



CITY OF MABLETON, GEORGIA
5656 Mableton Parkway , Mableton , GA
August 7, 2025 at 6:30 PM

Commissioner Cheryl Davis
Commissioner Jeanette Hardee
Commissioner Robin Meyer
Commissioner Undriss Miller
Commissioner Donte Philpot
Commissioner Carl Valenzano
Commissioner Vinis Walker

PLANNING COMMISSION REGULAR MEETING AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
- 4. UNFINISHED BUSINESS**
- 5. NEW BUSINESS**
 - a. An Ordinance Creating Article 5, Subdivisions, under Chapter 8, Buildings and Construction, of the City of Mableton Code of Ordinances.**
- 6. ADJOURNMENT**

Persons with special needs relating to handicapped accessibility, disability, or foreign language may contact the City Clerk at (404) 927-9502 or susan.hiott@mableton.gov at least three days prior to the meeting. The clerk can be located at the City of Mableton Offices, Riverside EpiCenter, 135 Riverside Pkwy, Austell, Georgia 30168 during regular office hours.

**STATE OF GEORGIA
COBB COUNTY
CITY OF MABLETON**

ORD

**AN ORDINANCE CREATING ARTICLE 5, SUBDIVISIONS, UNDER CHAPTER 8,
BUILDINGS AND CONSTRUCTION, OF THE CITY OF MABLETON CODE OF
ORDINANCES AND FOR OTHER LAWFUL PURPOSES**

WHEREAS, the City of Mableton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council (“City Council”) thereof;

WHEREAS, Sec. 1.13(23) of the City Charter authorizes the City “[t]o provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community”;

WHEREAS, the City Council desires through this Ordinance to exercise its powers and authority under the City Charter and other applicable laws to promotion the health and general welfare of the City; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton, as follows:

Section 1: The City Code of Ordinances is hereby amended to create Creating Article 5, Subdivisions, under Chapter 8, Buildings and Construction, to read as follows:

CHAPTER 8 - BUILDINGS AND CONSTRUCTION

ARTICLE 5 - SUBDIVISIONS

DIVISION 1 - GENERALLY

Sec. 8.5.1.1 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means a piece or parcel of land entirely surrounded by public highways or streets other than alleys. In cases where the plotting is incomplete or disconnected, the subdivider may determine the outline of the block.

Building line means the minimum horizontal distance between the street right-of-way line, or the street centerline where appropriate, and the building or any projection thereof, except any of the following:

- (1) Steps, terraces and open fire escapes.
- (2) Balconies, canopies or cornices projecting no more than three feet beyond the main building wall.
- (3) Offset or overlapping portions of the floor of the main building that do not extend more than three feet beyond the main building wall.

Condominium means a development providing individual ownership of units within a multifamily zone, together with the joint ownership of common areas of the buildings and grounds.

Controlling financial interest means 51 percent or more, legal or equitable ownership interest of the total assets or capital stock of a business entity.

Controlling property interest means any ownership of real property, direct or indirect, and includes any percentage of ownership less than total ownership.

Crosswalk means a right-of-way within a block dedicated to public use, ten feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded. It is designed to improve or provide access to adjacent roads and lots.

Department means the city community development department and/or any entity designated by the city to perform duties of the city community development department.

Department of transportation means the city and/or county's department of transportation.

Director means the director of the community development department or his designee.

Director, department of transportation means the director of the department of transportation.

Engineer means the city engineer and/or the city manager's designee.

Final plat means a plat of a tract of land which meets the requirements of this chapter and Georgia Law for recording in the office of the clerk of the superior court of the county.

Frontage. See *Lot width*.

Lot means a portion of a subdivision intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the right-of-way of a road or crosswalk may be included.

Lot width means the distance between the side lot lines measured as a tangent to the front building line as described by the city zoning code.

Major thoroughfare plan means an engineered or designed comprehensive plan or program of arterial, collector and minor streets and roads for all or a portion of the city.

Master plan means a comprehensive plan which may consist of several maps, data and other descriptive matter for the physical development of the city or any portion thereof. This includes any amendments, extensions or additions thereof recommended by the planning commission indicating the general location for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

Person means any business entity, subdivider, developer, corporation, partnership, limited partnership, joint venture, firm, enterprise, franchise, association, trust or other entity of any kind.

Sediment control regulations means city code chapter 11, article I, and/or any other applicable regulation dealing with sediment control during construction.

Standard design specifications means standards and specifications in use by the city which shall apply to the physical improvements required to be provided and installed by a subdivider in a subdivision.

Streets and alleys means as defined according to the major thoroughfare plan.

Subdivider means any person who undertakes the subdivision of land as defined in this section.

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. Provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the city.
- (2) Any subdivision of land, provided that all such lots are within the boundaries of a pre-existing platted subdivision or no lots hereby produced contain less than 80,000 square feet each and has a minimum frontage of 200 feet. Also, where no new streets, roads, or other rights-of-way are involved and provided further that such subdivision shall be platted and recorded. For lots of 80,000 square feet or more the property shall be zoned for R-80 purposes as defined in the city's zoning code.

- (3) A division or sale of land by judicial decree.
- (4) The sale or exchange of a parcel of land between owners of adjoining properties; provided, that additional lots are not thereby created.
- (5) In those instances where the Board of Zoning Appeals grants a variance for a subdivision of property lacking the minimum public road frontage and an easement is necessary for ingress and egress to the property, there shall be a maximum of three lots permitted, a minimum of 80,000 square feet per lot, a minimum of 25 feet width easement, and the easement and the subdivided lots shall be platted and required to be recorded as restrictive covenants running with the land in the clerk's office of the Cobb County superior court. The Board of Zoning Appeals shall be authorized and directed to consider any variance application to this provision so long as the lots shall be a minimum of 40,000 square feet in size (as recommended to the city council), a minimum of 20 feet width easement, and a maximum of three lots. Cobb County Fire and Emergency Services shall review and approve all one- and two-family residential dwelling units accessing private easements with respect to applicable codes including but not limited to emergency vehicle access and hydrant placement. In the event that these applicable codes cannot be met, Cobb County Fire and Emergency Services may require indemnification in a form approved by the County or city.

Subdivision administrator means any person in the department to whom the duties of subdivision administrator are assigned, or successor to his duties, by whatever title designated.

Traffic engineer means the city engineer to whom the duties of traffic engineer are assigned, or successors to his duties, by whatever title designated.

Variance means a change in the general design of a subdivision but which shall in no way make null the standard design specifications of the Director or the city zoning regulations.

Water and sewer system means the Cobb County Water and Sewer System.

