

**SUBDIVISION AND DEVELOPMENT REGULATIONS**  
**Of**  
**THE CITY OF ACWORTH, GEORGIA**



**The City of Acworth  
Department of Community Development  
Planning and Zoning Division  
4415 Senator Russell Avenue  
Acworth, Georgia 30101**

## **CITY OF ACWORTH SUBDIVISION AND DEVELOPMENT REGULATIONS**

An Ordinance To Regulate and Control the Development of Residential Subdivisions.

Now, Therefore, the Mayor and the Board of Aldermen of the City of Acworth Hereby Ordain As Follows:

### **Section 1. Purpose and Intent**

This section [ordinance] is enacted pursuant to the following purposes:

- (1) To encourage the development of an economically sound and stable community;
- (2) To assure the provision of required streets, utilities, and other facilities and services to new land development;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, to new land developments;
- (4) To assure the adequate provision of needed public green space and building sites in land developments through the dedication or preservation of land for recreational, educational, and other public purposes; and
- (5) To assure, in general, the wise development of new areas.

### **Section 2. Conflicting Regulations**

Whenever the provisions of this ordinance and those of some other resolution, ordinance or statute apply to the same subject matter, that requiring the highest, or more strict, standard shall govern.

### **Section 3. Approval by Mayor and Board of Aldermen Required**

No land in the City of Acworth shall hereafter be subdivided and offered for sale, or sold or otherwise transferred in ownership by reference to or other use of plat of a subdivision until said plat has received final approval by the mayor and board of aldermen, after which said plat shall be duly recorded in the office of the clerk of the superior court of Cobb County. The description by metes and bounds in the document of sale or transfer shall not exempt the transaction from the regulations.

### **Section 4. Issuance of Building Permit**

No building permit shall be issued for and no building or other structure shall be erected on any lot within the City of Acworth unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the city's planner or on a street location and accepted by the mayor and board of aldermen.

### **Section 5. Definitions**

When used in this ordinance, the following words and phrases shall have the meaning given in this section. Words not defined herein shall be construed as having the meaning given by common and ordinary use. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

- (1) Administrator. The city manager or his designee.
- (2) City plan. City official zoning map. The official zoning map is hereby incorporated herein by reference as though fully set forth herein. A copy of the official zoning map shall be maintained on file with the city clerk for inspection and review by the public.
- (3) Clerk of superior court. Shall mean the clerk of the superior court of Cobb County, Georgia.
- (4) Health department. Shall mean the Cobb County Health Department.
- (5) Major thoroughfare. Shall mean Highway 92, Main Street, and any other street designated as such by ordinance or resolution.

- (6) Preliminary approval. The conferral of certain rights, prior to final approval, after specific elements of a development or site plan have been approved by the proper reviewing authority and agreed to by the applicant.
- (7) Street.
  - (a) A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, or other way.
  - (b) "Collector street" shall mean a street onto which an entrance to a subdivision is located, intersects, or crosses.
  - (c) "Industrial street" is a street located and used primarily for industrial traffic in an approved industrial tract.
  - (d) "Minor street" shall mean any street which is not a major thoroughfare, a collector street, or an industrial street.
  - (e) "Cul-de-sac" is a minor street with only one outlet, sometimes called a "dead-end" street.
  - (f) Subdivider. A person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this ordinance, or the authorized agent of such person, firm or corporation for the purpose or proceeding under these regulations.
  - (g) Swale. A depression in the ground which channels runoff.
  - (h) Zoning ordinance. Shall mean the zoning ordinance of the City of Acworth, Georgia.

#### **Section 6. General Intent**

It is the intent of these regulations that the administrator shall represent the city in all negotiations with the subdivider, and shall handle all negotiations between the city and the subdivider, for such changes as may be necessary in the subdivision plats. Final approval of all subdivision plats shall be by the administrator and the Mayor and Board of Aldermen of the City of Acworth, Georgia.

#### **Section 7. Notice to Subdividers**

It shall be the duty of the administrator to give at least five days' notice to the subdivider before the date on which the Mayor and Board of Aldermen will vote to approve or disapprove the subdivider's subdivision.

#### **Section 8. Pre-application Procedures**

Prior to the preparation of the subdivision plat, the subdivider may confer with the administrator by submitting the pre-application plats and data specified in the plats and data section.

