

CITY OF
CHICKAMAUGA

SUBDIVISION REGULATIONS

January 12, 1998
(revised September 7, 2004)

Subdivision Regulations

Table of Contents

		<u>PAGE</u>
Article 1	Definitions	3
Article 2	General Provisions	6
Article 3	Subdivision Application and Approval of Plats	8
Article 4	Assurance for Completion and Maintenance of Improvements	19
Article 5	Design Standards	23
Article 6	Exemptions and Modifications	34
Article 7	Miscellaneous Provisions	35

ARTICLE 1

DEFINITIONS

The following definitions are in addition to the definitions set forth in the City of Chickamauga Zoning Ordinance, which definitions are also applicable in these Subdivision Regulations.

Applicant: The owner of the real property of the proposed Subdivision.

Block: A piece or parcel of land entirely surrounded by public highways or Streets, other than an alley.

City: City of Chickamauga.

City Council: City of Chickamauga Council.

City Specifications: All construction specifications which have been adopted by the City Council or as required by the Planning Commission and all utility service companies.

Cluster Housing: The grouping of conventional single family detached houses, that do not exceed two (2,000) square feet each.

Comprehensive Plan: Any part or element of the Comprehensive Plan of the City of Chickamauga. This may include, but is not limited to community facilities, thoroughfare plan, and land development plan.

Development: Subdividing a tract of land into two or more lots whether for sale or rental; whether by official erection of structure or Improvements or by recordation of a plat in the office of the Clerk of Superior Court of Walker County, Georgia.

Developer: Any person who desires to alter an area of land either physically through creation of new land uses or on paper through boundary division into separate or different legal units.

Engineer: A registered professional engineer in good standing with the Georgia Board of Registration.

Final Plat: A plat of a tract of land which meets the requirements of the Subdivision Regulations and is in an acceptable form for recording in the office of the Clerk of the Superior Court of Walker County, Georgia.

Half Street: A street that does not meet the minimum right-of-way widths set forth in the Subdivision Regulations.

Improvements: Streets, Sidewalks, curbs, and gutters. Water and sanitary sewer facilities, storm water run-off facilities, underground utility facilities including but not limited to electricity, gas, telephone and cable television, Street lighting, fire hydrants, Street signs, property markers and Monuments, and other items as may be required by the Planning Commission or City Council.

Land Disturbing Activity: Any change to improved or unimproved real estate, including but not limited to, buildings, or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Monument: Any permanent object serving to indicate a limit to mark a boundary.

Open Space: Any land either publicly or privately owned which is designed as being permanently undeveloped and used for recreation, conservation, or preservation. Included in this definition is an area that is not used for or occupied by a driveway, an off-Street parking area, a loading space, a refuse storage space, or a building.

Planning Commission: City of Chickamauga Planning Commission.

Preliminary Plat: A tentative plan of the complete proposed Subdivision submitted to the Planning Commission for its consideration.

Recorded Plat: A plat recorded in the Office of the Clerk of Superior Court of Walker County.

Sidewalk: A walkway constructed for use by pedestrians.

Southern Standard Building Code: Minimum standards as set by the Southern Building Code Congress International, Incorporated, as amended, and the most recent codes adopted by the City of Chickamauga.

Start of Construction: Erection of temporary forms, pouring of slabs or footings, installation of piers or columns; or the actual start of building or altering a structure either temporary or permanent.

Street: A dedicated public way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley, or any other public way. For the purpose of the Subdivision Regulations, "Streets" are divided in the following categories:

- A. Alley - A minor way, public or private, used for service access to the back or side of properties otherwise abutting a street.
- B. Cul-de-sac - a minor Street having one end open to traffic and the other permanently terminated with a paved turnaround.

C. Dead end - a stub street in a Subdivision which at a later time will be continued into another portion of the Subdivision.

D. Major or Arterial Streets - those streets designated to serve moderately fast and voluminous traffic through and within the City with a minimum of traffic control devices.

E. Minor or Local streets - a street used primarily for access to adjacent and abutting property.

F. Secondary or Collector Streets - those streets designed to collect traffic to minor or local streets and distribute to major or arterial streets.

Applicant: Any person, firm, corporation, or other legal entity subdividing land within the jurisdiction of the Subdivision Regulations. For the purposes of the Subdivision Regulations, Applicant will be synonymous with the term Developer.

Subdivision: The division of a tract, parcel or lot into two or more lots or building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development. This includes all division of land involving a new street or a change in existing streets and includes a re-Subdivision and, where appropriate, relates to the process of subdividing the land or area to subdivided.

The following distinguishes between Major and Minor Subdivisions. A Minor Subdivision only requires the preparation and submission of a Final Plat. A Major Subdivision requires the preparation and submission of both a Preliminary and a Final Plat.

a. Major Subdivision: All Subdivisions not classified as Minor Subdivisions, including but not limited to Subdivisions of six (6) or more lots, or any size Subdivision requiring any new street or extension of the City facilities, or the creation of any public Improvements.

b. Minor Subdivision: Any Subdivision containing not more than five (5) lots fronting on an existing Street, not involving any new street or road, or the extension of City facilities, or the creation of any public Improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or Subdivision Regulations.

Subdivision Regulations: City of Chickamauga Subdivision Regulations.

Surveyor: A registered land surveyor in good standing with the Georgia Board of Registration.

Zoning Ordinance: City of Chickamauga Zoning Ordinance.

ARTICLE 2

GENERAL PROVISIONS

Section 2.01 Authority of Enactment

The Mayor and City Council enact these Subdivision Regulations under the exercise of powers conferred upon it by the Georgia State Constitution, Article IX, Section 2, Paragraphs 2 and 4.

Section 2.02 Purpose of Subdivision Regulations

The purpose of the Subdivision Regulations is to promote the public health, safety, morals, and general welfare of the City, and to require the harmonious, orderly, and progressive development of land within the City. In furtherance of this purpose, the Subdivision Regulations are adopted to:

1. Encourage the development of economically sound and stable communities;
2. Assure the provision of required Streets, and where practical, utilities and other facilities and services to new land developments;
3. Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
4. Assure the provision of needed public open spaces and buildings sites and new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and,
5. Assure in general, the wise development of new areas, in harmony with the Comprehensive Plan of the City as it now exists or may hereafter be established.