Sec. 8.5.1.2 - Jurisdiction; compliance; violations and penalties; enforcement; appeals.

- (a) This chapter shall govern all subdivisions of land within the city limits, and shall govern all undeveloped units of existing subdivisions. No plat of subdivision of land within the city shall be submitted or approved excepting in full compliance with the provisions of this chapter.
- (b) Until acceptance of the subdivision or development by the city, it shall be the duty of the existing owner of real property subject to this chapter to notify the director of any change in address or ownership. Any notice required by the city to the owner pursuant to this chapter shall not be deemed invalid or defective due to the failure of the owner to notify the director of the change of address or ownership.

(c) Full compliance with all rules, regulations and requirements authorized by or made in pursuance of this chapter shall be a prerequisite to the issuance of any permit. The city is authorized to withhold the issuance of all permits or to refuse inspection to any subdivider or person on the property or subdivision in dispute or any other property or subdivision in the city in which the subdivider or person may have a controlling financial interest or controlling property interest, who violates or fails to comply with this chapter.

(d) Any subdivider or person or combination of both, or their agent, servant, employee, officer, contractor, or combination of both, who fails to comply or violates any provision of this chapter or any restriction or condition imposed by the authority of this chapter or violates any restriction of any city authority made in pursuance of this chapter shall be subject to the following:

- (1) Whenever the director determines that a subdivider or person has failed to comply with or violates any provision of this chapter or any restriction or condition imposed by the authority of this chapter or violates any restriction or any city authority made in pursuance of this chapter, the director shall order all work stopped in writing by notifying the subdivider or persons and proper city authorities. All work shall stop when ordered by the director, except corrective work as directed by the director, and shall be suspended until compliance with this chapter or correction of the violation is made and the director lifts the stop work order and authorizes continuance of the work.
- (2) The director shall be authorized to assess a civil penalty of up to \$1,000.00 per day for each offense which may be continuing until the offense is remedied; provided, however, that before any such fine is imposed the following procedures must take place:
 - a. The director shall notify the party in writing of any violation or failure to comply with the terms of this chapter;
 - b. The party shall have five days from receipt of such written notice from the director to respond and be heard on the failure to comply or violation;
 - c. Immediately upon hearing the matter the director shall issue a written order of his or her decision which shall be delivered by US first class mail regarding the matter heard. Each day of such violation shall constitute a separate offense.
- (3) Violations of this chapter are punishable as allowed by law.

(e) Any person or subdivider severally or jointly aggrieved by any decision of an administrative officer of the city with regard to this chapter may take an appeal to the city council by notifying the clerk of the city council in writing stating the reasons for the appeal, except, however, that such appeal must be filed within ten days from the date of the decision being appealed. A hearing before the city council shall be scheduled within 30 days after filing of the

appeal. Upon failure to file such appeal within ten days of the decision being appealed, the decision shall be binding and final upon the parties.

Sec. 8.5.1.3 - Purpose, objective and intent.

The city council hereby finds and determines the following:

- (1) Many interests are affected when new homes are built, therefore, a reasonable regulation and control of development is necessary to protect these interests.
- (2) The first interest to consider is that of the subdivision owner or developer. This chapter requires the developer to meet certain standards in designing his subdivision that will provide him with desirable, saleable lots. This, in turn, will give his investors a certain guarantee of return.
- (3) A carefully planned development can install certain neighborhood pride even before the first individual homeowner moves in. The homeowner's interests were protected before he purchased the home by ensuring the installation of proper facilities and recreational areas. Further, if the natural beauty has been retained and protective covenants established on the development, the homeowner's property value should increase rather than decline as has been the case in too many neighborhoods in the past.
- (4) Probably the greatest error in the past has been the lack of recognition of the long-term responsibilities involved in subdividing land. This error has proven to be costly and affects a third interest, the city government, which, in turn, affects the city taxpayer. Therefore, as representatives of the taxpayer and his family, the city government intends to protect the taxpayer's interests and other interests involved by the adoption and enforcement of this chapter.
- (5) A development must first fit into a master plan which is adopted by and recommended by the planning commission after a comprehensive study of the city. The director then studies the design and facilities, which are eventually left in the hands of the city for maintenance, to ensure that they are suitable and will require a minimum of maintenance in the future. Past experiences have pointed to the dire need for a regulation of this content to serve the best interest of the public while providing all developers with a minimum standard policy and procedure outline.
- (6) The intent of this chapter is to provide for the harmonious development of the city and to ensure a coordinated layout with adequate provisions for traffic, recreation, drainage, sewers and other technical elements of land subdivision. This control is necessary to assure the maximum return on the local and government investments and at the same time to assure the homeowner protection and the subdivider full consideration of his interests and responsibilities.

DIVISION 2 - PLATS AND PLAT APPROVAL PROCEDURE

Sec. 8.5.2.1 - Procedure for plat approval for subdivisions.

Any owner of land lying within the area of jurisdiction of these subdivision regulations wishing to divide such land into two or more lots, sites or divisions for the purpose, either immediate or future, of sale or building development, or wishing to re-subdivide for this purpose, shall submit a plan of such proposed subdivision to the subdivision administrator and, if using septic tanks, to the county health department for its consideration. The following requirements shall govern the procedure for plat approval for subdivisions:

(1) Prepare a complete set of construction plans which shall include at a minimum:

- a. Preliminary site plan.
- b. Site grading plans.
- c. Roadway development plans (see city development standards).
- d. Stormwater management plan (see city development standards).
- e. Fire safety standards.
- f. Water and sanitary sewer plans (see city development standards).
- g. Erosion and sediment control plans (see chapter 11, article 1).
- h. Tree protection and replacement plan (see city development standards).
- i. Additional site-specific information as may be necessary.

(2) Submit two sets of the construction plans, to the subdivision administrator for consideration by the development review committee. The action and/or recommendations shall be noted on the plans and returned to the submitter. Upon resubmittal of revised plans, and verification that all staff comments have been properly addressed, the project will be made eligible for permitting. Upon receiving construction plan approval as outlined in the city development standards, a land disturbance permit shall be issued.

(3) Upon completion of site grading, paving, utility and infrastructure installation, prepare a final plat. No building permits shall be issued before approval of the final plat.

(4) Submit final plat for health department approval if septic tanks are to be used for sewerage disposal.

(5) Submit final plat and the platting fee to the subdivision administrator for approval on the basis of the approved construction plans. Approval of the final plat does not constitute final acceptance of the improvements.

(6) The applicant shall have the final plat recorded after the necessary signatures have been placed upon it.