#### **Section 9. Procedure for Conditional Approval of Preliminary Plat**

- (1) On reaching conclusions informally under the provisions of section 8 regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with supplementary data as specified in the plats and data section.
- (2) The original and eight copies of the preliminary plat and supplementary data specified shall be submitted to the administrator upon his request. The administrator shall investigate the preliminary plat and supplemental data to determine whether it complies with these regulations and other laws of the city, and shall so inform the Mayor and Board of Aldermen of his findings.
- (3) The Mayor and Board of Aldermen shall then review all preliminary plats and should the administrator receive no comments from the Mayor and Board of Aldermen within seven days it shall be deemed to be conditionally approved.
- (4) Within ten days after receiving the conditional approval of the preliminary plat(s), the administrator shall notify the subdivider of the action taken and return one copy of the preliminary plat to him, with all comments, actions taken, and changes required, if any, noted thereon.
- (5) Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of conditional approval of the layout submitted on the preliminary plat as guide to the preparation of the final plat, which will be submitted for approval by the

Mayor and Board of Aldermen for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

**Section 10. Procedure for Approval of Final Plat**

- (1) The final plat to be prepared as specified in the plats and data section shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these obligations.
- (2) The original and eight copies of the final plat and supplementary data, as specified in the plats and data section, shall be submitted to the administrator at least 20 days prior to the meeting of the Mayor and Board of Aldermen at which it is to be considered, and within six months after approval of the preliminary plat, otherwise such approval shall become null and void unless an extension of time is applied for and granted by the administrator.
- (3) The administrator shall investigate the final plat and supplementary data to determine whether it complies with these regulations and other laws of the city and whether it conforms to the approved preliminary plat and recommended changes and shall so inform the Mayor and Board of Aldermen of his findings.
- (4) Upon approval of the final plat by the Mayor and Board of Aldermen, the administrator shall have a copy of the final plat recorded in the office of the clerk of the superior court of Cobb County, Georgia, within 30 days. The subdivider shall be responsible for the recording fee. The original plat shall be returned to the surveyor or engineer and the administrator shall be furnished a reproducible copy of the final plat to be filed in City records. If disapproved, the reasons therefore shall be expressed on or attached to said plats.

**Section 11. Combinations and Re-plats**

Where separate lots or parcels of land are proposed to be combined or re-platted, they shall be reviewed by the Mayor and Board of Aldermen, and if found to result in the same number or fewer lots or parcels, they shall require final approval by the Mayor and Bboard of Aldermen. If, however, upon review, the Mayor and Board of Aldermen find that such combinations or re-platting does result in a greater number of lots or parcels, such combination or re-platting must be subjected to the requirements of these regulations and receive conditional approval by the Mayor and Board of Aldermen before recording such plats.

**Section 12. Small Subdivisions**

Subdivisions of five lots or less not requiring dedication of additional street right-of-way and not requiring additional street improvements or utility installations other than house connections are exempted from the requirements and procedures of section 9, "Procedure for Conditional Approval of Preliminary Plat."

**Section 13. Boundary Line Revisions**

Minor revision of bearings and distances due to omissions or errors are to be approved by the administrator. Any revised plat must be recorded.

**Section 14. Pre-Application Procedures**

The following plats and data are required as supplements to the procedures outlined under procedure section, section 8, "Pre-application Procedures":

- (1) General Subdivision Information. A description or outline of the existing conditions of the site and the proposed development. This information may include data in existing covenants, land characteristics, and available community facilities and utilities, and information describing the subdivision proposal, such as number of residential lots, typical lot area, business areas, playgrounds, park areas, and other public areas within the subdivision.
- (2) Location Map. Showing in sketch form the relationship of the proposed subdivision to the surrounding area.

- (3) Sketch Plan. Showing in simple sketch the proposed layout of streets, lots and other features in relation to existing conditions.

### **Section 15. Plats and Data for Conditional Approval**

Eight copies of the following plats and data are required as supplements to the procedures outlined under section 9, "Procedures for Conditional Approval of Preliminary Plat."

- (1) Topographical Data. Required as a basis for the preliminary plat in section 16. The following information and other pertinent data as required to support the preliminary design of the proposed development, shall be submitted:
  - (a) Boundary lines - bearings and distances.
  - (b) Easement - location, width and purpose.
  - (c) Streets on and adjacent to the tract - name and right-of-way width and location; type, width and elevation of surfacing; any legally established centerline elevations; walks, curbs, gutters, culverts, etc.
  - (d) Utilities on and adjacent to the tract - location, size and invert elevation of sanitary and storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and streetlights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.
  - (e) Ground elevation of the tract - from an original topographic survey, based on a sea level datum plane approved by the administrator: for land that slopes less than approximately two percent show spot elevation at all brakes in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent either show contours with an interval of not more than five feet if ground slope is regular, and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
  - (f) Subsurface conditions on the tract - if required by the administrator, location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
  - (g) Other conditions on the tract - watercourses, marshes, rock outcrop, and other significant features.
  - (h) Proposed public improvements - highway or other major improvements planned by public authorities for future construction on or near the tract.
  - (i) Key plan - or vicinity map showing location of the relating or surrounding area and streets.
  - (j) Title and certificate - present tract designation according to official records in office of appropriate recorder; title under which proposed subdivision is to be recorded, with names and addresses of owner, designer, and person to whom official notices of hearing are to be sent, notation stating acreage, graphic scales, north arrow, datum, benchmarks; certification of registered civil engineer or surveyor; date of survey.