Section 2.03 Jurisdiction and Application

The Subdivision Regulations shall apply to any owner of land within the incorporated boundaries of the City of Chickamauga who desires to divide or re-subdivide any land into (2) two or more tracts, lots, parcels, or divisions for the purpose, whether immediate or future, of sale, rental, or building development.

Sec. 2.04 Administration

The Planning Commission shall administer the Subdivision Regulations. It shall be the responsibility of the Planning Commission to:

1. Review Sketch Plans and suggest changes which should be made in the proposed design of the Subdivision to assist in the approval of the Preliminary Plat;
2. Review Preliminary Plats and the information submitted therewith, and approve or disapprove such Plats;
3. Review proposed Final Plats, including revised Plats, and the information submitted therewith, and recommend approval or disapproval of such Plats to the City Council.

Sec. 2.05 Enforcement

If the Planning Commission or City Council shall determine that any provision of the Subdivision Regulations has been or is being violated, the Planning Commission or City Council shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

The Planning Commission shall have the right to enter onto any property at any reasonable time for the purpose of making inspections necessary to insure compliance with the Subdivision Regulations.

Any person who violates or refuses to comply with or resists the enforcement of any of the provisions of the Subdivision Regulations shall be guilty of a misdemeanor and subject to a fine not to exceed \$500.00. Each day that the violation continues to exist shall constitute a separate offense.

In addition, the Planning Commission or City Council may seek injunctive relief in the Superior Court of Walker County, Georgia for any continuing violation of the Subdivision Regulations.

ARTICLE 3

SUBDIVISION APPLICATION AND APPROVAL PROCESS

Sec. 3.01 Purpose

The purpose of this article is to establish procedures for Planning Board review on applications for Subdivisions. The procedure is intended to provide orderly and expeditious review of such applications.

Sec. 3.02 General Procedure

There are four mandatory steps in the Subdivision application and approval process:

1. A request for a pre-filing conference and the submission of a Sketch Plan to the Planning Commission;
2. Submission to, and approval of a Preliminary Plat by the Planning Commission;
3. Submission to, and recommendation for approval of a Final Plat by the Planning Commission to the City Council;
4. Approval of the Final Plat by the City Council.

Sec. 3.03 Pre-Filing Conference and Sketch Plan

Prior to the filing of a Preliminary Plat, the Applicant shall arrange for a pre-filing conference with the Planning Commission and its staff for the purpose of preliminary discussions. The Applicant shall prepare and submit a sketch plan of the proposed Subdivision. The sketch plan need not be prepared by an Engineer or Surveyor but must be of sufficient detail to allow the Planning Commission and its staff to assess and discuss the proposal.

A. Sketch Plan Specifications

The sketch plan may be a free hand pencil sketch and it shall include the following information:

1. Name
 - a. Name of Subdivision if property is within an existing Subdivision.
 - b. Proposed name if not within a previously platted Subdivision. The proposed name shall not duplicate the name of a plat previously recorded.

- c. Name of property if no Subdivision name has been chosen (this is the name by which the property is commonly known).

2. Ownership

- a. Name and address, including telephone number of legal owner of property, and citation of last instrument conveying title to each parcel of property involved in the proposed Subdivision, giving grantor, date, and land records reference.
- b. Citations of any existing legal right-of-way or easements affecting the property.
- c. Existing covenants on the property, if any.
- d. If appropriate, the name and address of the professional person(s) responsible for Subdivision design, for design of public Improvements, and for surveys.

3. Description

Location of property by legal description, graphic scale, north arrow, and date.

4. Features

- a. Location of property lines, existing easements, burial grounds, railroad right-of-ways, water courses, and existing wooded areas; location, width, and names of all existing or platted Streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest real property tax records.
- b. Existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
- c. Approximate topography at the same scale as the Preliminary Plat; this need not include detailed mapping, but should include approximate elevations and an indication of existing natural and engineered drainage patterns.
- d. The approximate location and widths of the proposed Streets.
- e. Preliminary proposals for connection with existing water supply and sanitary sewerage systems. Preliminary provisions for collection and discharge of surface water drainage.

- f. The approximate location, dimensions, and areas of all proposed lots.
- g. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park, playground use, or other public use, or for the use of property owners in the proposed Subdivision.
- h. If appropriate, the location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field.
- i. A vicinity map showing Streets and other general development of the
- j. The approximate amount of disturbed soil involved in the project as proposed, to the nearest one-tenth of an acre.

Section 3.04 Preliminary Plats

Preliminary Plats are not required for a Minor Subdivision. Before work shall begin to open a Major Subdivision, an original and seven (7) prints of a Preliminary Plat, showing the proposed design of the Subdivision shall be submitted to the Planning Commission for approval. Until the Preliminary Plat of the proposed Subdivision is approved by the Planning Commission, the Developer shall not grade, scrape, or otherwise open or extend a Street in the proposed Subdivision, nor shall in any other manner cause construction to begin on the Subdivision. Clearing of underbrush sufficient for the purpose of surveying or engineering is permitted. However, Land Disturbing Activities as regulated by the City of Chickamauga Soil Erosion and Sedimentation Control Ordinance, or the Post-Development Stormwater Management for New Development and Redevelopment Ordinance, or in the absence thereof as regulated by the Environmental Protection Division of the Georgia Department of Natural Resources, shall not be performed without first obtaining a permit for such Land Disturbing Activities.

A. Preliminary Plat Requirements

1. General

The original copy of the Preliminary Plat shall be prepared by a Surveyor and drawn on transparent tracing materials with either black ink or soft pencil. Such Plat shall be drawn on a scale of not more than one hundred (100) feet to the inch. The pages shall be numbered in sequence if more than one(1) sheet is used and shall be of the size acceptable for filing in the office of the Clerk of Superior Court of Walker County.

2. Features

The preliminary plat shall show the following:

- a. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or names of adjoining developments; the names of adjoining Streets.
- b. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
- c. The location of water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
- d. The location and width of all existing and proposed Streets and easements, alleys, and other public ways, and easements and proposed Street right-of-ways, and building set-back lines.
- e. The locations, dimensions and areas of all proposed or existing lots.
- f. Clearly noted the total amount of disturbed soil to the nearest one tenth of an acre.
- g. The location and dimensions of all property proposed to be set aside for park/playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication of the reservation.
- h. The name and address of the owner or owners of the land to be subdivided, the name and address of the Applicant if other than the owner, and the name of the Surveyor.
- i. The date of the map, approximate true north point, scale, and the name of the Subdivision.
- j. Sufficient data acceptable to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed Monuments.
- k. Names of the Subdivision and all new Streets as approved by the Planning Commission.
- l. Indications of the use of any lot (single-family, two-family, multi-family) and all uses other than residential proposed by the Applicant.

