landscape Architect, currently registered to practice in the State of Georgia, with stamp affixed.
 2. The plans shall be accompanied by profiles of natural and proposed drainage ways, including storm pipes, cross-sections, drainage swales and downstream analysis.

9.5.2 DESIGN FOR STORMWATER MANAGEMENT (Amended 11/04/15)

- A. Grading and design plans for the Land Disturbance Permit must include Erosion, Sedimentation, and Pollution Control Plans and Hydrology Study as required by the Georgia Soil and Water Conservation Commission Checklist, effective January 1st of the year submitted. The design criteria must follow:
1. The current Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES) Permit GAR 100001, 100002 or 100003.

2. The current Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES) Permit No. GAS 00117, Municipal Separate Storm Sewer System (MS4).
 3. The current Manual of Erosion and Sediment Control in Georgia (Green Book).
 4. The current Georgia Stormwater Management Manual (Blue Book).
 5. The current Fulton County Stormwater Management Design Manual.
- B. In order to ensure full compliance with the approved construction plans, final plat approval will be withheld until as-built drawings, prepared by a professional engineer or landscape architect currently registered in Georgia, have been submitted and approved by the Department in accordance with Section 4.2.3. No occupancy permit shall be issued until released by the Department.
- C. The owner shall be responsible for the maintenance of the storm drainage facilities during grading, construction, and for a 36-month period following final plat approval. Maintenance will be construed to include preserving the enclosing walls or impounding embankment of the detention basin and permanent sedimentation ponds and security fences, in good conditions; ensuring structural soundness, functional adequacy, and freedom from sediment of all drainage structures; and rectifying any unforeseen erosion problems.

9.5.3 DETENTION/RETENTION DESIGN

- A. General Provisions
1. Installation of properly functioning detention facilities, including outflow control devices, shall be the responsibility of the owner. If any control devices are damaged or destroyed during grading or construction, all processes shall cease until such devices are restored to their functioning capability. The owner, through application for grading or construction permits, accepts the responsibility of maintenance of the control devices.
 2. When serving more than three lots, detention ponds, retention ponds, and water quality features (including all required access easements, landscape strips, and fences) shall be located on a separate parcel where no home can be constructed. This parcel shall be owned and maintained by the homeowners' association or the owners of the lots being served by this pond. The parcel shall have a minimum of 20' wide continuous access to a public or private road in a manner that allows access and maintenance of this parcel. In addition, this parcel will not be required to meet the normal lot standard.
- B. Layout Design Standards: The ponds layout shall provide for the following minimums: (Amended 11/04/15)
1. A 20-foot graded access easement from the right-of-way to the pond;

2. A 20-foot landscape strip for screening purposes or as may be approved by the Director;
 3. A 10-foot access easement for maintenance or as may be approved by the Director; and
 4. A 6-foot high security fence with gate and lock.
- C. Alternative Design Standards: Applicants are encouraged to carry out innovative detention/retention layout that is intended to make such facilities an attractive amenity or focal point to the subdivision.

The Director may approve the following alternative design standards in lieu of those in sections 9.5.3.A. and 9.5.3.B.

1. Such alternative design should provide for attractive layout and means for detaining/ retaining/moving water.
2. The design should follow the natural land forms around the perimeter of the basin. The basin should be shaped to emulate a naturally formed depression.
3. Redistributing soils from basin construction to create natural landforms around the perimeter of the basin is encouraged. These forms should be located strategically to filter views or redirect and soften the views from residential areas.
4. Side slopes of basins must not exceed one-foot vertical for every four-foot horizontal. Where possible, side slopes should be varied to imitate natural conditions. Associated natural landforms should have side slopes no greater than one-foot vertical for every three-foot horizontal to accommodate lawn maintenance equipment. Varied slopes will be encouraged.
5. The applicant should consider the use of plant materials that naturally grow in the area. Trees and shrubs should be grouped in informal patterns to emulate the natural environment. The intent is to soften the views of these basins.

