

Chapter 17
SUBDIVISIONS*

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***Cross references**--Administration, Ch. 2; buildings, construction and related activities, Ch. 5; floodplain regulations, Ch. 8; historic preservation, Ch. 9; public utilities systems, Ch. 13; sewage, Ch. 14; solid waste management, Ch. 15; streets and sidewalks, Ch. 16; trees and landscaping, Ch. 20; zoning, Ch. 22.

State law reference--Authority to adopt plans and exercise the power of zoning, Ga. Const. art. 9, sec. 2, par. 4.

Section 17-20A ARTICLE II. PLATS

Section 17-20D DIVISION 1. GENERALLY

Section 17-21 Platting authority.

From and after the passage of the ordinance from which this chapter derives, the city council shall be the official platting authority, and no plat of a land subdivision shall be entitled to record in the office of the clerk of the superior court of the county unless it shall have the approval of the planning commission and the city council inscribed thereon. The filing or recording of a plat of a

subdivision without the city's approval as set forth by this chapter shall be punishable as other offenses against the city under the terms of section 1-6. Further, any violation of the provisions of this chapter are hereby declared to be a misdemeanor and punishable upon conviction therefor, all as provided by the laws of this state.

(Code 1958, § 20A-301)

Section 17-22 Recording and approval required.

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the city council and recorded in the office of the clerk of the superior court of the county is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

(Code 1958, § 20A-302)

Section 17-23 Opening and improving public streets.

The city council shall not accept, lay out, open, improve, grade, pave or light any street or lay any utility lines in any street which has not attained the status of a public street prior to the effective date of the ordinance from which this chapter derives, unless such street corresponds to the street location shown on an approved subdivision plat or on an official street map, provided that the city council may accept, lay out, open and improve any street not so platted if it first submits such proposed action to the planning commission for its review and comment.

(Code 1958, § 20A-303)

Section 17-24 Compliance with regulations required.

(a) No new street or alley shall be accepted by the city for the upkeep and maintenance or for the installation of public utilities thereon or therein until and unless the following regulations are complied with and the opening of any such streets or alleys without the compliance with such regulations is hereby prohibited.

(b) No subdivision, or building area plan shall be approved by the city council, until the subdivision or building area plan as shown on a plat has been approved by the planning board.

(c) Before approval and acceptance of a plat of a subdivision or building area, the following shall be done:

- (1) The plat submitted shall be prepared by and bear the seal of a registered engineer or land surveyor. The plat shall show the layout of streets, lots and drainage and shall be accompanied by profiles showing finished grades and drainage of streets.
- (2) All lots shall comply with zoning of area in which subdivision, or building area, is located.
- (3) Street right-of-way shall be sixty-feet minimum width, consistent with the provisions of section 17-138 and section 17-188 of this chapter.
- (4) Grading of streets shall be done by the developer. Roadway shall be graded to a minimum width of thirty-two (32) feet. Shoulders, parkways and sidewalk areas shall be graded in accordance with street grades. All dead-end streets shall have a turnaround sufficiently large to accommodate fire apparatus and shall extend to a boundary of the subdivision.
- (5) Where proposed subdivisions or building areas adjoin existing subdivisions or building areas, the street system of the proposed subdivision or building area shall be laid out to join the existing street system.

- (6) Adequate storm drainage pipes and catch basins shall be installed by the developer in accordance with standards of the city and as approved by the city engineer. The city council shall also require that sanitary sewers be installed prior to the acceptance of any new streets or roadways in accordance with standards adopted and prescribed by the city engineer. All the costs of such installations are to be borne by the developer. However, the city council reserves the right to waive this requirement when in its sole discretion, the costs of such construction are prohibitive to the developer. The city council shall also have the authority to formulate such methods of assisting developers in financing such new sewers as shall be required, from time to time, in order to serve the best interest of orderly land development in the city.
 - (7) All block and lot corners and all changes in alignment shall be adequately monumented and marked with permanent markers and monuments.
 - (8) After approval by the planning board of the plan submitted by the developer and completion of requirements of subsections (4), (6) and (7), the developer shall then submit to the city deeds to the streets proposed to be accepted by the city and four (4) copies of the approved plat as recorded.
- (Code 1958, § 20-1; Ord. of 6-23-93, § II)

Section 17-25 Erection of buildings.

No building permit shall be issued and no building shall be erected on any lot in the city unless the street giving access thereto has been accepted as a public street in accordance with this chapter, or unless such street had attained the status of a public street prior to the effective date of the ordinance from which this chapter derives, or unless the lot is on a street accepted by the city council.