- m. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to Subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.
- n. All lots in each block shall be consecutively numbered.
- o. All information required on the Sketch Plat should also be shown on the Preliminary Plat, and the following notation shall be shown:
 - i. Explanation of drainage easements, if any;
 - ii. Explanation of site easements, if any.
 - iii. Explanation of reservations, if any.
 - iv. Endorsement of owner as follows:

_____	_____
Owner	Date

- p. Form for the endorsement of the Planning Commission as follows:

Approved by Resolution of the City of Chickamauga Planning Commission.

_____	_____
Chairman	Date

- q. The lack of information under any item specified herein, or improper information supplied by the Applicant, shall be cause of disapproval of the Preliminary Plat.

3. Additional Information - Construction Plans for Improvements

Construction plans shall be prepared for all required or otherwise provided Improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Preliminary Plat. The following shall be shown:

- a. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets, shall be shown.
- b. The Planning Commission may require, where steep slopes exist, that cross sections of all proposed streets at one-hundred- foot stations

shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, each property line, and points twenty-five (25) feet inside each property line.

- c. Plans and profiles showing the locations and typical cross section of Street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the location of Street trees, Street lighting standards, and Street signs; the location, size, and elevations of existing and proposed sanitary sewers, storm drains, and fire hydrants, showing connection to any existing or proposed utility systems; the exact location and size of all water, gas, or other underground utilities or structures if provided.
- d. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to existing Streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as swamps, railroads, buildings, the point of connection to proposed facilities and utilities within the Subdivision, and each tree with diameter of eight (8) inches or more measured four (4) feet above the ground level.

The water elevations of all streams at the date of the survey, and the approximate high- and low-water elevations of such streams. All elevations shall be referred to the U.S.G.S datum plane. If the Subdivision borders a stream the distances and bearings of a meander line established at not less than twenty (20) feet back from the high-water mark of such waterways.

- e. Topography at the same scale as the Preliminary Plat with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
- f. All specifications and references required by the City of Chickamauga construction standards and specifications including a site grading plan for the entire Subdivision.
- g. Notation of approval as follows:

_____ Date

Owner

Approved by Resolution of the City of Chickamauga Planning Commission.

_____ Date

Chairman

- h. Title, name, address, and signature of Engineer and Surveyor, and date, including revision dates.
- i. A Soil Erosion and Sedimentation Control Plan shall be submitted for those Subdivisions subject to the Soil Erosion and Sedimentation Control Ordinance.
- j. A Stormwater Management Plan shall be submitted for those subdivisions subject to the Post-Development Stormwater Management for New development and Redevelopment Ordinance.

B. Filing of the Preliminary Plat

The Preliminary Plat shall be filed with the Planning Commission at least fourteen days (14) days prior to the regular Planning Commission meeting at which it is to be considered. The Preliminary Plat when submitted to the Planning Commission for review shall be accompanied by a fee required by the City of Chickamauga. The Secretary of the Planning Commission, or designated representative, shall issue a receipt for all fees received. Said fees shall be made payable to the City of Chickamauga.

C. Action on Preliminary Plat

If the Planning Commission finds the proposed design and proposed installation of Improvements of the Subdivision shown on the Preliminary Plat complies with the requirements of these Subdivision Regulations, it shall approve such Preliminary Plat. If the Planning Commission finds that the proposed Subdivision shown on the Preliminary Plat does not comply with the requirements of these Subdivision Regulations, then the Planning Commission shall either disapprove such Plat or shall approve such Plat on condition that specified violations are corrected prior to the submission of the Final Plat. When the Planning Commission disapproves a Preliminary Plat, it shall give the Applicant the reasons for disapproval in writing. Except where an extension of time is authorized by the Applicant for the Preliminary Plat review, the Planning Commission shall have forty-five (45) days from the date of submission of a Preliminary Plat to approve, or disapprove such Plat. Otherwise, the Preliminary Plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand. No plat shall be acted upon by the Planning Commission without affording a hearing thereon. Notice of time and place of the hearing shall be sent by mail to the address of the Applicant not less than five (5) days before the hearing.

Prior to a decision on the Preliminary Plat, the Planning Commission may submit for review the Preliminary Plat to each utility service, health department, fire department, or any agency for their review and recommendation. A print of the

Preliminary Plat may also be submitted for review to the Coosa Valley Regional Development Center for its review and recommendation.

D. When Preliminary Plat Approved, Work May Proceed

When the Applicant receives approval of the Preliminary Plat he may proceed with the construction of the Improvements within the Subdivision, provided other required permits, including but not limited to Land Disturbance Permits, have been issued. Such construction shall conform with the design and plans submitted to and approved by the Planning Commission. No building permit shall be issued, and no construction of a house upon a lot may be initiated prior to the recording of the Final Plat by the Walker County Superior Court.

E. Time Limit on Preliminary Approval

The Planning Commissions approval of a Preliminary Plat shall be valid for one (1) year. If work has not started on or before the end of this one year period, then the Preliminary Plat shall be resubmitted for approval. This time may be extended by the Planning Commission in its sole discretion unless changes have occurred in the Subdivision Regulations or in the character of the property of the proposed Subdivision which makes it necessary to revise the design of the proposed Subdivision.

Section 3.05 Final Plat

The Applicant shall submit an original and seven (7) prints of the Final Plat to the Planning Commission. Any revision or change to an already recorded final plat shall also follow these procedures. Until a Final Plat has been recommended for approval by the Planning Commission, and approved and signed by the City Council of Chickamauga, the Clerk of the Superior Court of Walker County shall not record the plat of the Subdivision, nor shall the owner or agent of such Subdivision transfer title to any lot within the Subdivision. For large Subdivisions, the Final Plat may be submitted for approval progressively in contiguous sections, or in separate phases, satisfactory to the Planning Commission.

