

WILKINSON COUNTY, GEORGIA
SUBDIVISION DEVELOPMENT ORDINANCE
(Adopted October 3, 2006; Amended October 17, 2006)

ARTICLE ONE.
SUBDIVISION OF LAND

Section 1. Definitions.

- a. Land disturbing activity Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural operations and forestry.
- b. Subdivision Any division of land, vacant or improved, into 3 or more lots (including parcels, sites, units, plots, tracts) for the purpose of offer, sale, lease, gift, or development whether immediate or future, upon any plans, terms and conditions. Subdivision includes the division of land, whether by deeds, meets and bounds descriptions, map, plat or other recording instrument.
- c. Transferring Ownership or Interest For purposes of this ordinance, transferring ownership or interest means conveying fee simple ownership of property, or some other present possessory interest, including, but not limited to, a life estate or a leasehold interest. This term does not include transfer of security interests or easements when such are related to the development of the subdivision.
- d. Unimproved County Road for purposes of this ordinance shall mean a road which is assigned a county road number and that's surface is sand, clay or rock.

Section 2. Submission of Plans.

- a. Preliminary Plat Prior to the commencement of any land disturbing activities on the subject property, any property owner wishing to subdivide land must file an application for subdivision approval with the Wilkinson County Board of Commissioners with at least two sets of plats, prepared by a licensed registered surveyor in the State of Georgia, and marked as "Preliminary". The Board of Commissioners will review the Preliminary plans and may require modifications to the plans to comply with County ordinances or State law. Plans will be reviewed by the Wilkinson County Enforcement Officer for compliance with all ordinances and regulations. Upon approval of the Preliminary Plans, the developer will be notified in writing and may proceed with land disturbing activities.
- b. Final Plat Prior to transferring ownership or interest of any individual lot or portion of a property, any property owner wishing to subdivide land must provide the Wilkinson County Board of Commissioners with at least three copies of a plat, prepared by a licensed registered surveyor in the State of Georgia, and marked

"Final". The Board of Commissioners will review the Final Plat to ensure that it is consistent with the Preliminary Plat and that it complies with all ordinances and laws applicable at the time that the preliminary plat was submitted. Upon approval of the Final Plat, it shall be filed with the Wilkinson County Tax Assessors Office and recorded in the office of the Clerk of the Wilkinson County Superior Court. No plat shall be recorded in Superior Court without stamped approval from the Wilkinson County Board of Commissioners. The Developer shall bear all costs associated with the preparation and filing of plats. Once an approved Final Plat has been recorded in the Superior Court, the property owner may transfer ownership or interests of lots or portions of the subdivided property. Deeds of conveyance shall reference such recorded Final Plat.

- c. The requirements of this section shall not apply to subdivisions of property where the newly subdivided lots are each 50 acres or larger.

Section 3. Requirements for Plats Both the preliminary and final plats must contain the following information:

- a. Scale (minimum) 1"=100 feet
- b. Sheet size (maximum) 18" x 24"
- c. North arrow and graphic engineering scale
- d. Proposed name of subdivision or project and phases, if any
- e. Vicinity map
- f. Total acreage of the property being subdivided
- g. Name, address, and telephone of owner of record
- h. Name, address and telephone of subdivider
- i. Name, address and telephone of preparer of plat
- j. Date of plat drawing and revision date(s), if any
- k. Exact boundaries of the tract to be subdivided by bearings and distances, tied to one or more benchmarks
- l. Names of owners of record of all abutting land
- m. Municipal, County and land lot lines inside the property or within 500 feet.
- n. Existing buildings and structures on or encroaching on the tract to be subdivided
- o. Existing streets, utilities and easements on and adjacent to the tract
- p. Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, etc.)
- q. Dimensions and acreage of all lots
- r. Locations of streets, alleys, lots, open spaces, and any public use reservations and/or common areas
- s. Right-of-way widths and pavement widths for existing and proposed streets
- t. Locations, widths and purposes of easements
- u. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data
- v. Acreage to be dedicated to the public
- w. Land surveyor's stamp, certificate, signature, including field survey and disclosure statement

- x. Statement of and reference to private covenants
- y. For lots not served by public water and / or sewerage, evidence from the Wilkinson County Health Department that each lot is suitable for installation of a well and / or on-site sewerage management systems.