### **Section 16. Preliminary Plat**

The preliminary plat shall be at a scale of not less than 100 feet to one inch or larger; it shall show all existing conditions required in section 15(1), "Topographical Data," above and shall show all proposals, including the following:

- (1) Streets - right-of-way and roadway widths, approximate grades.
- (2) Other Right-of-Way Easements - location, width and purpose.
- (3) Location and Size of Utilities - if not shown on other exhibits.
- (4) Lot Lines.
- (5) Sites - if any, to be reserved or dedicated for parks, playgrounds, or other public uses.

- (6) Sites - if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- (7) Minimum Building Setback Lines.
- (8) Site Data - including number of residential lots, typical lot size, and acres in park.
- (9) Title, Graphic Scale, North Arrow, and Date.
- (10) Scenic Easement - the purpose of a scenic easement is to preserve and maintain the natural topography, vegetation and wildlife in an undisturbed environment which may be subject to periodic inundation or is necessary for additional buffer area. The City shall not maintain nor improve the property in a scenic easement and the property owner shall not remove any vegetation or wildlife nor make any improvements or add any structures. Diseased, decaying or damaged timbers which are likely to damage property outside the easement may be removed under the supervision of the City. The easement shall not be cleared, mowed or otherwise altered.

**Section 17. Other Preliminary Plans**

When required by the administrator, the following may be required:

- (1) Preliminary Storm Drainage Plan, which shall contain the following information:
  - (a) Location of proposed drainage ways, streams and ponds in the subdivision.
  - (b) Location and size of proposed drainage structures, including culvert, bridges, pipes, drop inlets and headwalls.
  - (c) Area of land contributing runoff to each drainage structure, and name of formula and runoff constant used.
  - (d) Location of easements and right-of-way for drainage ways maintenance accesses therefore [therefore].
  - (e) Typical cross section of each drainage way.
  - (f) Direction of water flow throughout the subdivision.
- (2) Preliminary Sanitary Sewer Plan, which shall contain the following information:
  - (a) Location and size of all existing and proposed sewers in the subdivision and tie points of the subdivision. Location of sewer laterals.
  - (b) Direction of flow of each sewer line.
  - (c) Location of each manhole and other sewerage system appurtenances, including lift stations, oxidation ponds, treatment plant.
- (3) Preliminary Water Distribution Plan, which shall contain the following information:
  - (a) Location and size of water distribution system, including pipes, valves, fittings, hydrants, high-pressure pumping equipment, and other integral units of the water system.

**Section 18. Plats and Data for Final Approval**

The following plats and data are required under the procedures outlined under Section 10, "Procedures for Approval of Final Plat":

- (1) General Final Plats. One original and eight copies required. The original shall be drawn in ink on tracing cloth or other permanent reproducible drafting materials with sheets 18 inches wide by 20 inches long and shall be at a scale of not less than 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the administrator. The final plat shall show the following:
  - (a) Primary control points, approved by the administrator, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
  - (b) Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites: with accurate dimensions, bearings, or deflection angles, radii arcs, and central angles of all curves.
  - (c) Name and right-of-way width of each street or other right-of-way.
  - (d) Location, dimensions, and purpose of any easement. Floodplain and floodway boundaries as shown on the Official City of Acworth Flood Boundary and Floodway Map is hereby

incorporated herein by reference as though fully set forth herein. A copy of the Acworth Flood Boundary and Floodway Map shall be maintained on file with the city clerk for inspection and review by the public.