A. Final Plat Requirements

1. General

The Final Plat shall contain all the information required of the Preliminary Plat except the topographic contour lines shown on the Preliminary Plat.

The Final Plat shall be drawn in compliance with all appropriate laws of the State of Georgia that govern the recording of Subdivision plats. The Final plat shall have a title or name which shall be contained in the caption, and the caption shall provide the following information:

- a. The County, City, land district, and Subdivision, if the property lies within a particular Subdivision.
- b. The date of plat preparation
- c. The scale stated and shown graphically
- d. The name, address, telephone number, and registration number of the Surveyor.
- e. All reproductions of original plats shall bear the original signature, in black ink, of the Surveyor placed across the Surveyor's seal in order to be a valid or recordable plat.

2. Certifications

At the time the Final Plat is submitted to the Planning Commission it shall be accompanied by the following certification:

- a. Certification by a Surveyor (seal affixed) of the accuracy of the survey and Final Plat and the placement of all Monuments.
- b. Certification by the Mayor's Office, City of Chickamauga, Georgia, that the Applicant has complied with one of the following:
 - i. All Improvements have been installed in accordance with the requirements of the Subdivision Regulations, and in accordance with the design approved by the Planning Commission on the Preliminary Plat; or
 - ii. A performance bond or certified check has been posted, which is available without obligation or requirement to the City, in sufficient amount to assure the completion of all Improvements as required on the Final Plat; or
 - iii. Other arrangements, as specifically provided for by these Subdivision Regulations, for the purpose of guaranteeing all Improvements as required by these Subdivision Regulations.
- c. Certification that the Applicant is the legal owner of the land, and that, upon acceptance of the City of Chickamauga, he formally dedicates all Streets, roads, and rights-of-way for public use.
- d. Georgia Department of Transportation certification of approval for the proposed project if the project abuts State, Federal, or City Property.

- e. Certification that all lands considered for development do not fall within the flood plain or flood prone area as defined by FEMA flood maps. If any part of the development is within a flood plain or flood prone area then the requirements specified in the City of Chickamauga Flood Damage Prevention Ordinance will apply.

3. Filing the Final Plat

The Final Plat shall be filed with the Planning Commission not less than thirty (30) days prior to a regular meeting of the Planning Commission. In the case of a Final Plat of a Minor Subdivision where Preliminary Plat is not required, the filing fee as established by the Planning Commission shall accompany the Final Plat.

4. Action on Final Plat by Planning Commission

If the Planning Commission finds that all the requirements of the Subdivision Regulations have been met, the Final Plat shall be deemed satisfactory to the Planning Commission, and the Final Plat shall be submitted to the City Council for approval. If the Planning Commission determines that all the requirements of the Subdivision Regulations have not been met, then the Planning Commission shall inform the Applicant in writing of the deficiencies and provide the Applicant ninety (90) days to correct all of the deficiencies. If the Applicant fails to correct all of the deficiencies within said time period, then the Planning Commission shall disapprove the Final Plat and shall set forth its reasons for such disapproval in writing.

Except where an extension of time is authorized by the application for Final Plat review, the Planning Commission shall have forty-five (45) days from the date of the submission of the Final Plat to take action. Unless action is taken within such forty-five (45) day period, then such plat shall be deemed to have received the approval of the Planning Commission.

5. Action on Final Plat by City Council

If the Final Plat is recommended for approval by the Planning Commission, then the Final Plat shall be forwarded to the City Council for its consideration at a public meeting. Notice of the meeting shall be published in the official county newspaper in which legal advertisements are published at 15 days but no more than 45 days prior to the scheduled meeting. If the City Council approves the Final Plat, then the appropriate endorsement will be placed upon the Final Plat. If the City Council does not take action regarding the Final Plat within forty-five (45) days after submission, then the Final Plat will be deemed to have been approved by the City Council and the Final Plat shall be appropriately endorsed.

If the City Council does not approve the Final Plat, the City Council shall notify the Applicant in writing of the reasons for the denial. The Applicant shall then have ninety (90) days to correct said deficiencies and resubmit the Final Plat to the City Council for reconsideration. If the Applicant fails to correct all of the deficiencies within said time period, then the City Council shall disapprove the Final Plat and shall set forth its reasons for such disapproval in writing.

6. Action After Approval by the City Council

After the Final Plat has been approved by the City Council, one (1) certified copy of the Final Plat shall be returned to the Applicant to be filed with the Clerk of the Superior Court of Walker County as the official plat of record. Within ten (10) calendar days from the date of final approval, the Applicant shall record the final plat in the Office of Clerk of the Superior Court of Walker County.

Only after the Final Plat has been recorded, may the lots shown on the Final Plat be transferred or conveyed by the property owner, and such Subdivision shall be entitled to all privileges and services available to other Subdivisions within the City. Building permits may not be issued, and house construction may not begin, until after all of the requirements of the Soil Erosion and Stormwater Ordinances have been met, and the Final Plat has been recorded by the Walker County Superior Court Clerk.

7. Revision of Recorded Plat

The Applicant shall file with the Planning Commission the original and seven (7) copies of any proposed revision to a recorded plat together with all supporting information as required by these Subdivision Regulations. Proposed revisions to a recorded plat which alter or change in any way the Street or utility layout of said plat shall be submitted as a Preliminary Plat in accordance with Section 3.04 of these Subdivision Regulations. Proposed revisions that do not alter or in any way change the Street or utility layout of said plat shall be submitted as a Final Plat in accordance with Section 3.05 of these Subdivision Regulations.

Section 3.06 Professional Review

When the Planning Commission finds the technical information presented by the Applicant requires analysis and interpretation by a professional consultant, the Commission may decide to retain the services of such a professional to review the submissions of an Applicant and report as to compliance or noncompliance with the Subdivision Regulations and, advise if necessary, of procedures which will result in compliance. The consultant shall estimate the cost of such review, and the Applicant shall deposit with the City the full estimated cost which the City shall place in an escrow account. The City shall pay the consultant from the escrow account and reimburse the Applicant if funds remain after payments are completed. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the City and Applicant.