(7) The subdivider may begin to sell lots.

(8) Ensure that all inspections have been made at proper phases of road construction, so that, after the provision of a warranty bond or proper maintenance warranty security is secured, the one-year maintenance period may begin promptly.

Sec. 8.5.2.2 - Construction plans.

Construction plans shall contain the information as specified in the requirements for plan review in the city available through appropriate city and county departments.

Sec. 8.5.2.3 - Platting fee and recording plat.

(a) A platting fee in the amount established by the city council shall be required when the final plat is submitted for approval.

(b) The subdivision administrator shall record the final plat when approved and shall have copies reproduced for the various utilities and government departments.

(c) The final plat original shall be returned to the developer or his engineer, surveyor or authorized representative.

(d) Approval of the final plat before the improvements are completed shall require an amount of money sufficient to cover the cost of improvements be placed in an escrow account to be released only upon written acceptance by the community development department. This amount is to be based on actual estimate of improvements or \$20.00 per running foot of street.

State law reference(s)—Approval by planning commission or governing authority on plat of subdivision required for filing or recording in superior court clerk's office, O.C.G.A. § 15-6-67(d).

Sec. 8.5.2.4 - Final plat specifications.

(a) The final plat shall be clearly and legibly drawn on permanent reproducible material. The scale of the final plat shall be no more than 100 feet to one inch. Sheet size shall not exceed 48 inches by 36 inches. If the complete plat cannot be shown on one sheet, several sheets with an index map indicated on each sheet shall be used. In no case shall sheet size be less than 8½ inches by 11 inches.

(b) The final plat shall conform to the approved construction plans and it may constitute only that portion of the approved construction plans which the subdivider proposes to record and

develop at any time, provided that such portion conforms to the staging established in approved construction plans and to the requirements of this chapter.

(c) The final plat shall contain the following information:

- (1) Name of the subdivision and street names.
- (2) Property address numbers, as furnished by the community development department and coordinated with the Cobb County Fire and Emergency Services Department.
- (3) Reference to record subdivision plats of adjoining land by record name.
- (4) Date of plat drawing, graphic scale, and north arrow.
- (5) Location of tract, by land lot and district.
- (6) Name of former subdivision if any or all of the final plat has been previously subdivided.
- (7) Location sketch at a scale of one-inch equals 2,000 feet.
- (8) Index map on each sheet when more than one sheet is required.
- (9) Courses and distances to the nearest existing street, intersections, or other recognized permanent monuments or benchmarks.
- (10) Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-tenth foot and angles to the nearest second, which shall be balanced and closed. The error of closure shall be stated, and further the error of closure shall exceed 1' in 10,000'. Tract boundaries shall be determined by accurate survey in the field.
- (11) Reserved.
- (12) Exact locations, width and names of all streets and alleys within and immediately adjoining the plat and the exact location and widths of all crosswalks.
- (13) Street centerlines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- (14) Lot lines with dimensions to the nearest one-tenth foot, necessary internal angles, arcs and chords and tangents or radii of rounded corners.
- (15) Building setback lines with dimension.

- (16) Lots or sites numbered in numerical order and clockwise lettered alphabetically.
 - (17) Location, dimensions, drainage area and purpose of all drainage structures and of any easements, including slope easements, flood hazard areas, public service utility right-of-way lines, and any areas to be reserved, donated or dedicated to public use or sites for other than residential use with notes, stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners.
 - (18) A statement of the private covenants, if they are brief enough to be put directly on the plat; otherwise a statement as follows: "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby becomes a part of this plat, recorded _____" and signed by the owner.
 - (19) Accurate location, material and description of monuments and markers. Monuments to be placed after final street improvements shall be designated as future.
 - (20) Seal of surveyor or engineer responsible for work.
 - (21) Variances, if any, and date approved by the Board of Zoning Appeals.
- (d) Certificates for the final plat shall be provided as follows:
- (1) *Owner's acknowledgment:*
 - (i) For use when a public dedication is involved:

OWNER'S CERTIFICATE AND DEDICATION

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, I do hereby convey to Cobb County, Georgia all water mains, water lines, sanitary sewer lines and the like to function as part of the Cobb County Water System and further convey all streets and rights-of-way and major stormwater easements indicated as stormwater structures located in the right-of-way, shown hereon in fee simple to the City of Mableton and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements, and public places hereon shown for the purposes and considerations herein expressed. Drainage easements and stormwater ponds are dedicated to allow water to flow and are to be maintained by the owner of the property. In consideration of the approval of this final plat and other valuable considerations, I further release and hold harmless the City of Mableton

and Cobb County from any and all claims, damages, or demands arising: on account of the design, construction, and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer liens, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further, I warrant that I own fee simple title to the property shown hereon and agree that the City of Mableton and Cobb County shall not be liable to me, my heirs, successors, or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters, and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

Owner's name: _____

Owner's address: _____

Date: _____

(ii) For use when for public dedication and private streets are involved:

OWNER'S CERTIFICATE AND DEDICATION

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, with the express exception of the streets which are shown to remain private, I do hereby convey to Cobb County, Georgia all water mains, water lines, sanitary sewer lines, and the like to function as part of the Cobb County Water System and further dedicate to the use of the City of Mableton and the public forever, with the express exception of any detention or retention pond or ponds, all alleys, parks, watercourses, drains, easements, and public places hereon shown for the purposes and considerations herein expressed. Drainage easements are dedicated to allow water to flow and are to be maintained by the owner of the property. In consideration of the approval of this final plat and other valuable considerations, I further release and hold harmless the City of Mableton and Cobb County from any and all claims, damages, or demands arising: on account of the design, construction, and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer liens, and bridges

within the proposed rights-of-way and easements shown; and on account of
backwater, the collection and discharge of surface water, or the changing of courses
of streams.

Owner's name: _____

Owner's address: _____

Date: _____

(iii) For use when no public dedication is involved:

OWNER'S CERTIFICATE AND DEDICATION

I hereby certify that I own fee simple title to the property shown on this plat (or a
duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that
this plat was made from an actual survey, In consideration of the approval of this
final plat and other valuable considerations, I release and hold harmless the City of
Mableton from any and all claims, damages, or demands arising: on account of the
design, construction, and maintenance of the property shown hereon. I further
warrant that I have the right to sell and convey the land according to this plat and do
hereby bind owners and myself subsequent in title to defend by virtue of these
presents.

Owner's name: _____

Owner's address: _____

Date: _____

(2) *Surveyor's acknowledgment:*

I hereby certify that the plan shown and described hereon is a true and correct survey
made on the ground under my supervision, that the monuments have been placed as
shown hereon, and is to the accuracy and specifications required by the city of
Mableton, Georgia, development standards.