(Code 1958, § 20A-304)

Section 17-26 17-26--17-40. Reserved.

Section 17-40 DIVISION 2. PRELIMINARY

Section 17-41 Preapplication review.

Whenever the subdivision of a tract of land within the city is proposed, the subdivider may submit to the city engineer sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision, including proposed restrictions if any. No fee shall be charged for the preapplication review and no formal application shall be required.

(17-41, Amended, 03/22/2004)

Section 17-42 Application for preliminary plat approval.

Following the preapplication review of a proposed subdivision plat, the subdivider shall submit to the city engineer-the following:

- (1) A letter requesting review and approval of a preliminary plat and giving the name and address of the owner or owner's representative.
- (2) Five (5) copies of the preliminary plat and other documents, as specified in sections 17-44

through 17-48.

(17-42, Amended, 03/22/2004)

Section 17-43 Review of preliminary plat.

(a) The city engineer shall check the plat for conformance to the rules and regulations of this chapter and shall give tentative approval or disapproval to the preliminary plat. A notation of the action shall be made on two (2) copies of the preliminary plat, including a statement of the reasons for disapproval if the preliminary plat is disapproved. One (1) copy shall be returned to the subdivider or his agent and one (1) copy added to the records of the City Engineer.

(b) Tentative approval of a preliminary plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the final plat. Tentative approval shall expire and be null and void after a period of thirty-six (36) months, unless an extension of time is approved by the City Engineer.

(17-43, Amended, 03/22/2004)

Section 17-44 Scale.

The preliminary plat shall be clearly and legibly drawn at a scale not smaller than two hundred (200) feet to one (1) inch.

(Code 1958, § 20A-601)

Section 17-45 Sheet size.

If the complete plat cannot be shown on one (1) sheet, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

(Code 1958, § 20A-602)

Section 17-46 Ground elevations.

The preliminary plat shall show ground elevations, based on the datum plane of the U.S. Coast and Geodetic Survey (or a datum plane approved by the city engineer):

- (1) For land that slopes less than approximately two (2) percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points as necessary to show drainage.
- (2) For land slopes more than approximately two (2) percent, show contours with an interval of not more than five (5) feet.

(Code 1958, § 20A-603)

Section 17-47 Information to be provided on preliminary plat.

- (1) Name and address of owner of record and of subdivider;
- (2) Proposed name of subdivision and its acreage;
- (3) North point and graphic scale and date;
- (4) Exact boundary lines of the tract by bearings and distances;
- (5) Names of owners of record of adjoining land;
- (6) Proposed layout including existing and proposed streets with proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than single-family dwellings;

- (7) Block numbers and lot numbers;
 - (8) Provisions for the required improvements including drainage and a copy of the design calculations of each in preliminary form;
 - (9) Minimum building front yard setback lines;
 - (10) Such street cross-sections and profiles as may be required by the city engineer. The minimum requirement shall always be a profile of existing center line and proposed profile of proposed street; and
 - (11) Location with respect to a coordinate system when required by state law.
- (Code 1958, § 20A-604)

Section 17-48 Certificate of tentative approval.

A certificate of tentative approval of the preliminary plat by the City Engineer shall be inscribed on the plat as follows:

"Pursuant to the Land Subdivision Regulations of the City of Thomasville, Georgia, all the requirements of Tentative Approval having been fulfilled, this Preliminary Plat was given Tentative Approval by the City Engineer on _____, 20__.

"This Tentative Approval does not constitute approval of a Final Plat. This Certificate of Tentative Approval shall expire and be null and void on _____, 20__.

Date

City Engineer
(17-48, Amended, 03/22/2004)

Section 17-49A 17-49--17-65. Reserved.

Section 17-65D DIVISION 3. FINAL

Section 17-66 Application for final plat approval.

After the preliminary plat of a proposed land subdivision has been given tentative approval by the City Engineer, the subdivider may, within thirty-six (36) months from tentative approval, submit to the City Engineer:

- (1) A letter requesting review and approval of a final plat and giving the name and address of the owner or owner's representative.
- (2) Five (5) copies of the final plat and other documents, as specified in other articles of this chapter, and the original sealed final plat.
- (3) Prior to the hearing for final plat, a subdivision processing fee shall be paid by the developer at the rate of one hundred dollars (\$100.00) per lot with a minimum fee of five hundred dollars (\$500.00).
- (4) An affidavit, by the subdivider or by an authorized representative of the subdivider, which has been properly signed and notarized, stating that the subdivider is the owner of all the property in the subdivision for which final plat approval is sought; that all improvements required for the subdivision of the property have been completed; that no one except the subdivider has

any claim of title to the property to be subdivided; that there are no unpaid bills of any kind or nature, either for labor or materials, for any improvements that have been or may have been placed on property proposed to be subdivided within ninety days of the execution of the affidavit; that there are no fixtures installed on the property to be subdivided that have not been paid for in full; and that there are no debts or claims outstanding against the property to be subdivided, except for city and county ad valorem taxes and any notes and security deeds to any mortgage lenders, which shall be specified in the affidavit.