ARTICLE 4

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Section 4.01 Completion of Improvements

All Improvements required in these Regulations shall be guaranteed for one year after completion of the construction of the Improvements. All Improvements shall be dedicated to the City, free and clear of all liens and encumbrances on the property and the public Improvements thus dedicated. Before the Final plat is approved by the City Council and the Planning Commission, all Applicants shall be required to complete all Street, sanitary and other Improvements as required in these Regulations, specified in the Final Plat, and as approved by the Planning Commission and City Council.

Section 4.02 Guarantee of Improvements

A. Performance Bond

1. The Planning Commission in its discretion may waive the requirement that the Applicant complete and dedicate all public Improvements prior to signing of the Final Plat and that, as an alternative, the Applicant post a bond at the time of the application for Final Plat approval in an amount estimated by the Planning Commission and City Council as sufficient to secure to the City the satisfactory construction, installation, and dedication of the incomplete portion of required Improvements. The performance bond shall also secure all lot Improvements on the individual lots of the Subdivision as required by these Regulations.
2. Such performance bond shall comply with all statutory requirements and shall be satisfactory and approved by the City Council as to form, amount, and conditions. The period within which required Improvements must be completed shall be specified by the Chickamauga City Council in the resolution approving the Final Plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from the date of approval of the Final Plat.
3. The Planning Commission may upon proof of difficulty, recommend to the City Council extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Chickamauga City Council may at any time during the period of such bond accept substitution of principal or sureties on the bond upon recommendation of the Planning Commission.

4. Expenses incurred by the City as a result of exercise of the performance bond shall also be the responsibility of the Applicant. These cost shall be determined by the City attorney and billed to the Applicant.

B. Failure to Complete Improvements

In those cases where a performance bond has been posted and required Improvements have not been completed, the City Council may thereupon declare the bond to be in default and require that all Improvements be completed regardless of the extent of the building development at the time the bond is declared to be in default.

C. Acceptance of Dedication of Offers

Acceptance of formal offers of dedications of Streets, public areas, easements, and parks shall be by resolution of the City Council. The approval of the Planning Commission of a Subdivision plat shall not be deemed to constitute or imply the acceptance by the City Council of any Street, easement, or park shown on said plat. The Applicant shall prepare and submit before Final Plat approval, a deed(s) which conveys all such property to the City. This shall be accompanied by a title search regarding said property.

D. Alternate Improvement Guarantees

If the City Council determines that an Applicant is not able to post a performance bond, the City Council may require the Applicant to use one of the following Improvement guarantee techniques:

1. Escrow Account

The Applicant shall deposit cash, or collateral readily convertible to cash face value, either with the City Council or in an escrow with a bank. The use of collateral other than cash, and the selection of the bank with which funds are to be deposited are subject to the approval of the City Council. When an escrow account is to be employed, the Applicant shall file with the City Council his agreement with the bank guaranteeing the following:

- a. The funds in the escrow account are to be held in trust until released by the City Council and may not be used or pledged by the Applicant as security for any obligation during that period; and
- b. If the Applicant fails to complete the required Improvements, the bank shall immediately make the funds available to the City for completion of these Improvements.

2. Letter of Credit

Subject to the approval of the City Council, the Applicant shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be deposited with the City Council and shall certify the following:

- a. The creditor guarantees funds in an amount equal to the cost, as approved by the City Council, of completing all required Improvements.
- b. If the Applicant fails to complete the specified Improvements within the required time period, the creditor will pay the City immediately, and without further action, such funds as are necessary to finance the completion of those Improvements, up to the limit of credit stated in the letter.
- c. This letter may not be reduced, or withdrawn in amount, until released by the City Council.

Section 4.03 Inspection of Improvements

A. General Procedures and Fees

The City Council shall provide for inspection of required Improvements during construction and insure their satisfactory completion. The Applicant shall pay to the City an inspection fee of one (1%) of the amount of the performance bond or the estimated cost of required Improvements, and the Final Plat shall not be approved by the City Council or the Planning Commission unless such fee has been paid at the time of application. This fee shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until the fee is paid. This inspection fee shall be in addition to any inspection fee set forth in the City and Water Sewer Ordinance.

If upon inspection any of the required Improvements have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completion of Improvements. Wherever the cost of Improvement is covered by a performance bond, the Applicant and the bonding company shall be severally and jointly liable for completing the Improvements according to specifications.

B. Release or Reduction of Performance Bond

The City Council will not accept dedication of required Improvements, nor release or reduce a performance bond or other Improvement Guarantee, until the City inspector has submitted a certificate stating that all required Improvements have been satisfactorily completed and until the Applicant's Engineer or Surveyor has

certified to the City inspector, through detailed "as built" survey plat of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission or City inspector that the layout of the line and grade of all public Improvements is in accordance with the construction plans of the Subdivision and that a title insurance policy has been furnished to and approved by the City attorney indicating that the Improvements have been completed, are ready for dedication to the City and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall either accept the Improvements and release the performance bond, or reject the Improvements within 45 days of such certification by the City inspector.

A performance bond or other Improvement Guarantee shall be reduced upon actual dedication of Improvements and then only to the pro-ration that the Improvement dedication bears to the total Improvements for the Final Plat. In no event shall an Improvement Guarantee be reduced below ten (10%) percent of the principal amount until actual dedication of all Improvements.

ARTICLE FIVE

DESIGN STANDARDS

Section 5.01 Minimum Design Standards and Improvements

All Subdivisions shall be developed and improved in accordance with the minimum design standards set forth in this Article. Final Plat approval shall not be granted by City Council until all appropriate required Improvements have either been completed or an appropriate performance bond, or other alternative performance guarantee as provided for herein, has been posted.

All Improvements shall be designed and constructed in accordance with the City of Chickamauga public works policies and specifications.

Section 5.02 Conformity to Comprehensive Plan

All proposed Subdivisions shall conform to the Comprehensive Plan and Zoning Ordinance.