Signature Printed Name Date
Registered Ga. Land Surveyor

(3) *City development certification:*

This plat, having been submitted to the city of Mableton, Georgia and having been found to comply with city of Mableton, Georgia, development standards and the city of Mableton, Georgia zoning ordinance, is approved subject to the installation and dedication of all streets, utilities, easements and other improvements in accordance with applicable standard design specifications and the posting of a one-year maintenance security and filing of limited warranty deeds for any property to be dedicated to the city .

Community Development Department Date

City Engineer Date

City Engineer Date

- (4) *Certification of Cobb County Public Health (only on plats to be served by septic tanks):*

This plat or survey has been approved for development utilizing onsite sewage management systems except as noted. Unauthorized excavation or filling of lots may render their approval void.

Environmental Health District
Director for Cobb County
Public Health Date

Note on Individual Septic Systems

Out: Currently unsuitable for on-site sewage management systems.

SP: Approval of individual site plan required prior to issuance of on-site sewage management system permit.

SPA: Approval of individual site plan utilizing an alternative on-site sewage management system required prior to permit issuance.

- (5) Cobb County Water and Sewer System sign off

This plat, having been submitted to Cobb County Water System and having been found to comply with Cobb County Development Standards, is approved for recording.

(6) *Surveyor's certification:*

(a) Provide the appropriate surveyor's certification as set forth in OCGA § 15-6-67.

(7) Cobb County Fire & Rescue

Sec. 8.5.2.5 - Revisions.

(a) Revisions to the record plat shall be approved by the director. All changes shall be noted on the record plat with a statement of what revisions were made.

Sample: "This plat supersedes the plat recorded in Plat Book ____, page _____. The revisions made are: _____"

APPROVED BY:

city community development department

Date

(b) Revision of an approved plat shall be submitted to the planning and zoning administrator with a fee in the amount established by the city council per plat for approval and recording.

DIVISION 3 - SUBDIVISION DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Sec. 8.5.3.1 - Existing subdivisions.

The provisions of this chapter shall remain in effect, even if inconsistent with the amendments effective upon adoption, as to those subdivisions existing and as to any subdivider or person who has initiated the approval procedure for subdivisions delineated in the zoning regulations on or before June 1, 2025 for that subdivision phase, unit or like entity only. The applicable provisions of this chapter and the terms of this chapter existing on June 1, 2025 are specifically incorporated by this reference; provided however, that all other subdivision phases, units, or like entities initiated after June 1, 2025, including subdividers or persons who may have been previously grandfathered, shall be subject to this article, as amended, upon adoption of these amendments.

Sec. 8.5.3.2 - Variances.

Where the subdivider can show that a provision of this article would cause unnecessary hardship if strictly adhered to, and/or where, because of topographical or other conditions peculiar to the site, and/or where, in the opinion of the Board of Zoning Appeals , a departure may be made without otherwise nullifying the standard design specifications of the director and the intent of this article or the city zoning regulations, the appeals board may authorize a variance per the standards set forth herein for variances. Any variance thus authorized shall be noted on the final plat before approval of the plat.

Sec. 8.5.3.3 - Conformance with zoning and other regulations.

No final plat affected by an existing zoning ordinance shall be approved unless it conforms with such ordinance. Whenever there is a discrepancy between minimum standards of dimensions noted in this chapter and those contained in the zoning regulations, building code or any other official regulation of the city, the more stringent standard shall apply.

Sec. 8.5.3.4 - Construction of detention and retention ponds.

The following construction standards shall apply to any and all detention or retention ponds constructed within the city:

- (1) All retention and detention ponds which exceed four (4) feet in depth, as measured vertically from the lowest point of the pond to the lowest point on the top of the dam, berm, or dike of the structure, shall be fenced with a chain link fence or privacy fence not less than six (6) feet in height. The type of fence shall be specified by the city manager at or before approval of the final subdivision plat.
- (2) Posts for such fences shall be set on centers not less than ten (10) feet apart.
- (3) All such fences shall have a minimum of one (1) ten-foot-wide gate for access, which gate shall remain locked at all times.
- (4) Such fences shall be installed completely around the pond and any dike, dam, or berm forming a portion of the pond. No fence shall be installed across the slope of a dam, dike, or berm.
- (5) An easement across private property to access the retention or detention pond shall be provided by each owner of property abutting or adjoining the pond.
- (6) All retention and detention ponds and ponds shall not be dedicated to the city, but shall be constructed and maintained by the owner or owners on whose property or properties the ponds exist.

Sec. 8.5.3.5 - Maintenance bond.

A maintenance bond, cash bond, or other equivalent form of security as approved by the city Attorney, running in favor of the city, in a minimum amount of \$5,000.00 or any amount equal to at least ten percent of the actual construction improvement total cost, whichever is greater, shall be posted with the Community Development Department by all subdividers or persons where street or other improvements are made and offered to the city for acceptance and maintenance except as noted in this section. Twenty-five percent of the actual construction improvement total cost or \$5,000.00, whichever is greater, shall be posted with the city by all subdividers or persons where street or other improvements are made requiring bridges, box culverts, or pipes with diameters equal to or exceeding 48 inches, and offered to the county for acceptance and maintenance. The maintenance bond, cash bond or other equivalent form of security shall guarantee all improvements against defects in design, material and workmanship and further guarantee that all such improvements shall be maintained in first class condition for the required period and faithful performance by the subdivider or other person of all provisions of this chapter.

- (1) Any bond, except cash bond or other equivalent form of approved security shall be on forms supplied by the city and shall not be terminated or otherwise allowed to expire without at least 30 days' prior written notice to that effect to both the city and the subdivider or person. Such bond, cash bond or other equivalent form of approved security along with evidence of payment of the required premiums shall be filed with the city.
- (2) Such bond, cash bond or other equivalent form of security shall be posted prior to commencement of the maintenance period and following installation of the improvements and inspection and approval by the city of the method of installation. No final plat shall be approved or recorded by the city and no lots shall be sold by the subdivider until and unless a satisfactory bond is posted.
- (3) Separate bonds required by this section shall be required for each subdivision unit, phase or like entity approved by the city pursuant to this chapter.

Sec. 8.5.3.6 - Maintenance.

The subdivider or person shall maintain all improvements in the subdivision to be dedicated to the city for a minimum of one year from the date of written notification by the city commencing the one-year maintenance period of such improvements and inspection and approval by the city of the method of installation, whichever is longer. No dedication of improvements shall be accepted by the city until the expiration of one year from such date and inspection and determination by the city at the expiration of such time that all the improvements are in first class condition and meet all city specifications and requirements under this chapter.