Section 4. Minimum Lot Size The minimum lot size on subdivided property shall be determined in the following manner.

For development not located in areas designated as low, medium or high pollution susceptibility: If the property is served by private water and private sewer, the minimum lot size shall be 1 acre. If the property is served by public water and private sewer, then the minimum lot size shall be .5 acres.

For development located in areas designated as low, medium or high pollution susceptibility:

- a. The minimums set forth above may be increased further based on consideration of other factors set forth in section A-F of the DHR manual for On-Site Sewer Management
 1. 150% of the subdivision minimum lot if they are within a high pollution susceptibility area;
 2. 125% of the subdivision minimum lot if they are within a medium pollution susceptibility area; and
 3. 110% of the subdivision minimum lot if they are within a low pollution susceptibility area.

Section 5. Minimum Road Frontage All lots must have a minimum road frontage of at least forty (40) feet.

Section 6. Right-of-Way on Existing Unimproved County Road In order to ensure that all new lots are provided adequate and safe access, where a property being subdivided fronts upon and is accessed by an unimproved County road, a right-of-way must be deeded to the County that is at least forty feet wide, measured from the center of the existing unimproved road, and running from the boundary of the property through and including each lot served by the unimproved County road. Where the original tract is located on both sides of an unimproved County road that provides sole access to any portion of the property to be subdivided, right-of-way must be deeded that is eighty feet wide, and running from the boundary of the property through and including each lot served by the unimproved County road. The developer or subdivider shall be responsible for preparation of a quit claim deed to the County for the required right-of-way. The subdivider shall not be required to pave or maintain this right-of-way. In consideration for conveying property necessary for the county right-of-way as required by this section, the county will pay the property owner for the right-of-way based upon the value of the property as shown on the assessment of such property on the records in the county tax assessor's office.

Section 7. Development of a Private Road or Easement Access Any private road or easement providing access between property owners must have a minimum width of forty feet. The easement or private drive must be shown on the plat of all affected properties and must be approved by the Wilkinson County Board of Commissioners and then recorded in the office of

the Clerk of the Superior Court of Wilkinson County. Such private road or easement need not be paved, but must be of sufficient dimension to accommodate school buses and emergency vehicles. The developer shall be responsible for all costs associated with the development of the private road or easement, including recording cost.

If more than three (3) lots have access from the private road or easement, then this shall be considered a new road for acceptance by the County and must comply with all provisions for acceptance of new roads.

Section 8. Placement of Utilities The Developer shall insure that placement of utilities will be such that future maintenance of streets or roads by the County will not result in damage to utilities or require removal and/or relocation for proper maintenance. The minimum requirement is forty-one (41) feet from the center of the existing or proposed County Road. Underground utilities located on rights-of-way shall be buried a sufficient depth, not less than three (3) feet measured from the land surface so as to avoid damage by road machinery.

Section 9. Driveways and Culverts. The installation of any driveway or culvert in connection with the construction of a driveway on any property in the unincorporated areas of Wilkinson County and for which access for such road or driveway adjoins a public county road shall require a permit issued by Wilkinson County under the following terms and conditions.

- a. Driveways must be designed to prevent excess water from entering or eroding the public roads of Wilkinson County and, if required, by the Road Superintendent or designated agent, the property owner must take whatever action necessary to satisfy this requirement before a permit is issued.
- b. Prior to installing or having installed driveway culverts on private roadways leading to or from public roads of Wilkinson County, the property owner(s) shall obtain a permit from the Wilkinson County Road Department.
- c. The property owner must mark the proposed location of the driveway.
- d. Upon application for a permit, the Road Superintendent or designee shall inspect the proposed location of the driveway and determine the correct diameter and length of pipe.
- e. The standard pipe shall be 15 or 18 inches in diameter and a minimum of 20 feet long.
- f. If the property owner desires to have the driveway installed by Wilkinson County, the owner shall pay for the cost of the pipe plus an installation charge for the necessary dirt, gravel and labor. The cost of the pipe shall be based on the actual cost of the pipe at the time of installation. The installation charge shall be set annually by the Wilkinson County Board of Commissioners by adoption of the Fee Schedule Resolution.
- g. If the property owner desires to install the driveway themselves or through private contractor, the County will issue the driveway permit. The property owner may purchase the pipe at cost from Wilkinson County.