- A. Population densities established by the Comprehensive Plan shall be observed by the Applicant.
- B. To ensure development of the community in substantial conformity with the general principles set forth in the official maps and plans of the City, the Planning Commission may require that the Applicant reserve open spaces for parks, schools, fire stations, playgrounds, and any other use essential to the welfare of the City. When there is no area officially designated in the official plans and maps, the location of the open space shall be mutually agreed upon by the Planning Commission and the Applicant. However, no more than ten (10%) percent of the Subdivision may be required by donation. If additional area over ten (10%) percent of a proposed Subdivision is necessary to fulfill the requirements of the City, the additional property shall be offered for sale at the fair market value as determined by an independent appraiser mutually approved by the Applicant and the Planning Commission. Such offer shall be extended for a period of ninety (90) days from the date of receipt by the City of such written offer. If the offer is not accepted, then the Applicant is not obligated to sell the additional property.
- C. Clearly noted on the Preliminary Plat should be all the Improvements the Applicant proposes to make pursuant to the development of the Subdivision. These Improvements shall include drainage and utilities and should be all the Improvements the Applicant proposes to request the City or utilities company to make, relative to off-premise Improvements necessary to the development of the Subdivision. These Improvements shall relate to drainage Improvements necessary to carry runoff to a major drainage channel, and also all extensions of water mains, sewers, and other utility extensions.

Section 5.03 Street Plan

All streets which shall hereafter be established in connection with development of a Subdivision shall comply with the following design standards. If there is any irreconcilable material conflict between the provisions of these Subdivision Regulations and the City Street Ordinance, these Subdivision Regulations shall apply.

A. General Provisions

The following general provisions shall apply to all Streets hereafter established in the Subdivision.

1. Continuation of Existing Street Pattern:

The arrangement, character, extent, location, and grade of all Streets in a Subdivision should provide for the alignment with, or the projection of, or the continuation of existing and planned Streets in the surrounding area.

2. Street Jogs:

Street jogs, or centerline offsets in the horizontal alignment of Streets across intersections of less than 150 feet shall be prohibited.

3. Intersections:

The centerline of no more than two (2) Streets shall intersect at any one point. Streets shall be laid out so as the centerlines will intersect as nearly as possible at right angles and no Streets shall intersect any other Street at less than eighty degrees.

4. Streets Intersecting with Major Streets and Secondary streets:

New Street entrances on roads designated or classified as Major Streets shall not be less than 1,700 feet apart and new Street entrances on roads designated or classified as Collector Streets shall be not less than five hundred (500) feet apart. Provided, however, that the Planning Commission may reduce these requirements whenever it determines that such action will not be contrary to the purpose of the Subdivision Regulations.

5. Subdivisions on Arterial Streets:

Where a Subdivision abuts or contains an existing or proposed Arterial Street, the Planning Commission may require marginal access Streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service lanes, or

such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

6. Minimum Curb and Street Radius:

The centerline of all curvilinear Streets shall not be less than seventy-five (75) feet.

7. Permanent Dead -End Streets:

Dead end streets, designed to be such permanently, shall be provided at the closed end with a turn-around or cul-de-sac having an outside roadway diameter of not less than eighty(80) feet, and a right-of-way diameter of not less than one-hundred (100) feet except where such streets serves three (3) lots or less.

8. Half-Streets:

Half-Streets or Streets with a right-of-way less than fifty (50) feet shall not be permitted in a Subdivision.

9. Interior Streets:

Minor streets or Interior Streets within Subdivisions shall be so laid out and designed that their use by through-traffic and speeding traffic is discouraged.

10. Street names:

All Streets within a Subdivision hereafter established shall be named. No name shall be used which will duplicate existing Street names.

11. Additional Right-Of-Way:

A proposed Subdivision that includes a platted Street that does not conform to the minimum right-of-way requirements of the Subdivision Regulations shall provide for the dedication of the additional right-of-way along either one or both sides of said Street so that the minimum right-of-way required by these Subdivision Regulations can be established. If the proposed Subdivision abuts only one side of said Street, then a minimum of one-half the required extra right-of-way shall be dedicated or reserved by such Subdivision.

12. Street Name markers:

Street name markers shall be constructed to City approval, shall be installed at all Street intersections and shall be of durable material (wood, concrete, etc.) and legible.

B. Design Specifications:

All streets established in a Subdivision shall be designed and constructed in accordance with the following minimum specifications. Paving is required by these regulations and it shall be done in accordance with the City recommendations.

1. Minimum Street Right-of-Way Widths.

In developed or vacant areas, the Planning Commission shall have the discretion of identifying or classifying Streets.

The minimum pavement widths or right-of-way for Streets are as follows:

<u>Street Type</u>	<u>Right-of-Way</u>
Major Street	As required by the Georgia Department of Transportation or City Council.
Collector Street	50 feet
Minor Street and Cul-de-sac	50 feet
Alleys	40 feet
Marginal access	(included in ROW of arterial)

In cases where topography or other physical conditions make a Street of the required minimum width impracticable, the Planning Commission may modify the above requirements. Through proposed neighborhoods or local business areas, the road widths shall be increased ten (10) feet of each side to provide for movement of vehicles into and out of necessary off-Street parking areas without interferences to traffic.

2. Minimum Roadway Widths.

The minimum pavement widths for the various classifications of Streets shall be as follows:

- a. Major Streets. Pavement width (measured from pavement edge to pavement edge with curb and gutter) as required by the Georgia Department of Transportation or City Council.
- b. Collector Street. Excluding curb and gutter: 24 feet.

- c. Minor Street and Cul-de-sac. Excluding curb and gutter : 24 feet.
- d. Alleys. Excluding curb and gutter: 18 feet.

3. Street Grades.

Street grades shall not exceed the following unless otherwise approved and recommended by the City Council.

- a. Major Street. Grade as required by the Georgia Department of Transportation or City Council.
- b. Collector Street. Grade not to exceed 18% greater than 300 feet and 10% for the remainder.
- c. Minor Street & Cul-de-sac. Grade not to exceed 18% greater than 300 feet and 10% for the remainder.

Grades approaching intersections shall not exceed five (5) percent for a distance of not less than 100 feet from the center line of said intersection.

Minimum grades of all roadways shall not be less than 0.5 percent.

Surface cross-drainage shall not be permitted on any street.

Vertical curves shall be constructed so as to afford a minimum sight distance being measured from the drivers eyes (4 and 1/2 feet above pavement surface) to an object four (4) inches high on the pavement surface.

4. Alignment and Visibility.

Horizontal Curvature. The minimum radii of center line curvature shall be as follows:

- a. Major Streets. As required by the Georgia Department of Transportation or City Council.
- b. Collector Streets. 150 feet.
- c. Minor Streets, Dead -end Streets, and Alleys. 75 Feet.