- (e) The final plat shall show a number to identify in each block, lot or site and shall be submitted to the appropriate city department for the assignment of street addresses.
- (f) Purpose for which sites, other than residential lots, are dedicated or planned.
- (g) Minimum building setback line on all lots and other sites.
- (h) Location and description of monuments.
- (i) Name of record owners of adjoining unplatted lands.
- (j) Name of recorded subdivision plats of adjoining platted lands.
- (k) A certification by surveyor or engineer certifying to accuracy of survey and plat.
- (l) A certification of title showing that applicant is the land owner.
- (m) Statement by owner dedicating streets, rights-of-way and any other sites for public use.
- (n) Title, graphic scale, north arrow and date.
- (o) A certificate of approval by the administrator, which shall be made when the administrator determines that all required utility installations have been paid for the subdivider and that the subdivider has complied with one of the following alternatives:
  - 1. All utilities and other improvements have been installed in accordance with the requirements of these regulations.
  - 2. A bond or certified check or other acceptable guarantee has been posted with the city in sufficient amount to assure completion of improvements.
- (p) A certification of approval for recording by the Mayor and Board of Aldermen.
- (q) A copy of the protective covenants suitable for recording.
- (r) The size, length and location of all surface drainage pipes or structures shall be shown on the final plat.
- (s) The endorsement and dedications required above shall be substantially as follows and shall be printed on the original plat.
  - 1. "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

\_\_\_\_\_  
"Registered Land Surveyor"

\_\_\_\_\_  
"Surveyor Number"

- 2. "The owner of the land shown on this plat and whose name is subscribed hereto and who in person or through duly authorized agent acknowledges that this plat was made from an actual survey and dedicates the use to the public forever of all alleys, streets and other public places thereon shown for the purpose and consideration therein.

\_\_\_\_\_  
"Name of Owner"

- 3. "This plat has been submitted to and considered by the mayor and board of aldermen of Acworth, Georgia, and is approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_. Furthermore the mayor and board of aldermen accept all dedicated right-of-way, public streets, public places and public utility easements for maintenance.

\_\_\_\_\_  
"Mayor"

- (2) Fee Simple Subdivision Final Plat. Fee simple subdivision final plats may be submitted twice. The first submittal shall show the proposed location in blocks or rows of units, along with all required data for a subdivision excluding property lines for individual units. The second submittal shall be made after each individual unit is constructed. The second submitted shall consist of a revision of the first plat and shall depict each individual property line with bearings and distances.
- (3) Industrial, Commercial and Office Park Subdivision Final Plat. Final plats for industrial, commercial and office park subdivisions shall meet all data requirements of subsection (1) above, except that interior lot lines need not be depicted.

**Section 19. Examples of Certificates**

The following are examples of certificates that may be required before a plat may be recorded:

- (1) Certificate of approval of the storm drainage system.

"The storm drainage system shown hereon is properly designed to serve this subdivision and is adequate to serve the drainage area from which storm drainage waters will be carried through this subdivision. It is certified that the information shown hereon is true and correct."

"It is further certified that adequate storm drainage easements are provided, where necessary."

TABLE INSET:

\_\_\_\_\_  
"Date \_\_\_\_\_  
Registered Engineer,  
Surveyor or Landscape Architect Registration Number"

- (2) Certificate of Approval of the Sanitary Sewer System.

"The sanitary sewer system shown hereon is properly designed, meets City of Acworth specifications, and is adequate to serve the drainage area whose sewage will be carried through this subdivision. It is certified that the information shown hereon is true and correct."

TABLE INSET:

\_\_\_\_\_  
"Date \_\_\_\_\_  
Registered Engineer,  
Surveyor or Landscape Architect Registration Number"

- (3) Certificate of Approval of the Water Distribution System.

"The water distribution system shown hereon is properly designed and meets the City of Acworth specifications and is adequate to serve this subdivision. It is certified that the information shown hereon is true and correct."

TABLE INSET:

\_\_\_\_\_  
"Date \_\_\_\_\_  
Registered Engineer,  
Surveyor or Landscape Architect Registration Number"

- (4) Certificate of Approval of the Septic Tank System.

"The septic tank system shown hereon is properly designed and meets the Cobb County Health Department specifications and is adequate to serve each lot of this subdivision. It is certified that the information shown hereon is true and correct."

TABLE INSET:

\_\_\_\_\_  
"Date \_\_\_\_\_  
Registered Engineer,  
Surveyor or Landscape Architect Registration Number"

**Section 20. Conformity**

All proposed subdivisions shall conform to the official zoning map as follows:

- (1) The densities established by the zoning ordinances shall be observed by the subdivider and developer.
- (2) All major thoroughfares crossing or bordering a proposed subdivision are required to be provided in the location and at the right-of-way width designated thereon.