- h. Property owners in Wilkinson County are not limited in the number of driveways that may be installed on a property. However, for each driveway installed, a permit must be obtained and the appropriate fee for each driveway paid.
- i. Wilkinson County will not provide pipes for general purpose use to the municipalities of the County, except in an emergency situation.
- j. Driveways on state highways and routes must be approved by the Georgia Department of Transportation and installed by a private contractor. Wilkinson County will not install driveways on state highways and routes or commercial driveways.

ARTICLE TWO NOTICE OF CONSTRUCTION

Section 1. Required Permits. A Notice of Construction is required for all construction in the unincorporated portions of Wilkinson County. Construction is defined as an improvement to land, including but not limited to residential homes, commercial buildings, industrial buildings, rooms, garages, bath houses, barns, decks, picnic shelters, storage buildings, in ground pools and telecommunication towers, but does not include remodeling or other work performed only in the interior of an existing structure. A Notice of Construction shall be issued if the desired construction is consistent with the applicable law and the ordinances of Wilkinson County. The Notice of Construction shall be obtained prior to the start of construction.

Section 2. Utilities. No utilities shall be provided for the improvement without a Notice of Construction issued by Wilkinson County.

Section 3. Application for Permit. An application shall be completed and filed with the Wilkinson County Board of Commissioners prior to the issuance of the Permit. If a permit is required by the county health department, then such permit shall accompany the application. The form of the application shall be provided and updated periodically.

Section 4. Cost of Permit. The Wilkinson County Board of Commissioners shall assess a Notice of Construction fee as determined by the fee schedule adopted by separate ordinance. The fee shall be paid to the Wilkinson County Board of Commissioners at the time of application.

Section 5. Enforcement. All provisions of this Ordinance shall be enforced by the Wilkinson County Enforcement Officer.

Section 6. Jurisdiction. All provisions of this Ordinance shall apply to all lands in the unincorporated geographic boundaries of Wilkinson County, Georgia.

ARTICLE THREE ROAD ACCEPTANCE

Section 1. Requirements.

- a. The developer shall make application for the construction of the road a minimum of 30 days prior to the start of construction, including any clearing, grubbing or other land disturbing activity. The form of the application shall be provided and updated periodically. The application shall include the proposed road name, two copies of a plat in accordance with the requirements Article 1 of this ordinance, a drawing depicting the typical section, copies of all applicable environmental plans including but not limited to erosion and sediment control, NPDES and land disturbing activities. Construction may not begin until the developer is notified in writing that the requirements of County Ordinances have been met. Construction prior to this written notification may result in a fine by the Wilkinson County Board of Commissioners.
- b. A minimum of eighty (80) feet must be granted for the right-of-way of all roads. Roads which end in a cul-de-sac must have a minimum fifty (50) foot radius, measured from the center of cul-de-sac to edge of right-of-way.
- c. The Right-of-way will be cleared of all stumps, limbs and foreign materials not consistent with good construction procedures.
- d. All roadbeds must be stabilized with at least four (4) inches of approved stone or at least six (6) inches of approved topsoil with proper compaction of the roadbed being 100% compaction, in accordance with test procedures approved by the Georgia Department of Transportation. Evidence of satisfactory compaction shall be provided by a certified testing laboratory.
- e. On all fills, the developer must use the DOT approved method of compaction and moisture control during fill.
- f. Each roadbed of paved roads shall have a minimum of twenty (20) feet width of triple surface treatment paving or better.
- g. All slopes and shoulders shall have approved grassing with proper soil stabilization and erosion control.
- h. The Developer shall insure that placement of utilities will be such that future maintenance of streets or roads by the County will not result in damage to utilities or require removal and/or relocation for proper maintenance. The minimum requirement is forty-one (41) feet from the center of the existing or proposed County Road. Underground utilities located on rights-of-way shall be buried a sufficient depth, not less than three (3) feet measured from the land surface so as to avoid damage by road machinery.
- i. Where drainage or slope easements are required, the Landowner, developer or contractor

shall furnish evidence satisfactory to Commissioners and approved by County Attorney, that legally sufficient easements have been obtained from adjacent landowners.