9.5.4 STORM DRAIN SYSTEM STENCILING/IDENTIFICATION

- A. All residential subdivision and commercial entity storm drainage structures or facilities (catch basins, storm sewer inlets, culverts, impoundment facilities, man holes, and other facilities that convey stormwater run-offs) shall be properly identified. Each drainage structure shall be identified with the use of durable and reusable Mylar stencils (stencils will not be provided by the County) that measure 20" x 30" with 2" lettering and an environmentally formulated, water base, but soluble striping paint (Color: blue). The message on the stencil shall read:

“DUMP NO WASTE”
 (Picture of a trout)
 “DRAINS TO STREAM”

9.5.5 SANITARY AND STORM SEWER EASEMENT

- A. All permanent easements shall be twenty (20) feet in width. When access for maintenance purposes is required, the maximum longitudinal slope along the easement shall be 30% at grade in steepest direction.
- B. No fill shall be placed on a sanitary or storm sewer easement without approval by the Director of Public Works. All sanitary manholes must extend to the ground surface. All easements terminating on a parcel shall extend to the property line.
- C. No retaining wall, building, pole, sign or other vertical structure shall be constructed in sanitary and storm sewer easements, including vehicular access easements around structures, without approval from the Director. No fence shall be placed across sanitary or storm sewer easements without gates to which the Department of Public Works has full access. No planting shall take place in a sanitary or storm sewer easement that will impede vehicular access along the easement or endanger the pipeline. No surface water shall be impounded on a sanitary sewer easement. No other pipeline or utility shall be placed in a sanitary or storm sewer easement without approval by the Director of Public Works.
- D. Each lot or parcel of land in a subdivision shall have a separate sewer connection terminating at the easement limit or right-of-way limit with a vertical clean-out pipe. No connection of the public sewer system shall be made except at a sewer connection approved by the Director of Public Works.
- E. No surface water, ground water, storm drain, gutter, downspout, or other conveyance of surface water or ground water shall be discharged into the sanitary sewer.

9.6 PLANS AND CONSTRUCTION

- 9.6.1 No sanitary sewer shall be accepted by the County without an as-built drawing showing the horizontal and vertical alignment of the sewer system, the locations of all manholes, sewer connections, piping materials, required easement limits and junctions, and property lines. This should be provided in the form of plans, profiles, and plats; when possible, an electronic copy of the required data (compatible with the Fulton County Geographical Information System) should be submitted.
- 9.6.2 No storm sewer shall be accepted by the County without an as-built drawing showing the horizontal and vertical alignment of the sewer system; the locations of all manholes, junctions, detention ponds, retention ponds, and sewer system outfalls discharging into ditches or creeks; sewer connections, piping materials, required easement limits; and property lines. This information shall be provided in the form of plans, profiles, details, sections and plats and when possible in an electronic form compatible with the Fulton County Geographical Information System and the applicable Department of Public Works data base.
- 9.6.3 In the case of single family residential subdivisions, by written application, the owner may request that Fulton County assume partial maintenance responsibility of drainage facilities, effective after the expiration of the initial maintenance 15 months. Within sixty (60) days after receipt of such application, the Director shall respond in writing to the owner/applicant. Such

response shall set forth additional terms and conditions for acceptance. However, maintenance by Fulton County shall be limited to ensuring the functional adequacy of such drainage structures. Maintenance responsibility shall remain partially with the homeowners' association unless and until, and only to the extent that, the homeowners' association is expressly relieved of such responsibility pursuant to and in accordance with a written instrument signed by the Director. Appropriate easements shall be executed and recorded pursuant to this paragraph. For all other types of development, responsibility for maintenance of storm sewer system and detention ponds, including but not limited to, periodic silt removal to maintain functional integrity, will remain the responsibility of the Owner. Maintenance responsibility shall constitute an obligation running with the land and shall be binding upon the owner's executors, administrators, heirs, successors, and successors-in-title.

The owner/developer shall provide stabilization, including vegetation, and installation of security fences for safety purposes at detention facilities, as prescribed, prior to approval of the Final Plat by the Director.

9.6.4 Any single-family detached home which involves less than 10,000 square feet of cleared area or all impervious surface areas combined and is in excess of 2,000 feet from the Chattahoochee River, shall be exempted from the provisions of a hydrology study. In no such case, however, shall grading involve over 25 percent of the total land area. Sites within 2,000 feet of the Chattahoochee River shall be developed in accordance with the Atlanta Regional Commission's vulnerability analysis, as determined by the Director.

9.6.5 All engineering and construction, regardless of whether such engineering or construction is being accomplished on public land or on public easements, shall meet the minimum requirements of these regulations.