**Section 21. Street Design**

**A. General.**

- (1) The arrangement, character, extent, locations, and grade of all streets shall be done in accordance with acceptable land planning principles and shall be considered in their relation to existing and planned streets, to topographical conditions, orientation to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.
- (2) The street pattern shall be so designed as to provide two or more means of access to a major thoroughfare or collector street; however, streets converging upon any one point which would tend to promote congestion shall not be permitted.
- (3) The street pattern shall be in conformity with the most advantageous development of the entire neighborhood area. Proposed streets shall be extended to the boundary lines of the tract to be subdivided and provide normal circulation of traffic within the vicinity.
- (4) Minor streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.
- (5) Subdivisions which abut or have included within the proposed area to be subdivided any major thoroughfare shall provide:
  - (a) A collector street;
  - (b) Reverse-frontage with screen planting contained in a nonaccess reservation along the rear property line;
  - (c) Deep lots with rear service; or
  - (d) Other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Intersections of minor subdivision streets with major thoroughfares shall be held to a minimum.

**B. Unusable Reserve Strips.** Unusable reserve strips controlling access to streets shall be prohibited. Land shall not be subdivided in a manner which omits part of the original tract or avoids drainage improvements.

**C. Cul-de-sac.** Streets designed to have one end permanently closed shall be provided at the closed end with a turnaround having a minimum roadway diameter of 80 feet. Right-of-way diameter shall be 100 feet. A cul-de-sac shall not exceed 700 feet in length.

**D. Jogs.** In no case shall a street jog be permitted on a major thoroughfare. On collector and minor streets, centerline offsets of less than 150 feet shall be avoided.

**E. Minimum Street Right-of-Way Widths.**

- (1) In undeveloped or vacant areas, the administrator shall have the discretion of identifying or classifying streets.
- (2) The right-of-way widths of streets shall be not less than as follows:

<u>Street Type</u>	<u>Right-of-Way</u>
Major Thoroughfares	100 feet minimum or greater if specified in official public plans
Collector Streets	50 feet
Minor Streets	50 feet

- (3) The amount of right-of-way deemed reasonable to be required by dedication shall not exceed 100 feet in width. Along both sides of proposed major thoroughfare streets it is deemed reasonable to require an increased front yard or setback of up to 20 feet more than that required by the zoning ordinance.

F. Minimum Roadway Width; Paving:

<u>Street Type</u>	<u>Paving Width (Measured from back of curb – feet)</u>
Major Thoroughfares	52 (Minimum)
Collector Streets	28
Minor Streets	24
Industrial Streets	30

**(1) Paving Specifications**

**MINIMUM LOCAL ROADWAY CONSTRUCTION STANDARDS\***

STREET CATEGORY	BASE	BINDER	SURFACE COAT
LOCAL	8" GAB	2" "E" MIX	1" SUPERPAVE

\* NOTE: unless otherwise specified by Cobb County DOT or GA DOT on those roads maintained by.

- a. Residential minor streets and collector streets - 8 inches of crushed stone base (or equivalent), (2") two inches of asphaltic E-Mix and 1inch of super-pave surface coat. Note: All residential subdivision entrances from feeder street to the point of end of entry to the subdivision must meet commercial standards. All cul-de-sac's must meet commercial standards.

**MINIMUM COMMERCIAL ROADWAY CONSTRUCTION STANDARDS\***

STREET CATEGORY	BASE	BINDER	SURFACE COAT
COMMERCIAL	10"	3" "E" MIX	2 "

\*NOTE: unless otherwise specified by Cobb County DOT or GA DOT on those roads maintained by.

- b. Commercial/industrial streets - 10 inches of crushed stone base (or equivalent) with 3 inches of asphaltic binder and two 2" inches of asphaltic topping.
- **Note:** All sub-base, base, binder, and surface coat inspections are described below for local and commercial paving. No paving will be allowed at temperatures below 40 degrees Fahrenheit, on frozen or saturated ground or base. Moisture content must meet all GDOT standards, tested by an approved lab, if so called for by the Acworth Public Works Department (APWD). All base, asphalt binder and topcoats must conform to GDOT standards for their respective use. The APWD may require design mix specifications prior to placement to ensure compliance.

- c. **Inspections:** The following is a list of required inspections at each phase of roadway construction;

**Sub-grade:** All sub-grades will be inspected for compaction with a roll test, minimum weight of forty (40) U.S. tons, as determined by weigh ticket. If any area fails two (2) scheduled roll tests the contractor will be required to provide independent laboratory test results to confirm compaction at the required areas as determined by the APWD. Sand Cone or Nuclear

Densometer testing or other similar test as approved by APWD will be required. No base (stone) is to be installed without first passing sub-grade compaction inspection. **Sub-base compaction must meet 98% proctor.**

**Base (GAB):** After sub-grade passes compaction test, base material can be installed to the approved specified depth. A roll test will be performed as above. If any area fails two scheduled roll tests the contractor will be required to mitigate these areas to obtain compaction as required above.