- j. The developer shall be responsible for the placement of all cross drains and culverts in accordance with the environmental plans. Driveway pipes shall be installed by the developer as needed and shall meet the minimum requirements of Article 1 Section 9.
- k. The type of street signs and safety signs must be approved by the County and put in place before the County will accept the road for maintenance.
- l. The Contractor or landowner shall maintain all roads for one (1) year from the date of acceptance of a road and provide a suitable Maintenance Bond approved by the County for one (1) year from the date of acceptance of a road, in an amount equal to Five Thousand Dollars (\$5,000.00) per mile or portion thereof.
- m. The contractor or developer shall be responsible for furnishing a warranty deed for the right of way in a form acceptable to the Commissioners and approved by the County Attorney and before acceptance by the County, and shall bear the expenses of recording the deed.

ARTICLE FOUR ENFORCEMENT

Section 1. Wilkinson County Code Enforcement Officer.

Unless otherwise provided in a particular section, the provisions of this Ordinance shall be administered and enforced by the Wilkinson County Code Enforcement Officer, who shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this Ordinance, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection, as permitted by law. Officers and officials may seek inspection warrants or search warrants on probable cause of a violation occurring inside a structure. No warrant shall be required to investigate visible and open violations or uses. No person shall obstruct, hamper or interfere with the Code Enforcement Officer while in the process of carrying out his official duties in the enforcement of this Ordinance.

Section 2. Enforcement Actions.

- a. Enforcement of this ordinance may be through magistrate court citation, civil fines, or other civil proceedings. Violation of this Ordinance shall be a misdemeanor. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended or which shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be subject to an enforcement action.
- b. In addition to or in lieu of any other remedy, the County may seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any

provision of this Ordinance. Such action may also seek civil fines at the rates specified in this Ordinance, restitution, reasonable attorney fees and litigation costs.

Section 3. Stop Work Orders.

- a. Upon notice from the Code Enforcement Officer, work on any project that is being done contrary to the provisions of this Ordinance shall be immediately stopped. Stop work orders shall affect all work being done on a project or development (including work done on other lots in the subdivision owned by the same violator). Stop work orders stop not only the work in violation, but all other work by contractors or sub-contractors on the same property. Only work to remedy the deficiency shall be allowed until the stop work order is lifted.
- b. A stop work order shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. The Stop Work Order shall state the penalty for working in violation of the Stop Work Order, and shall be posted at the property site. Where an emergency or other exigent circumstance exists, no written notice shall be required, and a verbal stop work order may be issued, with a written order to be provided within three working days.
- c. Stop work orders may be issued independently, or in conjunction with citations, or civil proceedings in superior court.
- d. Issuance of a stop work order may be appealed to the Board of Commissioners by filing a notice of appeal with the County Clerk of the intent to appeal the Stop Work order within 10 days of the service of the stop work order. The Board of Commissioners shall consider the appeal at a public meeting within 45 days of the filing of the notice of appeal. The recipient shall be entitled to call witnesses and cross-examine the code enforcement officer or any witness for the County.

Section 4. Penalties

Unless otherwise provided by this ordinance, violations of this ordinance shall be punished in a manner consistent with the jurisdictional limits placed upon the Magistrate Court of Wilkinson County by state law at O.C.G.A. § 15-10-60, as it now exists or may be amended from time to time.

ARTICLE FIVE. LEGAL PROVISIONS

Section 1. Conflict with other regulations.

Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this Ordinance, the provisions of such statute or ordinance shall govern.

Section 2. Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer

It is the intent of the Board of Commissioners to repeal all prior-existing ordinances in conflict with this ordinance. However, in the event all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed, and shall therefore still be in effect.

Section 4. Effective Date

This Ordinance shall take effect and be in force as of the date of its adoption, the public welfare of Wilkinson County demanding. It shall apply to all ongoing property subdivisions for which no transfer of ownership or interests has yet taken place, and all prospective subdivisions of property.

Adopted this ____ day of _____, 2006.

WILKINSON COUNTY, GEORGIA

Chairman
Wilkinson County Board of Commissioners

ATTEST:

Manager
Wilkinson County Board of Commissioners