(1) At the end of the maintenance period, the city may inspect the development, and shall inspect at the written request, submitted at the end of the tenth month of the maintenance period or thereafter prior to expiration of the maintenance period, by the subdivider or person. If the improvements to be dedicated are free from defects and comply with city specifications and requirements under this chapter, dedication of the improvements shall be accepted by the city for permanent maintenance by the city. The subdivider or person shall be notified in writing of the acceptance and any security shall be released.

(2) If upon inspection as provided in subsection (1) of this section, the city determines that work or repairs are needed in order for the improvements to meet city specifications or requirements under this chapter, the subdivider or person shall be notified in writing by the department of the deficiencies, failure to comply or violations. Thereafter, the subdivider shall have 60 days from receipt of such notification to correct such deficiencies, noncompliance or violations. If the deficiencies, noncompliance or violations are not corrected within such time, then the maintenance bond, cash bond, letter of credit or equivalent form of approved security posted by the subdivider shall be forfeited and called upon up to the cost of the repairs or the total amount of the bond. Should the amount of the bond be inadequate to pay for the cost of correcting the deficiencies, noncompliance or violations, then the subdivider shall pay any and all costs beyond bond coverage.

(3) The subdivider shall pay to the city for each inspection, subsequent to the initial inspection provided under subsection (1) of this section, a reinspection fee in an amount set from time to time by resolution of the city council to defray the cost of reinspection. A copy of the schedule of reinspection fees shall be maintained in the offices of the community development agency.

(4) If a period of 18 months elapses from the commencement of the maintenance period for any subdivision and defects, noncompliance or violations still exist to the extent that the subdivision has not been accepted by the city, the city is authorized to withhold the issuance of any and all permits or to refuse inspection to any subdivider or person on the project in dispute or any other project in which the subdivider or person may have a financial interest, or both, who violates or fails to comply with this chapter.

Sec. 8.5.3.7 - Guarantee of installation and performance.

(a) Each subdivider or person shall guarantee installation of improvements and faithful performance of all provisions of city specifications and this chapter. The subdivider shall maintain a performance bond, letter of credit or other equivalent form of security in an amount that is 110 percent of the construction cost of all improvements, including landfill, as established by the subdivider's professional engineer and verified by the director. Such bond, letter of credit or other equivalent form of security shall be on forms supplied by the city. In lieu of installation of improvements, surety bond, letter of credit or other equivalent form of security, the subdivider or

person may provide a first mortgage to the city on its property to satisfy the subdivider's or person's guarantee.

(b) Separate bonds as required by subsection (a) of this section shall be required for each subdivision unit, phase or like entity approved by the city pursuant to this chapter.

Sec. 8.5.3.8 - Blocks.

(a) *Maximum length.* Blocks shall not be more than 1,200 feet in length except where the director considers it necessary to secure efficient use of land or desired features of street pattern.

(b) *Minimum width.* Blocks shall be wide enough to allow two tiers of lots of minimum depth except where prevented by topographical conditions or size of the property, in which case the city council may approve a single tier of lots of minimum depth.

Sec. 8.5.3.9 - Large tracts or parcels.

When land is subdivided into larger parcels than ordinary building lots (larger than two acres), such parcels shall be arranged so as not to land-lock any adjacent property.

Sec. 8.5.3.10 - Lots.

Lots in subdivisions shall comply with the following:

(1) *Arrangement.* Side lot lines should be at right angles (90 degrees) to straight street lines or radial to curved street lines. Side lot lines should be radial to the radius points of all culs-de-sac. Each lot shall front upon a dedicated public street having a right-of-way of not less than 50 feet.

(2) *Building lines.* Building lines shall conform with the city zoning regulations.

(3) *Corner lots.* All corner lots, regardless of zoning, shall have no less than 100 feet of road frontage on each street and shall meet the requirements in the city zoning regulations. The street side yard shall not be less than 25 feet as measured from the street right-of-way. Driveways shall be located according to city development standards.

(4) *Double frontage lots.* Access to double frontage lots shall be restricted to the interior street.

(5) *Septic tanks and sewage disposal systems.*

Sec. 8.5.3.11 - Monuments.

(a) Permanent benchmarks shall be placed at all land lot corners on the boundary of the property being developed. These benchmarks shall be concrete with brass marking. Placement, to be verified by visual inspections, shall extend no less than six inches above the finished grade.

(b) All other corners shall be marked with an iron pin, one-half inch in diameter and 24 inches long and driven so as to extend no less than one inch above the finished grade.

Sec. 8.5.3.12- Easements.

(a) Easements shall be cleared and opened at the time of development to control surface water runoffs. Runoffs slope and side slopes shall be specified by the developer's engineer, according to good engineering practices. Drainage ditches shall conform to standard swale ditch, as specified in the standard design specifications.

(b) Permanent sanitary sewer easements of 20 feet in width shall be provided for necessary lines.

(c) No permanent structures shall be constructed within ten feet of the edge of a permanent water or sanitary sewer easement on front and rear setbacks, or within two feet on side setbacks. The water system director may grant a variance to this requirement provided that it can be demonstrated to his or her reasonable satisfaction that such structure will not impede future installation or maintenance within said easement.

(d) Easements for sanitary sewers and drainage purposes shall not overlap unless approved by the county water system.

(e) Drainage easements shall be provided where a subdivision is traversed by a watercourse, drainage way, natural stream or channel. It shall conform substantially to the limits of such watercourse plus any additional width as is necessary to accommodate future construction as recommended by the director.

(f) Drainage easements off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner, and property owner will be required to keep such easements free of obstructions and will maintain the easements in such a way as to assure free and maximum flow at all times.

(g) All easements shall be cleared of debris, excess dirt and other materials. The ground shall be smoothed down and grassed within ten days of completing construction work. The use of sediment control measures may be required to protect the area until a vegetative cover is obtained.

Sec. 8.5.3.13 - Suitability of land.

Land deemed unsuitable for residential purposes may be set aside for such uses that shall not be harmed by the existing condition of the land.

Sec. 8.5.3.14 - Utilities.

The design and construction specifications for all public utilities shall conform to the city's standard design specifications.

DIVISION 4 - STREETS

Sec. 8.5.4.1 - Width requirements for right-of-way.

- (a) Additional right-of-way on existing streets shall be provided to meet the minimum street width requirements.
- (b) When the subdivision is located on only one side of an existing street, one-half of the required right-of-way as measured from the centerline of the existing right-of-way shall be provided.