(2006 (17-66)(3), Amended, 03/13/2006; 2004 (17-66), Amended, 03/22/2004; 2001 (17-66), Amended, 12/26/2001, (added subsection 4))

Section 17-67 Review of final plat.

(a) The city engineer shall check the final plat for conformance with the tentatively approved preliminary plat and with the rules and regulations of this chapter and report his findings and recommendations to the planning commission, which shall afford a hearing on the final plat, notice of the time and place of which shall be sent by the city engineer by registered or certified mail to the person designated in the letter requesting final plat review and approval, not less than five (5) days prior to the date of the hearing.

(b) Thereafter, the planning commission shall tentatively approve or disapprove the final plat and forward such plat to the city council for its final approval. A notation of the action by the planning commission shall be made on two (2) prints of the final plat, including a statement of the reasons therefore if the final plat is disapproved. If action on a final plat is not taken by the planning commission within thirty (30) days of the date of the submittal, the final plat shall be considered approved by the planning commission and the plat shall be forwarded to the city council for action. However, the applicant for approval may waive this requirement and consent to an extension of time.

(Code 1958, § 20A-702)

Section 17-68 Recording of final plat.

(a) Upon approval of a final plat, the developer shall have the final plat recorded in the office of the clerk of the superior court of the county. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the final plat as provided in the preceding section.

(b) Upon recording of the approved final plat, the original tracing or a permanent reproducible of the final plat with all certificates endorsed thereon shall be provided by the subdivider for the records of the city.

(Code 1958, § 20A-703)

Section 17-69 Specifications required in addition to those on preliminary plat.

The final plat shall conform to and meet the specifications of the preliminary plat, with the following additions: The final plat shall be clearly and legibly shown on a permanent transparency at a scale not smaller than one hundred (100) feet to one (1) inch. Sheet sizes shall be 18 x 24 inches, and where more than one (1) sheet is required an index map shall be required. The final plat shall show:

- (1) Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments shall be accurately described on the plat.
- (2) Exact boundary lines of the tract, determined by a field survey, giving distances to the

nearest one-tenth foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one to three thousand.

- (3) Name of subdivision, exact locations, right angle widths and names of all streets within and immediately adjoining the platted area.
- (4) Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
- (5) Lot lines with dimensions to the nearest one-tenth foot and bearings.
- (6) Lots numbered in numerical order and blocks lettered alphabetically.
- (7) Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
- (8) Accurate location, material, and description of monuments and markers.
- (9) A statement either directly on the plat or in an identified attached document, of any private covenants.
- (10) That all improvements required by sections 17-186 through 17-189 of this chapter have been provided and meet with the approval of the city engineer.
- (11) The following certifications:
 - a. *Surveyor's Certification*, directly on the final plat as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision that all monuments shown hereon actually exist or are marked as 'Future', and their location, size, type and material are correctly shown and that all surveying requirements of the Land Subdivision Ordinance of the City of Thomasville, Georgia, have been fully complied with.

"By:
Registered Georgia Land Surveyor No.
 - b. *An Owner's Certification*, directly on the final plat, as follows:

"Owner's Certification:
State of Georgia, County of Thomas

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that all state, city and county taxes or other assessments now due on this land have been paid.

"Agent
Date
Owner
Date _____"

- c. *Certificate of dedication*. A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he is dedicating should be attached to the final plat.
- d. *A certificate of approval of the final plat* by the planning commission and the city council, shall be placed directly on the plat as follows:

"Pursuant to the Land Subdivision Ordinance of the City of Thomasville, Georgia, all the requirements of approval having been fulfilled, this Final Plat was given Final Approval by:
"The Thomasville Planning and Zoning Commission on _____ day of ,20__.

Date

Secretary
Thomasville Planning and Zoning Commission

"City Council for the City of Thomasville on _____ day of _____, 20__.

Date _____

_____ Clerk"

(Code 1958, § 20A-801) (17-69(11a), Amended, 02/24/2003)

Section 17-70 17-70--17-85. Reserved.