**Binder:** Prior to surface coat, binder will be inspected for cracking, washing, raveling, sanding and or any abnormalities. Irregularities must be mitigated prior to surface coat installation.

**Surface Coat:** Inspected upon completion. Corrections as required.

G. Street Grades.

- (1) Street grades shall not exceed the following unless otherwise recommended and approved by the administrator:

<u>Street Type</u>	<u>Percent Grade</u>
Major thoroughfares	5
Collector Streets	15
Minor Streets	15

- (2) Minimum grades of any roadway shall not be less than one percent unless otherwise approved by the administrator.
- (3) Cross drains shall be approved by the administrator.
- (4) Vertical curves shall be such as to prevent abrupt change and shall be approved by the administrator.

H. Alignment and Visibility.

- (1) Minimum radii of horizontal curvature of the centerline shall be not less than 100 feet.
- (2) Tangent lengths between reverse curves shall be approved by the administrator. A minimum tangent of 100 feet shall be introduced between reverse curves on major thoroughfares.
- (3) Visibility. Clear horizontal visibility, measured along the centerline, shall be provided for at least 400 feet on major thoroughfares; 300 feet on minor thoroughfares; 200 feet on collector and local streets.
- (4) Where there are roads in existence, plans for rights-of-way must be so designed as to contemplate elimination of bends, crooks, and other hazardous conditions.

I. Intersection.

- (1) Submission of a grading plan, showing existing conditions and a detailed design for intersections which are unusual or located on different terrains may be required by the administrator.
- (2) Acute angles at street intersections are to be avoided and in no case will an angle of less than 60 degrees be permitted.
- (3) Minimum radii of intersections.
  - a. Property lines at all street intersections shall have cords [chords] in place of a radius. The cords [chords] shall connect the points where the radii for beginning and end of curb radius intersects the right-of-way lines.
  - b. Roadway and curb intersections shall be made concentric and shall be rounded by a radius of not less than 25 feet.

**Section 22. Alleys**

- (a) Alleys may be required in commercial and industrial districts except that the administrator may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking, consistent with zoning requirements.
- (b) Alleys are not permitted in residential districts except when the administrator determines special conditions warrant a secondary means of access.

**Section 23. Names**

- (a) No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the names of existing streets in the county. Street names are subject to the approval of the administrator.
- (b) Subdivision names shall not duplicate or be confused with existing names in the county. Subdivision names are subject to approval by the administrator.

**Section 24. Blocks**

- (a) The lengths, widths and shapes of blocks shall be determined with due regard to:
  - (1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
  - (2) Zoning ordinance and health department requirements as to lot sizes and dimensions;
  - (3) Needs for convenient access, circulation, control and safety of street traffic; and
  - (4) Limitations and opportunities of topography.
- (b) Except where topographic conditions warrant, block lengths shall not exceed 1,200 feet or be less than 600 feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.

**Section 25. Lots**

- (a) The lot size, width, depth, shape and orientation, and the minimum building setback line shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Lot dimensions shall conform to the requirements of the zoning ordinance and the requirements of the Cobb County Health Department. In such cases where requirements may conflict, the stricter requirement shall govern.
- (c) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading for the use contemplated.
- (d) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- (e) Each lot shall be provided with access to a public street.
- (f) Double-frontage and reverse-frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or so as to overcome specific disadvantages of topography and orientation. The subdivider shall provide a planting screen easement of not less than 20 feet in width, and across which there shall be no right of access.
- (g) Side lot lines shall be substantially at right angles to streets, except on curves where they shall be radial.

**Section 26. Easements**

- (a) Easements across lot or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 15 feet wide.
- (b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such drainage way as approved by the administrator. The width of such drainage easement of [or] right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream, in no case less than 20 feet, unless approved by the administrator.

- (c) Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or offsets and to facilitate the use of easement for power distribution, telephone service, drainage, water and sewer services.

**Section 27. Drainage and Inundation**

- (a) Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area.
- (b) Off-premises drainage easements and improvements may be required to handle the runoff of subdivisions into the natural drainage channel.
- (c) Low areas subject to periodic inundation shall not be developed or subdivided unless and until the administrator establishes that:
  - (1) The nature of the land use (i.e., recreation areas) would not lend itself to damage by water to an appreciable extent; or that
  - (2) The area may be filled or improved in such a manner to prevent such periodic inundation; or that
  - (3) Minimum floor elevations may be established to prevent damage to buildings and structures.
- (d) The administrator may require of the developer or his agent additional engineering information necessary to make decisions on acceptability of development in an area of questionable drainage. Such additional information would be in writing and the certificate of a qualified engineer may be required.
- (e) Lakes, ponds and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such park areas are subject to approval by the administrator.
- (f) The maintenance of retention facilities, including but not limited to, retention ponds, shall be the responsibility of the property owner during grading, construction, and following final approval of the completed project. This maintenance obligation shall be binding on future owners, successors and assigns of the property.