Sec. 8.5.4.2 - Alleys.

Alleys shall be provided to the rear of all lots used for business purposes and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the director of community development or his designee of the need for such alleys.

Sec. 8.5.4.3 - Conformity to major thoroughfare plan.

The location and width of all streets and roads shall conform to the official major thoroughfare plan. Street plans and profiles shall be approved by the traffic engineer of the city.

- (1) Lot access for property fronting on arterial, major collector, and minor collector streets shall be restricted to interior streets.
- (2) Developers or persons constructing or causing to be constructed subdivisions on existing public streets and roads shall be required to convey to the city property for use as right-of-way or future right-of-way for public streets and roads as provided in the existing thoroughfare plan of record in the community development department.

Sec. 8.5.4.4 - Curves.

- (a) *Super-elevated curves.* Super-elevated curves shall be provided in accordance with state highway design for arterial and collector type streets.
- (b) *Horizontal curves.* See standard engineering (AASHTO) design specifications for horizontal curves.

Sec. 8.5.4.5 - Cul-de-sac streets.

Dead-end streets designed to have one end permanently closed shall be no more than 800 feet in length unless necessitated by topography.

Sec. 8.5.4.6 - Half streets.

Half streets shall not be allowed.

Sec. 8.5.4.7 - Intersections.

- (a) Street intersections shall be as nearly at right angles as is possible.
- (b) No intersection shall be at an angle of less than 60 degrees.
- (c) Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corners shall include a miter to permit such construction.
- (d) Sight distance at intersections shall meet the requirements of standard city DOT design specifications for the number of lanes and posted speed limit of the roadway.
- (e) Islands at intersections shall be subject to standard GDOT and city DOT design specifications and approval by the city engineer.
- (f) Adjoining street intersections shall meet or exceed a minimum spacing per standard city design specifications for the classification of the roadway.

Sec. 8.5.4.8 - Jogs.

Street jogs shall have centerline offsets as detailed in standard city development specifications.

Sec. 8.5.4.9 - Names.

- (a) The county is divided into four street number quadrants designated NE, NW, SE and SW. All streets shall bear the proper quadrant suffix.
- (b) Proposed streets that are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.
- (c) No proposed street name shall duplicate an existing street name within the city regardless of the use of the suffix street, avenue, boulevard, drive, place, way, court, or however otherwise designated.
- (d) All street names are subject to the approval of the community development department.
- (e) New street names shall follow the guidelines established in the city Addressing Manual.

Sec. 8.5.4.10 - Address numbers.

Property address numbers shall be provided by the community development department.

Sec. 8.5.4.11 - Private streets.

(a) Private streets in new developments.

- (1) Every subdivided property shall be served from a dedicated public street which shall have been constructed to city specifications and/or shall be maintained by city forces.
- (2) Any private street that is platted in a subdivision or other residential project, as approved by the city council, must be noted as such on the plat.
- (3) All private streets shall be indicated with a blue, post mounted street sign consistent with city street sign standards.
- (4) Private streets must be surfaced with the same type of materials that are used by the city for the surfacing and resurfacing of public streets or with materials that are as protective as those used by the city to surface and resurface public streets so long as such alternative materials are approved by the city engineer.
- (5) All private streets must comply with the city requirements for public streets regarding roadway/lane widths, superelevation and run-off, intersection design, street grades and design speed, vertical alignment, horizontal alignment, curbs and gutters, sub-grade preparation, signing and striping.
- (6) In the case of private streets, maintenance of all stormwater infrastructure shall be the responsibility of a property owners association.
- (7) Access to all private streets by emergency and law enforcement vehicles shall be provided and all private streets shall be constructed to allow access to all emergency vehicles.
- (8) Any development that includes private streets, whether residential, commercial, institutional, industrial, or office development, must organize and establish a property owners' association or homeowners' association, as appropriate. Such association shall be formed prior to the sale of any properties within the development. Membership in the appropriate association must be mandatory for each original and successive purchaser of a lot, building or unit within the development. The declaration of covenants must be recorded with the clerk of the county superior court, again prior to the sale of any properties within the development, and the recorded declaration of covenants must provide that all private streets and associated improvements are owned by the association or are held in common by the property owners within the development. The declaration of covenants shall show clear legal authority to maintain and exercise control over the private

streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses. As well, the declaration shall set forth the right of the association to collect sums from the members for such maintenance of the private streets and related improvements. The streets must be properly maintained and insured with no liability or maintenance responsibilities accruing to the city. The recorded declaration of covenants must specifically require the appropriate association to repair and maintain each private street in the same manner as similar public streets are maintained by the city and such maintenance and repair must be performed in compliance with all city standards and all applicable provisions of law.

(9) Within nine months following approval of the final plat, the city's community development director or their designee must inspect the private streets to ensure compliance with all city standards and all applicable provisions of this Code including, but not limited to, the requirements set forth in law for public streets, curbs, sidewalks, signage and street lighting. The developer must be notified of any deficiencies in writing and such deficiencies must be corrected within 60 days of the written notice of deficiencies unless the city agrees to an extension of that period in writing.

(10) Failure to correct the complete list of deficiencies constitutes a violation of this section and will subject the developer to prosecution for a code violation in the magistrate court. Any person found to have violated this section is subject to a fine of not less than \$500.00 for each violation. Each day that the violation exists is a separate and distinct offense.

(11) The community development director or their designee shall deny issuance of certificates of occupancy until all deficiencies have been corrected.

(12) This section shall be effective June 1, 2025, for new requests for private streets.

(b) *Hazardous private streets.*

(1) Hazardous private streets shall mean any private street which is open for access for vehicular traffic and which the director of the department of transportation or their designee has determined to contain any or all of the following defects:

a. A roadway, the surface material of which has loosened, buckled, split, crumbled, eroded or in any other way deteriorated so as to make it unsafe for vehicular traffic or so as to constitute a roadway obstruction to the adequate access by emergency vehicles or public utility vehicles.

b. A roadway, the surface of which has become blocked in whole or in part by the deposit of earth or other materials thereon, or by reason of any other cause.

c. A roadway, all or any portion of which is likely to collapse due to deterioration, decay, faulty construction, or by reason of the removal or movement of any portion of the ground necessary for the support thereof.

(2) It is found and declared that hazardous private streets on properties within the city limits are an endangerment to the public safety as a result of unsafe conditions to those persons residing or working in the vicinity and constitutes a public nuisance.