5. Tangents.

- a. Major Streets. As required by the Georgia Department of Transportation or the City Council.

b. Collector Streets. 50 feet.

6. Vertical alignment.

a. Major streets. Shall have a sight alignment of at least 300 feet at 6 feet above ground level.

b. Collector Streets. Shall have a sight distance of at least 150 feet at 6 feet above ground level.

7. Alleys.

Alleys shall be provided in commercial and industrial districts, except the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-Street loading, unloading, and parking consistent with and adequate for the uses proposed. Such alleys shall conform to the following specifications:

a. The width of an Alley shall be twenty (20) feet.

b. Dead-end Alleys shall be avoided where possible, but if unavoidable, a dead-end Alley shall be provided with a turn-a-round having a diameter of not less than eighty (80) feet.

8. DOT Approval.

Georgia Department of Transportation certificates of approval must be included for the proposed project if the project abuts any federal, state, or City property.

9. Guarantee Against Faulty Materials.

a. Acceptance for Maintenance.

Final approval of Street Improvements shall be granted and Streets accepted for maintenance by the City of Chickamauga only in accordance with one of the following provisions:

1. All street Improvements shall have been completed for a period of one (1) year and shall, upon inspection, following this period of time, be found to be free from defective workmanship or material, and be free of all sinkholes or other settling; or

2. The Applicant has deposited a guarantee for Improvements as specified in Article Four (4) of these Subdivision Regulations.

Section 5.04 Lots

All lots which shall hereafter be established within a Subdivision shall comply with the following design standards:

A. General Provisions.

The following general requirements shall apply to all lots hereafter established within a Subdivision:

1. Street Access: Each lot shall abut a Street which shall conform to design requirements of the Subdivision Regulations.
2. Corner Lots: Corner lots for residential use shall be provided with sufficient width and depth to permit the establishment of appropriate building setback lines from both Streets.
3. Double Front: Double frontage lots shall only be permitted where it shall be found necessary to separate a development from major arterial or to overcome specific disadvantages of topography and orientation.

B. Lot Width and Area Requirements.

1. With regard to Subdivisions of only two (2) lots, the lots shall conform to the lot area and lot width requirements set forth in the Chickamauga Zoning Ordinance.
2. Lots hereafter established within Subdivisions of (3) three or more lots shall conform to the following lot area and lot width requirements:
 - a. Lot size: 20,000 square feet minimum or larger if prescribed by the County Health Department for septic systems.
 - b. Lot Width/Frontage: Minimum of 100 feet frontage on a public street and a minimum of 50ft width at any point on the lot.
 - c. Flag Lots, as defined in the Zoning Ordinance, are not allowed.

C. Building Lines.

Building, or "set back" lines shall be provided on all lots and shall conform at least to the Zoning Ordinance pertaining to the classification in which the lots to be subdivided are located, with the following exception:

- The minimum frontyard setback for any subdivision of (3) three or more lots is 50 feet.

Section 5.05 Blocks

All blocks hereafter established within a Subdivision shall conform to the following design standards:

A. Block Lengths

In order that there may be convenient access between various parts of a Subdivision and between a Subdivision and surrounding areas for the purpose of preventing traffic congestion and traffic hazards, the length of blocks on a straightaway, where feasible, shall not exceed 1,800 feet in length.

B. Sidewalks

Sidewalks shall be placed on both sides of all Streets in both commercial and residential Subdivisions. Sidewalks shall be a minimum of four (4) feet wide in residential Subdivisions and seven (7) feet wide in commercial Subdivisions. Sidewalks will be constructed to City specifications.

Section 5.06 Easements

The following easements shall be required within Subdivisions. Easements shall not be less than fifteen (15) feet wide, unless otherwise approved by the engineering department of the specified utility. Easements shall be arranged so as to facilitate their use utility placement and storm water runoff.

A. Utility Easements.

Public utility easements shall be provided where necessary and shall meet approval of the utility engineering department.

B. Drainage Easement

When a Subdivision is traversed by an existing or proposed water course, drainage way, channel, or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with lines of such existing or planned drainage way. The width of such drainage easement or right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary upstream.

C. Ingress and Egress Easement

Easements to allow ingress and egress into a portion of a subdivision inaccessible by City right of way must be clearly noted on the plat and a perpetual easement must be recorded in the real estate records of the Superior Court of Walker County, Georgia, conveying rights to each affected property owner including a legal

description of the easement and any applicable conditions. The number of lots affected may not exceed the maximum allowed in a Minor Subdivision, as defined by this regulation. The easement must be approved by the Planning Commission and a building permit shall not be issued until a copy of the recorded easement is provided to the Zoning Administrator.

Section 5.07 Monuments

Monuments shall be placed at block intersection points of right-of-way within a Subdivision. Iron pins shall be placed at all other lot corners. Reinforced concrete monuments 3.5 inches in diameter or 3.5 inches square, thirty (30) inches long, with a flat top shall be set at each Street corner within a Subdivision, and at angle points and points of curvature in each Street. The top of the monument shall contain a metal pin or be scored with an indented cross to properly identify the location. Monuments shall be installed following completion of all Improvements and shall be identified on the Final Plat.

Section 5.08 Drainage and Storm Sewers

The Planning Commission shall not recommend for approval any Subdivision plat which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. A site drainage plan shall be made for each Subdivision by the Applicant's Engineer or Surveyor, which plan shall take into consideration the ultimate or saturated development of the tributary area in which the proposed Subdivision is located. Adequate provisions shall be provided for needed drainage easements in a Subdivision, taking into consideration the saturated development of the tributary area.

A. Existing Drainage Flows.

All Land Disturbing Activities, conducted or planned for as a result of the development of the Subdivision, must not alter existing drainage flows to a point that it would create an adverse effect on abutting properties. The Applicant shall submit a Stormwater Management Plan, if required, as part of the Land Disturbance Permit application which shows that post development state of the property will not have greater storm water flows than pre-development state of the property.

B. Storm Water Run-off Facilities.

The Applicant may be required by the Planning Commission and the provisions of the Post-Development Stormwater Management for New Development and Redevelopment Ordinance to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the Subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the City's construction standards and specifications.

C. Accessibility to Public Storm Sewers.

Where a public storm sewer is accessible, the Applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City. If a connection to a storm sewer will be eventually provided, as determined by the City and the Planning Commission, the Applicant shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the Subdivision plat.