**Section 28. Monuments**

Monuments shall be placed by the subdivider on all subdivision boundary lots and block corners, angle points, points of curves in streets and at intermediate points as shall be required by the administrator, and shall meet the following specifications:

- (1) Subdivision boundary monuments shall be iron pins not less than 12 inches long and one-half inch in diameter, or concrete posts. All monuments shall be set flush with the ground.
- (2) Lot monuments shall be iron pins not less than 12 inches long and one-half inch in diameter set flush with the ground.
- (3) Other monuments. Where existing monuments have been located and are accurately represented, they may be permitted to remain in position.

**Section 29. Street and Related Improvements**

- (a) Each subdivider shall be required to install, at his own expense, streets and related improvements according to specifications hereinafter provided.
- (b) Five copies of the street and related improvements plan, showing the seal of the registered professional engineer, surveyor or landscape architect and showing the proposed streets and related improvements system plan and profile as designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, shall be submitted to, checked and approved by the administrator prior to installation.
  - (1) All streets, except as noted in paragraph (8) below, shall be cleared, grubbed and graded to the full right-of-way width. Finished grades shall be at levels approved by the administrator.
  - (2) Either rolled concrete curbs or integral concrete curbs and gutters, except as noted in paragraph (8) below, shall be installed on all streets. The administrator shall specify

which type shall be used. Installation shall be according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II, which is hereby incorporated herein, and is on file with the city clerk. Curbs and gutters in commercial, industrial, institutional or multifamily apartment districts shall be integral type.

- (3) Where integral type curbs and gutters are used, curb breaks, and driveways to property lines shall be according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II.
- (4) The administrator may require the installation of sidewalks in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, near schools and other places of public assembly, in or near commercial areas, and in or near areas of intensive residential development such as apartment areas.
- (5) Streets shall be paved to the widths set forth in section 21(f) of this ordinance, and measured back to back of curbs.
- (6) Street pavements shall be installed according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II.
- (7) In the absence of any standards set forth in this ordinance, the State of Georgia 1983 State Highway Department Specifications, volumes I and II, shall govern. The State of Georgia 1983 State Highway Department Specifications, volumes I and II, are hereby incorporated herein by reference as though fully set forth herein. A copy of said specifications shall be maintained on file with [the] city clerk for inspection and review by [the] public.
- (8) In certain cases, as determined by the administrator and approved by the mayor and board of aldermen, the subdivider may be required to pave and otherwise improve a reasonable portion of a major thoroughfare in order to ensure proper access to the proposed subdivision.

### **Section 30. Sanitary Sewers**

- (a) Except as herein provided, each lot or other site in a subdivision shall be connected to a public sanitary sewage system by lines of sufficient size to accommodate the anticipated sewage load. Lot service connections shall be stubbed to the property line so that there will be no necessity for cutting into the pavement in order to make future connections. The subdivider shall pay the cost of, or guarantee payment for, the cost of said installation in a manner suitable to the City of Acworth.
- (b) Five copies of the sewer plan, showing the seal of a registered professional engineer and showing the proposed sewer system in plan and profile as designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, shall be submitted to, checked and approved by the administrator prior to installation.
- (c) Whenever a sanitary sewage system is not available within a reasonable distance, septic tanks may be permitted upon obtaining special permission of the Cobb County Health Department. For septic tank installation, the minimum lot size shall be one acre with 100 feet frontage, or greater if so required by the health department. The following information shall be submitted to the health department for consideration of septic tank approval:
  - (1) Topographic information for each lot on which a septic tank is to be installed. Contour interval shall not exceed two feet.
  - (2) Location of all drainage facilities either natural or proposed.
  - (3) Percolation data indicated on a plat as specified by the health department.
  - (4) Proposed number of sanitary fixtures per dwelling unit.

### **Section 31. Storm Drainage**

- (a) The subdivider shall pay the cost of, or guarantee payment for, the cost of the storm drainage system in a manner suitable to the City of Acworth, prior to said installation.
- (b) The storm drainage system may be included in the sanitary sewer plan for subdivision required in section 30, provided the two systems are kept separate.