9.7 MONUMENTS AND IRON PIPES

Permanent monuments shall be accurately set and established to tie with the County GIS monuments or as required by the Director.

The monuments shall consist of two 2-inch iron pipes, sixteen (16) inches in length, or T bars, twenty-four (24) inches in length, or other approved materials. The monuments shall be set so that the top of pipe shall be six (6) inches above the ground level, unless otherwise approved by the Department of Public Works.

The accurate location, material, and size of all existing monuments shall be shown, on the final plat, as well as the future location of monuments to be placed after street improvements have been completed.

Iron pipes at least one-half (1/2) inch by sixteen (16) inches shall be used and shall be set two (2) inches above the finished grade.

9.8 UNDERGROUND UTILITIES

9.8.1 All existing and proposed utilities, including all electrical, telephone, television and other communication lines, both main and service connections, serving or having capacity of 69 KV or less, abutting or located within a requested land disturbance area shall be installed underground

in a manner approved by the applicable utility provider and in compliance with Fulton County's right-of-way and erosion control regulations, if applicable.

9.8.2 Lots that abut existing easements or public rights-of-way where overhead electrical or telephone distribution supply lines and service connection have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. Should a road widening or an extension of service, or other such conditions occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

9.8.3 Contractors or developers of Subdivisions shall:

- A. Submit drawings of the Subdivision layout showing locations of underground electrical cable, transformers, and other related fixtures, in accordance with the Standard Plans. These drawings must be approved by the County before installation of the underground utility and before a building permit can be issued.
- B. Pay all cost for poles, fixtures, or any related items of materials necessary for the installation to the utility company.
- C. Submit proof of payment for complete installation.
- D. Have an agreement with the appropriate power company for complete maintenance of all installations and provide proof of payment.

9.8.4 STREET LIGHTS AND PEDESTRIAN LIGHTING

- A. Street lights and pedestrian lights shall be provided by the developers of all new subdivisions.

At the time of and as a requirement of submission of a Final Plat, the developer shall:

- 1. Submit a drawing(s) of the subdivision's layout showing locations of street lights and required pedestrian lights. This drawing must be approved by the Director prior to obtaining any building permit within the subdivision. The layout shall be shown on the Land Disturbance Permit. Fixtures and standards/poles installed or used shall be approved by the County and by the utility company which shall be responsible for the maintenance of the facilities.

Street light fixtures shall be mounted thirty (30) feet above the ground and shall have appropriate arm length to place the light over the street. No arm shall be less than five (5) feet long. Post top luminaries may be permitted when approved by Fulton County providing same are in compliance with the requirements of the Fulton County Zoning Resolution. Fixtures shall be located no more than three hundred (300) feet apart and at least one light shall be located at each street intersection within the subdivision. When a subdivision is located in a zoning overlay district, light standards shall comply with requirements of the overlay district. Pedestrian lights shall be installed as required by the overlay district or

the specific zoning case.

2. Pay all costs for standards/poles, fixtures and any other related items or material necessary for installation.
 3. Submit proof of payment for complete installation to the Director.
 4. Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.
- B. When street lighting is requested by existing residents, these residents shall:
1. Submit a petition to the Fulton County Department of Public Works from the residents affected showing a 90% support for the request. The affected residents shall be all residents whose properties are located, in whole or in part, within one hundred and fifty 150 feet of a proposed street light.
 2. The request to the County for street lights shall include a sketch indicating the individual location of lights within the subdivision, along with the residential location of each signatory to the petition.
 3. If standards/poles within the subdivision for the placement of these lights do not exist, or do not meet utility company requirements, it shall be the petitioner's responsibility to have these standards/poles placed prior to installation of the street lights, at their cost. Installation of poles within the County's right-of-way shall be subject to the approval of the Public Works Director. The street light fixtures are to be installed at the expense of the petitioners.
- C. When each of the applicable items in Section C above has been completed, Fulton County shall:
1. Assume maintenance responsibility and make the monthly payments to the utility company for electrical energy for each street light when at least fifty percent (50%) of the dwelling units in the subdivision have been occupied.
 2. Pay only the current monthly negotiated amount for electrical energy for each street light.