D. Accommodation of Upstream Drainage Areas.

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire up-stream drainage area, whether inside or outside the Subdivision. The City shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

E. Curbs and Gutters.

Standard approved curbs and gutters must be placed on both sides of all new streets in accordance with City specifications, unless modified or waived by the Planning Commission or City Council due to safety concerns or water drainage requirements.

Section 5.09 Water Supply

A. General Provisions.

1. Where a public water supply is accessible the Applicant shall install adequate water facilities (including fire hydrants) subject to the specifications of the City, as identified in Standard Policy on Public Water and Sewer Extensions adopted by the City.
2. Water supply extensions shall be approved by the City Council.
3. To facilitate the above, the location of all fire hydrants and all water supply Improvements, indicating all Improvements proposed shall be shown on the Preliminary Plat, and the cost of installing same shall be included in the performance bond to be furnished by the Applicant.

Section 5.10 Sewage

A. General Requirements.

1. The Applicant shall install sanitary sewer facilities in a manner prescribed by City construction standards and specifications. All plans shall be designed in accordance with policies and specifications as identified in the Standard Policy On Public Water and Sewer Extension adopted by the City.
2. Sewer extensions will be approved by the City Council.

Section 5.11 Utilities - Location

All utility facilities including but not limited to gas, electric power, telephone, and Cable Television cable shall be located underground throughout the Subdivision. Wherever existing utility facilities are located above ground, except where existing on a public road and right-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat. Underground service connections to the Street property line of each platted lot shall be installed at the Applicants expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

Section 5.12 Lighting

- A. Lighting shall be provided in accordance with a plan designed by the City of Chickamauga Utilities Company.
- B. Lighting for safety shall be provided at intersections and along walkways.

Section 5.13 Landscaping

Maximum effort should be made to preserve all trees that will not interfere with required Improvements and subsequent building construction.

Street trees should be planted on both sides of all Streets spaced evenly so as not to interfere with utilities, Streets, sidewalks, sight easements, utility easements, or Street lighting.

Section 5.14 Required Improvements

The Applicant is required to install or construct the Improvements as defined in Article 1 of the Subdivision Regulations.

ARTICLE 6

EXEMPTIONS AND MODIFICATIONS

Section 6.01 Exemptions

The following types of Subdivisions shall be exempted from the requirements of the Subdivision Regulations.

- A. The Subdivision of land for, and sale of cemetery lots.
- B. The following Subdivisions that have been approved by City Council and are in existence as of the enactment of these Subdivision Regulations:
 - 1. Leeword Estates;
 - 2. Foxfield Subdivision;
 - 3. Crestwood Subdivision;
 - 4. Jeff McDaniel Project on Crescent Avenue;
 - 5. Billy Neal Ellis/Mark Nave Project on Wilder Road;
 - 6. Clyde Caldwell Project on Wheeler Avenue; and
 - 7. Michael Peardon Project on 12th Street.
- C. Said exempt Subdivisions must satisfy the requirements established by City Council at the time of approval. Otherwise, said Subdivisions will lose their exempt status

Section 6.02 Final Plat Approval Only

In the case of a Minor Subdivision, the Applicant shall only be required to submit and obtain the Planning Commission and City Council approval of a Final Plat.

Section 6.03 Variances

When an unusual condition makes it impractical for an Applicant to comply with the literal requirements of these Subdivision Regulations an Applicant may file with the Planning Commission a request for a Variance. The Planning Commission shall be authorized to grant a Variance provided, however, that in doing so the extent and purposes of these Subdivision Regulations are not violated.

If the Applicant does not agree with the Planning Commission's decision regarding the requested variance, the Applicant may appeal the decision to the City Council. Said appeal must be submitted in writing to the Zoning Administrator within thirty (30) calendar days of the Planning Commission decision.

A Variance that is not approved by the Planning Commission or is not reversed in the case of an appeal, shall not be resubmitted for a period of six (6) months following the Planning Commission's decision.

ARTICLE 7

MISCELLANEOUS PROVISIONS

Section 7.01 Separability Clause

Should any provision of the Subdivision Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 7.02 Repeal of Conflicting Subdivision Regulations

All ordinances, resolutions, and regulations regarding the subdivision of land adopted prior to these Subdivision Regulations are hereby repealed.

Section 7.03 Conflict With Other Law

- A. If there are irreconcilable material conflicts between the Subdivision Regulations and the City Soil Erosion and Sedimentation Ordinance, the City Flood Drainage Prevention Ordinance, the City Post-Development Stormwater Management for New Development and Redevelopment Ordinance, the City Sewer Use Ordinance, or the City Policy on Public Water and Sewer Extensions Ordinance (hereinafter collectively referred to in this paragraph as "Ordinance"), then the provision of the applicable Ordinance shall apply and control.
- B. If there are irreconcilable material conflicts between the Subdivision Regulations and other City, State, or Federal laws, rules, regulations, or ordinances (hereinafter collectively referred to in this paragraph as "Laws"), then:
1. if the Subdivision Regulations are more restrictive than the other Laws, then the Subdivision Regulations shall apply to the extent permitted by law;
 2. if the Subdivision Regulations are less restrictive than the other Laws, then the other Laws shall apply to the extent permitted by law.

Section 7.04 Amendments

These Subdivision Regulations may be amended from time to time, but no amendment shall become effective unless it shall have been proposed or shall have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall submit its recommendation within thirty (30) days after receiving an amendment proposal to the City Council, otherwise such amendment proposal shall be deemed approved by the Planning Commission. Before enacting an amendment to these regulations, the City Council shall hold a public hearing thereon, notice of which shall be

published in a newspaper of general circulation in the City at least fifteen (15) days but not more than forty-five (45) days prior to such hearing or as otherwise required by law.

Section 7.05 Schedule of Fees

A schedule of all fees required by these Subdivision Regulations is available at City Hall. The fees may be amended from time to time.

Section 7.06 Effective Date

18.10 Effective Date

This Regulation shall take effect and be in force from and after January 12, 1998, the public welfare of the City of Chickamauga demanding.

Adopted January 12, 1998, as amended June 7, 2004, and September 7, 2004.

CITY OF CHICKAMAUGA, GEORGIA



MAYOR

ATTEST:



City Clerk