- (c) The size, location, and length of all surface drainage pipe or structures shall be shown on final plans and shall be subject to the approval of the administrator. Storm drain pipes 42 inches and smaller carrying stormwater from the street of adjacent property between or through lots shall be extended at least 60 feet behind the building line and in no cases shall be allowed to be discharged at a point where the water would cause damage to any existing or future structure. All cross drain pipes and pipes under the roadway and shoulder shall be reinforced concrete pipe of such gauge and strength according to the height of fill as specified by the state highway specifications. (See section 29(b)(7).)
- (d) Installation, backfilling and compaction shall be in accordance with the state highway specifications. (See section 29(b)(7).) All pipes shall have minimum cover of one foot and headwalls or inlet basins constructed at end of pipes. No concrete block headwalls shall be permitted.
- (e) The design of drainage structures shall be based on Talbot's Formula, a minimum constant of 0.8 shall be used, the design drainage area and constant shall be shown on the final plat for each pipe or culvert opening.
- (f) Any lots within the subdivision which, in the opinion of the administrator, are undesirable for building due to bad drainage conditions shall be excluded and no building shall be permitted thereon until such conditions have been corrected as specified by the administrator.
- (g) In special cases where it is the desire of the subdivision developer or owner to leave running streams open for aesthetic purposes, this may be permitted upon approval by the administrator. Whenever open streams are permitted, such streams shall retain their natural design characteristics and be so designed that they do not present a maintenance problem to the city and that they do not present a hazard to life and safety.
- (h) Five copies of the plans of the storm drainage system of the subdivisions shall be submitted to, checked and approved by the administrator prior to installation. Said system shall be designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II.

**Section 32. Water Supply System**

- (a) Each lot or other site in a subdivision shall be connected to a public water supply system by lines of sufficient size to accommodate the anticipated water demand for domestic and firefighting purposes. Fire hydrants in residential subdivisions shall be no more than 400 feet from the center of the lot at the building line (distance shall be measured along hose lay). Nonresidential subdivisions shall have fire hydrants no more than 500 feet apart. Lot service connections shall be stubbed in so that there will be no necessity for cutting into any pavement in order to make any future connections. The subdivider shall pay the cost of, or guarantee payment for the cost of the water supply system, in a manner suitable to the City of Acworth.
- (b) Five copies of the plan of the water supply system of the subdivision, showing the seal of a registered professional engineer, surveyor or landscape architect, shall be submitted to, checked and approved by the administrator prior to installation. Said system shall be designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II.

**Section 33. Coordination of Installation**

All underground work such as sewers and water lines shall be installed and each backfill compacted before street pavement is laid.

**Section 34. Experimental Subdivisions**

- (a) The administrator may waive, vary, or modify the standards and requirements of these regulations if, in his judgment, an unusual or experimental subdivision might prove of considerable merit toward:
  - (1) The use of unusual materials in constructing required improvements; and/or
  - (2) A new or untried design concept in the Acworth area which appears promising.

- (b) Special attention may be given to experimental subdivisions which are related to low-cost housing design in an effort to provide housing for lower income families. The administrator shall require the subdivider to provide a written proposal stating the nature of the experiment.

**Section 35. Conditions**

In granting modifications, the administrator may require such conditions as will, in his judgment, secure substantially the objectives of the standards of requirements so modified.

**Section 36. Conflict with Other Laws**

Whenever these subdivision regulations impose more restrictive standards than are required in or under any federal or state law or applicable local ordinances, the requirements of these regulations shall govern. Whenever the provisions of any applicable federal, state or local ordinances require more restrictive standards than are required by these subdivision regulations the provisions of such laws or ordinances shall govern.

**Section 37. Penalties for Transferring Lot in Unapproved Subdivisions**

- (a) Whoever, being owner or agent of any land located within a subdivision, transfers or sells any land in such subdivision before such plat has been approved by the Mayor and Board of Aldermen and recorded or filed in the office of the clerk of the superior court of Cobb County, Georgia, shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- (b) The city may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the same penalty by civil action in any court of competent jurisdiction.

**Section 38. Final Subdivision Plat**

Previously approved final subdivision plats are exempt from the requirement of this ordinance unless the development of such plans has not been undertaken within a period of two years (24 months) from the date of approval.

**Section 39. Severability**

It is hereby declared to be the intention of this ordinance that its sections, paragraphs, sentences, clauses and phrases are severable; and if any section, paragraph, sentence, clause or phrase of this ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

**Section 40. Repealer**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 41. Effective Date**

This ordinance shall become effective upon passage by the Mayor and the Board of Aldermen of the City of Acworth.