ARTICLE X

FEES

10.1 PLATTING FEES

Every application for a Minor plat, Final Plat, or other plat submitted pursuant to these regulations shall be submitted to the Director along with such fees as may be established by the Board of Commissioners. Failure to pay such fees as required shall cause the plat to be returned to the applicant without acceptance for review or consideration by Fulton County. (Amended 11/04/15)

10.2 UTILITY FEES

Following the approval of a Land Disturbance Permit and prior to authorization to begin construction, the developer shall pay the required Inspection, water and sewer connections, Curb Cut, and Street Sign Fees as may be established by the Board of Commissioners. (Amended 11/04/15)

10.3 BOND FEES

Prior to approval of a Final Plat and as a prerequisite for acceptance of any such Final Plat, the developer shall provide such performance bonds, maintenance bonds, and/or cash assurances as required by these regulations and established by the Board of Commissioners.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

11.1 These Subdivision Regulations shall be administered and enforced by the Director.

11.2 PLAT DENIAL AND APPEAL

Should the Director deny any such plat (minor or final), a written explanation shall be provided stating the basis for the denial. Within 30 days of the date of said written explanation, the owner of record and/or subdivider may file with the Department a letter appealing the decision, which, together with a report from the Director, shall be forwarded to the Fulton County Board of Zoning Appeals for consideration pursuant to Article 22 of the Fulton County Zoning Regulations.

11.2.1 Should an applicant disagree with the review comments of the Director concluding factual or interpretive errors have been made, the following appeal procedure is intended to resolve the issues.

- A. Submit to the Director within 30 days of the comments at issue, a letter clearly defining the nature of the disagreement, the specific reference to the Article of these regulations at issue, and the applicant's opinion.
- B. The Director shall submit the request to the Technical Staff Review Committee. The Technical Staff Review Committee shall be selected by the Director and formed from appropriate departments' staff relative to the subject appeal.
- C. The Technical Staff Review Committee shall provide comments and a written recommendation to the Director within ten (10) working days.
- D. Should the Director, after review of the applicant's statement and the recommendation of the Technical Staff Review Committee, conclude that these regulations would not be violated, the Director shall modify his/her comments accordingly.
- E. Should the Director conclude that these regulations would be violated; the Director shall provide the applicant with a written letter of denial and advise the applicant of the appeal process to the Board of Zoning Appeals.
- F. The Board of Zoning Appeals shall, after receiving a report from the Director, decide the issue. The decision shall constitute the final administrative appeal.

11.3 APPEALS TO ALL OTHER STANDARDS

Should the Director not approve a request to vary any Article of these regulations within 30 days, the applicant may appeal in writing, stating the Article to be varied and the reason the variance should be granted.

11.3.1 The applicant shall file a variance application to these regulations with the Board of Zoning

Appeals, which shall have the authority, after hearing from the applicant and the Director, grant, modify and/or deny the variance. The Board of Zoning Appeals shall base its decision on hardships as described in the Fulton County Zoning Resolution.

ARTICLE XII

VIOLATION AND PENALTY

12.1 PENALTIES

Any person, firm or corporation violating any provision of this Resolution, shall be deemed liable for civil penalties not less than \$1,000.00 and not to exceed \$2,500.00 and/or imprisonment for 60 days, or as amended by applicable statutes. Each day's continuance of a violation shall be considered a separate offense. The owner of any lands or parts thereof, where anything in violation of this resolution shall be placed, or shall exist, and any person who may assist in the separate offense, the State Court of Fulton County, or any court of competent jurisdiction, shall have jurisdiction of any offense charged under this paragraph.

12.2 LEGAL RECOURSE

In any case in which any land is, or is proposed to be, used in violation of these regulations or any amendment thereto adopted by the Board of Commissioners of Fulton County, may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or actions, or proceeding to prevent, enjoin or abate such unlawful use.

ARTICLE XIII

CONFLICT

- 13.1** Where conflicts exist between these regulations and other County regulations and policies, either the most restrictive or the County's written interpretation shall prevail.

ARTICLE XIV

ADOPTION

- 14.1** These regulations shall be in full force and effective 30 days following adoption by the Board of Commissioners of Fulton County.

ARTICLE XV

SEVERABILITY

- 15.1** If any Article, sub-article, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, the validity of the remaining portions of these regulations shall not be affected, it being the intent of the Board of Commissioners of Fulton County in adopting these regulations that no portion hereof shall become inoperative or fail by reason of the unconstitutionality or invalidity of any Article, subsection, sentence, clause, phrase or provision of these regulations.