(3) When the director of the department of transportation or their designee determines that any private street is a hazardous private street, as defined above, they shall serve a mandate requiring the correction of the hazardous condition. One copy of the mandate shall be served on each owner of record of the land constituting the private street and upon the owner of each contiguous or adjacent parcel having access on the private street, as shown on county tax records. Such mandate shall be served either personally or by certified mail. Notice shall be deemed complete and sufficient when personally delivered or mailed. The mandate shall include:

a. The street address and legal description, sufficient for identification of the parcel or parcels constituting the private street;

b. The defects causing the street to be a hazardous private street and their location;

c. A statement of work required to be done in order to correct said defects and place the streets in a state of repair that is consistent with city standards;

d. That all repairs shall commence within 60 days following the issuance of the mandate and shall specify a reasonable time in which the work shall be completed. The director of the department of transportation may extend the time for completion for good cause upon written request for such an extension;

e. A statement that if the work is not completed within the time stated, the city may elect to remedy the condition and a lien shall be placed on the property for the cost of such repairs;

f. A statement that the record owner of the property may, at any time prior to the date specified in the mandate for the work to commence, make a written appeal to the city council for the purpose of showing that the cited conditions do not constitute a violation.

(4) In addition to requiring the repair of a hazardous private street, the director of the department of transportation may order the immediate closing thereof until the repair work has been satisfactorily completed if the director determines that the hazard presents immediate threat to life, limb, health, property safety and general welfare.

(5) Any person served with a mandate to repair may, at any time prior to the date specified in the mandate for the work to commence, file a written appeal to the city council, upon such form

as the board shall prescribe, for review of any requirements of said mandate. The filing of such an appeal shall stay all requirements for the mandate until a determination of the matter is rendered by the board. The board shall promptly set a date for the hearing of the appeal and shall at least ten days prior thereto, give public notice thereof, as well as due notice to the parties in interest. The board shall make such investigations as it deems necessary and shall upon the date set for hearing of the appeal from the order to repair, hear and consider evidence offered by any interested person. Thereafter, but in no event later than 60 days from receipt of the appeal, the board shall make a determination as to whether or not the private street is a hazardous private street within the terms of this chapter, and may affirm, change, or modify any requirements of the repair mandate.

(6) Failure to repair any private street as required by the city within the time set by the director of the department of transportation, or within any additional time the director extends for good cause, may cause the private street to be repaired by any means deemed advisable by the city council.

(7) In the event the city repairs the hazardous private street, the costs of repair shall be certified to the director of finance. All certified costs incurred by the city plus an administrative charge to repair a hazardous private street will be a special assessment lien and charge shall be attached to the property upon which the private street is located. Said lien shall be payable with interest at the rate of eight percent per annum from the date of certification until paid. Such lien shall be in favor of the city and may be satisfied at any time by payment thereof, including accrued interest. Notice of such lien shall be filed in the office of the Clerk of the Superior Court and recorded among the public records of Cobb County, Georgia. The city reserves the right to pursue these costs as a personal obligation against the owner of the real property, recoverable by the city in an action before any court of competent jurisdiction.

(8) It shall be unlawful for any person to obstruct, impede or interfere with any representative of the city whenever such representative is engaged in the repair of such private street pursuant to the provisions of this chapter or is performing any necessary act preliminary to or incidental to such work.

Sec. 8.5.4.12 - Relation to adjoining street system.

The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.

Sec. 8.5.4.13 - Restriction of access.

When a subdivision fronts on an arterial street or highway, the director or the zoning department may require any double frontage lots to be provided with frontage on an interior street with no access to the arterial street.

Sec. 8.5.4.14 - Minimum pavement widths.

The minimum width of right-of-way, as measured from the lot line, shall be as shown on the major thoroughfare plan, and/or as described for the roadway classification within the city development standards.

Sec. 8.5.4.15 - Curbs and gutters.

(a) Developers of subdivisions abutting and located on existing city streets and roads shall be required to provide curbing and guttering along the public road frontage of the property provided, that the rear of the structure erected on the lots face the existing street or road and that there are no points of egress or ingress other than as provided for in this section. Further provided that no other portions of the existing street or road have existing curb and gutter to which to coordinate with.

(b) This section shall apply only to subdivisions to be constructed on existing public streets or roads in the city. "Existing public streets or public roads" as used in this section means those that are of record on the official public street or road registry in the community development department and other appropriate city departments as of the date of the enactment of this section, or public streets or roads which are hereafter constructed and maintained by the city after dedication and acceptance as provided by law.

DIVISION 5. CONDOMINIUMS

Sec. 8.5.5.1 - Applicability.

This article applies to condominium projects.

Sec. 8.5.5.2 - Variances.

Where the subdivider can show that a provision of this article would cause unnecessary hardship if strictly adhered to and/or where, because of topographical or other conditions peculiar to the site, and/or where, in the opinion of the appeals board, a departure may be made without otherwise nullifying the standard design specifications of the director and the intent of this chapter or the city zoning regulations, the appeals board may authorize a variance. Any variance thus authorized shall be noted on the final plat before approval of the plat.

Sec. 8.5.5.3 - Conformance with zoning and other regulations.

No final plat affected by an existing zoning ordinance shall be approved unless it conforms with such ordinance. Whenever there is a discrepancy between minimum standards of dimensions noted in this article and those contained in the zoning regulations, building code or any other official regulation of the city, the highest standard shall apply.

Sec. 8.5.5.4 - Procedure for plan review.

Review and approval of all plans and final plats of condominiums shall be in accordance with the requirements for plan review in the city, which is available through appropriate city departments.

Sec. 8.5.5.5 - Final plat specifications.

- (a) The final plat shall be clearly and legibly drawn on permanent reproducible material. The scale of the final plat shall be 100 feet to one inch. Sheet size shall not exceed 48 inches by 36 inches. If complete plat cannot be shown on one sheet, several sheets with an index map indicated on each sheet shall be used. In no case shall the sheet size be less than 8½ inches by 11 inches.
- (b) The final plat shall contain the following information:
 - (1) Name of the project and street names.
 - (2) Property address numbers (furnished by the community development department).
 - (3) Reference to record subdivision plats of adjoining land by record name.
 - (4) Date of plat drawing, graphic scale and north point.
 - (5) Location of tract by land lot and district.
 - (6) Location sketch at a scale of one-inch equals 2000 feet (see note following subsection (b)(9) of this section).
 - (7) Index map on each sheet when more than one sheet is required.
 - (8) Courses and distances to the nearest existing street, intersections, or other recognized permanent monuments or benchmarks.
 - (9) Exact boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-tenth foot and angles to the nearest minute, shall be balanced and closed. The error of closure shall be stated, and further the error of closure shall exceed one to 10,000. Tract boundaries shall be determined by accurate survey in the field.

Note: Unit plats shall provide a location sketch for location within the master plat.

- (10) Land lot lines shall be accurately tied to boundary lines of the subdivision by angles and distances when such lines traverse the subdivision; when the subdivision does not intersect a land lot line, then the lines of a major controlling street shall be projected and tied to a land lot line by angles and distances. In both cases, the measured distance from land lot tie to a respective land lot

corner shall be shown with the magnetic bearing of the land lot line. No approximate land lot lines shall be shown on the subdivision plat.

(11) Exact locations, width and names of all streets and alleys within and immediately adjoining the plat and the exact location and widths of all crosswalks.

(12) Street centerlines showing angles of deflection and standard curb data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.

(13) Lot lines with dimensions to the nearest one-tenth foot, necessary internal angles, arcs and chords and tangent or radii or rounded corners.

(14) Building setback lines with dimensions.

(15) Legal description of individual condominium units shall be provided as follows:

a. The individual condominium unit shall be referenced as a lot by numeric data only, limited to 999 units.

b. Each building shall be referenced as a unit by numeric data only, limited to 99 units.

c. Each development phase shall be referenced as a block by alpha data.

d. Parcel numbers shall be assigned by the tax office.

e. Plats of the development shall be separated into different development phases when individual units or buildings reach the limits set in this subsection (b)(15)a and (b)(15)b.

(16) Location, dimensions, drainage area and purpose of all drainage structures and of any easements, including slope easements, flood hazard areas, public service utility right-of-way lines, and any areas to be reserved, donated or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners.

(17) Accurate location, material and description of monuments and markers.

(18) A statement referencing the protective covenants by record book and page number.

(19) Registered land surveyor's certification and stamp required for master plat.

(20) Registered professional engineer certification and stamp accepted for as-built condition on unit plats only.

(21) Registered architect certification and stamp may be used to certify the acceptability of the structural work.

(22) Variances, if any, and date approved by the appeals board.

(c) Certification for the final plat shall be provided as follows:

(1) *Registered professional engineer's certification:*

The undersigned Registered Professional Engineer hereby certifies that the plan to which this certification is affixed fully and accurately depicts the layout, location, number/letter identification and dimension of the buildings resident shown thereon as built.

Stamp Signature	P.E. Number
--------------------	-------------

(2) *Registered professional architect:*

The undersigned Registered Professional Architect hereby certifies that the building and residence units shown on this location plat are, within reasonable construction tolerances, constructed in accordance with the approved set of construction plans on file in the city.

Signature	Register Number
-----------	--------------------

(3) *Registered land surveyor's certification:*

The undersigned Registered Land Surveyor hereby certifies that the plan shown and described hereon is a true and correct survey made on the ground under my supervision, that the monuments have been placed as shown hereon, and is to the accuracy and specification required by city subdivision regulations.

Signature	Register Number
-----------	--------------------

Sec. 8.5.5.6 - Platting fee and recording of plat.

(a) A platting fee in the amount established by the city council shall be required when the final plat is submitted for approval.

(b) The applicant shall record the final plat when approved and shall have copies reproduced for the various utilities and government departments.

- (c) Projects with multiple plats shall reference the master plat.
- (d) Protective covenants shall be recorded by the developer and a copy supplied to the community development department.
- (e) Existing apartment projects which are converted to condominium projects shall meet the final plat requirements set forth in this article.

Sec. 8.5.5.7 - Design standards.

The design of the project shall conform to the requirements of the city zoning regulations and to the standard design specifications.

Sec. 8.5.5.8 - Monuments.

- (a) Permanent benchmarks shall be placed at all land lot corners on the boundary of the property being developed. These benchmarks shall be concrete with brass marking. Placement, to be verified by visual inspections, shall extend no less than six inches above the finished grade.
- (b) All corners other than as provided in subsection (a) of this section shall be marked with an iron pin, one-half in diameter, 24 inches long and driven so as to extend no less than one inch above the finished grade.

Sec. 8.5.5.9 - Easements.

- (a) Easements shall be cleaned and opened at the time of development to control surface water runoffs. Runoff slope and side slopes shall be specified by the developer's engineer, according to good engineering practice.
- (b) Permanent sanitary sewer easements of 20 feet in width shall be provided for necessary lines.
- (c) No permanent structures shall be constructed within ten feet of the edge of a permanent water or sanitary sewer easement on front and rear setbacks, or within two feet on side setbacks. The water system director may grant a variance to this requirement provided that it can be demonstrated to his or her reasonable satisfaction that such structure will not impede future installation or maintenance within said easement.
- (d) Easements for sanitary sewers and drainage purposes shall not overlap unless approved by the Cobb County water & Sewer System.
- (e) Drainage easements shall be provided where the project is traversed by a watercourse, drainageway, natural stream or channel. It shall conform substantially to the limits of such

watercourse plus any additional width as is necessary to accommodate future construction as recommended by the director.

(f) Drainage easements within the project and off the dedicated street right-of-way shall be clearly defined on the final plat of the project. The owners of the property shall be required to keep the easement open and free of undue obstructions at all times.

(g) All easements shall be cleared of debris, excess dirt and other materials. The ground shall be smoothed down and grassed within ten days of completing construction work. The use of sediment control measures may be required to protect the area until a vegetative cover is obtained.

Sec. 8.5.5.10 - Street names.

(a) The county is divided into four street number quadrants designated NE, NW, SE and SW. All streets shall bear the names of such existing streets.

(b) Except within the same project, no proposed street name shall duplicate an existing street name within the city, regardless of the use of the suffix street, avenue, boulevard, drive, place, way, court, or however otherwise designated.

(c) All street names are subject to the approval of the community development department.

Sec. 8.5.5.11 - Address numbers.

Property address numbers shall be provided by the community development department.

Sec. 8.5.5.12 - Suitability of land.

Land deemed unsuitable for residential purposes may be set aside for such uses that shall not be harmed by the existing condition of the land.

Sec. 8.5.5.13 - Utilities.

The design and construction specifications for all public utilities shall conform to the city's standard design specifications.

Section 2. It is hereby declared to be the intention of the City Council that:

- (a) All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.
- (b) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (c) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence,

clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

- (d) In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the Ordinance.

Section 5. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 6. The effective date of this Ordinance shall be June 1, 2025, unless required otherwise by the City Charter, state and/or federal law. In the event that any effective date herein is determined by a Court of law to be invalid, said effective date shall instead be the earliest date allowed by law.

SO ORDAINED this _____ day of _____, 2025.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Dr. Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney