

CITY OF FORSYTH

SUBDIVISION ORDINANCE

GENERAL PROVISIONS	1
Title	1
Purposes	1
Applicability	1
Authority and Delegation	1
Authority	1
Delegation	1
Delegation of Powers to Planning and Zoning Commission	1
Delegation of Powers to the Mayor and City Council	2
Delegation of Powers to Subdivision Officer	2
Interpretation, Conflict, and Severability	2
Interpretation	2
Conflict with Public and Private Provisions	2
Severability	2
Saving Provision	3
Amendments	3
Appeals	3
Appeals of Administrative Decisions	3
Appeals of the Actions of the Mayor and Council	3
Variances	4
General	4
Conditions	4
Procedures	4
Notice	4
DEFINITIONS	5
Generally	5
Words and Terms Defined	5
PROCEDURES FOR SUBDIVISION PLAT APPROVAL	10
General Provisions	10
Land is One Tract Until Subdivided	10
All Land Subdivisions to Comply	10
Preliminary Plat and Plans Required Prior to Construction	10
Building and Other Permits	10
Public Streets and Lands	10
Planned Developments	10
Discretionary Pre-Application Review	11
Preliminary Plat	11
Purpose	11
When Required	11
Preliminary Plat Application and Specifications	12

Planning and Zoning Commission Review _____	12
Mayor and City Council Approval _____	12
Disapproval _____	12
Expiration Time _____	12
Amendments to Approved Preliminary Plats _____	12
Construction Plans _____	13
When Required _____	13
Approved Erosion and Sedimentation Control Plan Required _____	13
Construction Plan Application and Specification _____	13
Construction Plans for Minor Subdivisions _____	13
Construction Plan Review _____	13
Certificate of Construction Plan Approval _____	13
Decision Criteria _____	14
Disapproval _____	14
Expiration Time _____	14
Final Plat _____	15
When Required _____	15
Review of the Final Plat _____	15
Final Plat Approval _____	15
Non-conformance of the Final Plat _____	15
Mayor and City Council Disapproval _____	15
Recording of Final Plat _____	16
Revisions to a Recorded Plat _____	16
“As-Built” Plans When Required _____	16
Existing Conditions to be shown on “As-Built” plans _____	16
Limitations on Minor Subdivisions _____	16
Purpose _____	16
Common Contiguous Parcels Shown on Minor Subdivision Plats _____	17
Limitations _____	17
SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS _____	17
Design Requirements for Lots _____	17
Lot Arrangement _____	17
Natural Features and Assets _____	17
Access and Minimum Lot Frontage _____	18
Adequate Buildable Area Required _____	18
Lot Remnants Not Permitted _____	18
Lot Dimensions _____	18
Side Lot Lines _____	18
Corner Lots _____	18
Flag Lots _____	18
Locations Adjacent to Major Street _____	18
Double Frontage Lots _____	19
Design Requirements for Blocks _____	19
Block Length _____	19
Block Width _____	19
Monuments _____	19
Right-of-Way Monuments _____	19
Property Line Monuments _____	19
Sidewalks _____	20
Generally _____	20
Construction Specifications _____	20

Installation _____	20
Design _____	20
Street Signs _____	20
Decorative Signs Allowable _____	20
Street Lighting _____	21
Streets _____	21
Alleys _____	21
Half Streets _____	21
Continuation of Existing Streets and Connections _____	21
Marginal Access Streets _____	21
Utilities _____	21
Installation of Utilities _____	21
Fire Hydrants _____	22
Spacing _____	22
Specifications _____	22
Standards _____	22
ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS _____	22
Installation of site improvements _____	22
Maintenance Securities _____	23
ENFORCEMENT AND PENALTIES _____	26
Enforcement _____	26
Refusal of Permits or Permissions _____	26
Stop Work Order _____	27
Injunction _____	27
Penalties for Violation _____	27
Complaints _____	27
Additional Remedies _____	27

GENERAL PROVISIONS

TITLE

This ordinance shall be known and may be referred to as the “Subdivision Ordinance of Forsyth, Georgia.”

PURPOSES

This Ordinance is adopted for the following purposes:

1. To protect and promote the health, safety, and general welfare of the City of Forsyth;
2. To encourage the development of economically sound and stable communities;
3. To assure the provision of required streets, utilities, and other facilities and services to new land developments;
4. To assure, in general, the wise development of new areas in harmony with the land use plan of the community as it now exists or may hereafter as established;
5. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
6. To assure adequate identification of property on the public records;
7. To promote the orderly, planned, efficient, and economic development of the City of Forsyth and to guide future growth in accordance with the Comprehensive Plan; and
8. To establish procedures for the subdivision and re-subdivision of land in order to further the orderly development of land.

APPLICABILITY

This ordinance shall apply to all real property within the corporate limits of the City of Forsyth.

AUTHORITY AND DELEGATION

Authority

This ordinance are adopted pursuant to powers vested in cities by the State of Georgia Constitution, home rule powers, state administrative rules for the adoption and implementation of Comprehensive Plans, and the protection of vital areas of the State.

Delegation

DELEGATION OF POWERS TO PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission is vested with the authority to review and make a recommendation to the Mayor and City Council regarding the approval, conditional approval, and disapproval of preliminary plats of major subdivisions, and to grant variances from the requirements of this Ordinance.

DELEGATION OF POWERS TO THE MAYOR AND CITY COUNCIL

The Mayor and City Council are vested with the authority to review, approve, conditionally approve, or disapprove applications of the subdivision of land, including preliminary and final plats.

DELEGATION OF POWERS TO SUBDIVISION OFFICER

The Subdivision Officer is vested with the authority to administer, interpret, and enforce the provisions of the ordinance. The Subdivision Officer is authorized to review major subdivisions for conformity to the requirements of this ordinance and to make reports and recommendations to the Planning and Zoning Commission on major subdivisions. The Subdivision Officer is further authorized to review construction plans and issue a Certificate of Construction Plan Approval. The Subdivision Officer may approve final plats of minor subdivisions and final plats of major subdivisions provided that the final plat of the major subdivision is the same as the approved preliminary plat and approved construction plans and that all conditions specified by the City and specified herein have been met. The Subdivision Officer shall keep records of all submitted subdivision plats with notations of special conditions involved. The Subdivision Officer shall file and safely keep copies of all sketches and plans submitted, which shall form a part of the records of his office and shall be made public record.

INTERPRETATION, CONFLICT, AND SEVERABILITY

Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the protection and promotion of the public health, safety, and general welfare. This ordinance shall be construed broadly to promote the purposes for which they are adopted.

Conflict with Public and Private Provisions

1. Public Provisions. This ordinance are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or provision of law, whichever provision is more restrictive, or imposes higher standards, shall control.
2. Private Provisions. This ordinance are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this ordinance are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of this ordinance shall govern.

Severability

If any part or provision of this ordinance or application thereof or any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons or circumstances. The Mayor and City

Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

SAVING PROVISION

This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any entity.

AMENDMENTS

For the purposes of protecting and providing for the public health, safety, and welfare, the Mayor and City Council may from time to time amend the provisions of this subdivision ordinance. Before enacting any amendment to this ordinance, the Mayor and City Council shall hold a public hearing. At least fifteen (15) days but not more than forty-five (45) days prior to the date of the hearing, the Mayor and City Council shall cause to be published in a newspaper of general circulation within the corporate boundaries of the City of Forsyth a notice of said hearing. The notice shall state the date, time, place, and purpose of the hearing.

APPEALS

Appeals of Administrative Decisions

Any person or persons severally or jointly aggrieved because of the alleged error in any order, requirement, decision or determination made by any official of the City in the enforcement and administration of this ordinance may appeal to the Mayor and City Council. A written notice of appeal shall be filed with the City Clerk stating the grounds for such appeal within thirty (30) days of the rendering of the decision. The City Clerk shall forthwith transmit to the City Council all papers constituting the record on which the action appealed was taken. The appellant and the official of the City shall have notice and be entitled to be heard and to present material to be considered by the Mayor and City Council. Such decision shall be made in writing within fifteen (15) days after said hearing.

The Mayor and City Council may affirm, overrule or modify, in whole or in part, any order, requirement, decision, or determination made by any official of the City in the enforcement and administration of this ordinance.

Appeals of the Actions of the Mayor and Council

Any person or persons severally or jointly aggrieved by any decision of the Mayor and City Council shall have the right to appeal to a court of law if such appeal is filed with the Clerk of Court within thirty (30) days of the rendering of the decision by the Mayor and City Council.

VARIANCES

General

Where the Planning and Zoning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with this ordinance and/or the purposes of this ordinance may be served to a greater extent by an alternative proposal, it may approve a variance to this subdivision ordinance so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of this ordinance. Before approving any variance to this ordinance, the Planning and Zoning Commission shall hold a public hearing. At least fifteen (15) days but not more than forty-five (45) days prior to the date of the hearing, the Planning and Zoning Commission shall cause to be published in a newspaper of general circulation within the corporate boundaries of the City of Forsyth a notice of said hearing. The notice shall state the date, time, place, and purpose of the hearing. The Planning and Zoning Commission shall not approve a variance unless it shall find, based on the evidence presented, that all of the following criteria are met:

- (1) The granting of the variance shall not be detrimental to the public safety, health, or welfare, or injurious to other property;
- (2) The conditions upon which the request for a variance are based are unique to the property for which the variance is sought and are not generally applicable to other property;
- (3) Because of the particular physical surroundings, shape, or topography of the specified property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this ordinance was carried out; and
- (4) The variance will not in any manner vary the provisions of the zoning regulations and any other ordinances of the City of Forsyth.

Conditions

In approving variances, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this ordinance.

Procedures

A plat of survey and a petition for any variance shall be submitted in writing by the subdivider for the consideration by the Planning and Zoning Commission. The petition shall state fully the grounds for the request and address the criteria described in items one through four (1-4) above. All fees as adopted by the City shall be paid at the time of submitting the petition.

Notice

The applicant shall, at his expense, erect a sign approved by the Subdivision Officer notifying the public of the application. This shall be done no less than fifteen (15) days nor more than forty-five (45) days before the date of the public hearing in a conspicuous place on the property in question.

DEFINITIONS

GENERALLY

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural number includes the singular. The word “person” includes an individual and a firm, corporation, association, organization, trust, company, partnership, or other entity. The word “lot” includes “plot” or “parcel.” The word “building” includes “structure.” The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

WORDS AND TERMS DEFINED

The following words or phrases, when used in this ordinance for the purpose of this ordinance, shall have the meanings respectively ascribed to them in this Section except in those instances where the context clearly indicates a different meaning:

1. Applicant: The owner, or his agent of land proposed to be subdivided.
2. As-Built Plans: Plans indicating any changes to subdivision improvements made in the field while under construction that were not indicated on the construction plans.
3. Block: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.
4. Buffer Zone: Any area of land set aside for the purpose of reducing the affect of one dissimilar use of land upon another.
5. Building: Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals, or goods.
6. Building Permit: A written permit issued by the Building Inspector.
7. Building, Main: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot which it is situated.
8. City: The City of Forsyth, Georgia.
9. City Attorney: The attorney so designated by the City of Forsyth.
10. City Engineer: The engineer so designated by the City of Forsyth.
11. City Fire Chief: The Chief of the City of Forsyth Fire Department.

12. Construction Plans: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.
13. Contiguous Common Parcels: Parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.
14. Double Frontage Lot: A lot having frontage on two (2) streets as distinguished from a corner lot.
15. Developer: Synonymous with “applicant” and “subdivider.”
16. Easement: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.
17. Engineer: A registered, practicing engineer, licensed by the State of Georgia.
18. Flag, Lot: A parcel of land having no building site facing a public or private street or streets and having frontage upon any public or private street or streets only for ingress and egress to the building site of said lot.
19. Frontage, Lot: The distance for which the front property line of the lot and the street right-of-way line are coincident.
20. Frontage, Street: All the property on one side of a street between two (2) intersecting streets (crossing or terminating), or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end street.
21. Grade: The slope of a road, street, or other public way specified in percentage terms.
22. Health Department: The Health Department duly authorized to perform health services in the county.
23. Improvements: Physical changes to the land which are necessary to create building lots including (but not limited to) grading and paving streets, sewer and water facilities, hydrants, sidewalks, monuments, changes to existing utilities, and storm drainage systems.
24. Landscape Architect: A registered, practicing landscape architect licensed by the State of Georgia.
25. Lot: The basic development unit, an area with fixed boundaries, used or intended to be used by one building and its accessory building and not divided by any public highway or alley. A

“zoning lot” must meet requirements of the zoning district in which it is located and must front on a public street.

26. Mayor and City Council: The Mayor and City Council of Forsyth, Georgia, which is the governing body of Forsyth, Georgia.
27. Open Space: A yard area which is not used for or occupied by a driveway, off-street parking, loading space, drying yard or refuse storage space.
28. Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.
29. Parcel: A general term including all plots of land shown with separate identification on the Official Tax Appraisal Maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.
30. Planned Development: Any planned concentration which provides for innovative concepts in residential, commercial, or industrial development, which enables economy in capital expenditures or utilities and streets and in subsequent maintenance.
31. Planning and Zoning Commission: The City of Forsyth Planning and Zoning Commission.
32. Plat: A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of properties.
33. Plat, Final: A finished drawing of a subdivision or a phase of its development showing completely and accurately all legal and boundary information and certification necessary for recording, which complies with this ordinance.
34. Plat, Preliminary: A drawing, which shows the particular boundary, topography, lot arrangements, street layout, and other features of a proposed subdivision as specified in this ordinance.
35. Public Utilities: Water, gas, sanitary and storm sewer, cable television, electrical and communications lines and facilities, and natural or improved drainage facilities. A privately owned and operated business, franchised to use public rights-of-way and whose purpose is to systematically provide energy; power; water; transportation; or liquid, gaseous, or solid commodities to the general public.
36. Right-of-Way: An area or strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission, oil or gas line, water main, sanitary or storm sewer, shade trees or other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lot or parcels. Right-of-way intended for

streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on which such right-of-way is established.

37. Right-of-Way Line: The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.
38. Shoulder: That portion of a street or road from the outer edge of the paved surface or the curb to the inside edge of the ditch or gutter or original ground surface.
39. Sidewalk: The word “sidewalk” shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
40. Stormwater Management Facilities: All existing or new facilities which conveys stormwater runoff from a development and shall consist of ditches, swales, culverts, headwalls, detention ponds, access routes to stormwater facilities, retention ponds, pond inlet and outlet structures and all stormwater drain related appurtenances.
41. Street: A public way dedicated to and accepted by the city for the use of vehicular or pedestrian traffic by the general public and may be referred to as a street, highway, parkway, road, avenue, drive, boulevard, lane, place, etc.
42. Street, Alley: A platted service way providing secondary means of access to abutting property.
43. Street, Cul-de-sac: A local street with only one (1) outlet, closed and terminated by a vehicular turnaround.
44. Street, Half: A street which does not meet the minimum right-of-way widths as set forth in this Ordinance.
45. Street Line: The legal line between street right-of-way and abutting property.
46. Street, Marginal Access Street: A street which is parallel to and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.
47. Street Width: The shortest distance between the lines delineating the right-of-way of a street.
48. Structure: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
49. Subdivider: Any person who undertakes the subdivision of land as herein defined within the confines of the City of Forsyth.
50. Subdivision: Any division of a tract or parcel of land into three (3) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or

building development, and including any division of land involving a new street, or a change in existing streets, and including re-subdivision and, where appropriate to the context, related to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included in this definition:

- a. the division of land into parcels of five (5) acres or more where no new street is involved; and
- b. the sale or exchange of parcels of land between separate or common owners of adjoining properties, provided that additional lots are not thereby created, and that the modified lots are in accordance with the provisions of this ordinance and other ordinances of the City.

51. Subdivision, Major: The division of a tract or parcel of land into four or more lots which may or may not involve the construction of a new street; or any subdivision that involves the construction of a new public or private street. Because major subdivisions involve construction of a new street or the upgrade of an existing private access way to City standards, construction plans and land disturbance permits are required, and major subdivisions are, therefore, processed in multiple steps including preliminary plat approval, approval of construction plans, and final plat approval.

52. Subdivision, Minor: A subdivision of three or fewer lots which does not involve the construction of a new street. Because minor subdivisions do not involve the construction of a new public or private street, they are processed administratively by the Subdivision Officer as final plat applications that do not require preliminary plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public street, as may be required to comply with this ordinance, shall be done according to plans and permit requirements of the ordinance, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this ordinance.

53. Surveyor: A registered, practicing surveyor, licensed by the State of Georgia.

54. Variance: A modification of the terms of this ordinance where such modification will not be contrary to the public health, safety and welfare; where, owing to conditions peculiar to the property, not the result of actions of the subdivider or owner, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

55. Zoning Regulations: The zoning regulations adopted by the City of Forsyth.

PROCEDURES FOR SUBDIVISION PLAT APPROVAL

GENERAL PROVISIONS

Land is One Tract Until Subdivided

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

All Land Subdivisions to Comply

No person, firm, corporation, owner, agent, or subdivider shall sell or transfer by deed, map, plat or other instrument, any parcel of land not subdivided under the requirements of this ordinance. It shall be unlawful for any person to transfer or sell land by reference to, or by exhibition of, or by other use of, a plat of a land subdivision that has not been approved and recorded in accordance with the requirements of this ordinance. The description of such land by metes and bounds in the instrument of transfer shall not exempt the transaction. No plat of land subdivision shall be entitled to be recorded in the Office of the Clerk of the Superior Court of Monroe County, and it shall be unlawful to record such a plat of land subdivision, unless and until it shall have been approved in accordance with the requirements of this ordinance.

Preliminary Plat and Plans Required Prior to Construction

No person shall commence construction of any improvements on any lot, prior to the approval of a preliminary plat nor prior to approval of construction plans and engineering plans for said improvements as required by this ordinance.

Building and Other Permits

No building permit or certificate of occupancy shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved on any parcel of land regulated by this ordinance that has not been approved in accordance with the provisions of this ordinance.

Public Streets and Lands

No land dedicated as a public street or for other public purpose shall be opened, extended, or accepted as a public street or for other public land unless such improvements are constructed in accordance with the specifications of this ordinance and said land and/or improvements are formally approved and accepted as public improvements by the Mayor and City Council in accordance with procedures established in this ordinance.

Planned Developments

The standards and requirements of this ordinance may be modified in the case of planned developments and innovative subdivision proposals which may deviate from the approved subdivision ordinance and standard design specifications. The purpose is to encourage flexible and innovative design in site planning and building arrangements under a unified plan of development and to ensure that the City of Forsyth remains competitive with other development markets.

DISCRETIONARY PRE-APPLICATION REVIEW

Whenever the subdivision of a tract of land within the City of Forsyth is proposed, the subdivider may, at his discretion, consult early and informally with the Subdivision Officer or his designee for advice and assistance. Such early contact will prove beneficial to all parties involved and is encouraged. The subdivider may submit sketches and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. If the tract of land is not to be initially subdivided in its entirety, the subdivider should provide sketches for the entire tract and indicate the proposed unit divisions of staged development boundaries.

Should the subdivider request a pre-application review, the Subdivision Officer or his designee and any other applicable parties shall return the submitted plans as quickly as possible and inform the subdivider where the plans do not comply with the requirements set forth in this ordinance. No fee shall be charged for the pre-application review, and no formal application shall be required. However, in no instance shall the discretionary pre-application review be made or accepted in lieu of the required plats and specifications contained herein.

PRELIMINARY PLAT

Purpose

The purpose of this section is to ensure compliance with the basic design concepts and improvement requirements of subdivisions and land developments through the submittal of a tentative map of all major subdivisions for review by the Planning and Zoning Commission and approval by the Mayor and City Council.

When Required

All major subdivisions, and any subdivision involving the dedication of a public street, shall require the submission of a preliminary plat to the Subdivision Officer for review by the Planning and Zoning Commission and approval by the Mayor and City Council. An approved preliminary plat is required prior to the issuance of any permit for land disturbance or to the installation of any improvements.

It is not the intent of this code to require an applicant, who has already submitted and had approved a detailed site plan as part of a rezoning or conditional use application, to go through a public review process a second time for the same development. Accordingly, a preliminary plat shall not be required for major subdivisions when the development proposal is found by the Subdivision Officer to be substantially in accordance with a development plan on file with the City that was submitted and approved as a part of a rezoning application or conditional use permit. If a proposed preliminary plat does not substantially conform to the development plan on file, does not meet the specifications required for preliminary plat approval, or if there is no development plan on file for the property in question, then preliminary plat approval shall be required.

Preliminary Plat Application and Specifications

Preliminary plats and applications shall be made in accordance with requirements shown in Appendix A along with all applicable copies and fees adopted by the City. The preliminary plat shall show all phases of development.

Planning and Zoning Commission Review

Upon receipt of a completed preliminary plat application, the Subdivision Officer shall schedule the application for the next public meeting before the Planning and Zoning Commission and forward all pertinent materials in the application to the Planning and Zoning Commission for review. An application for preliminary plat approval must be submitted as least 7 days before the regular meeting date of the Planning and Zoning Commission to be decided on that agenda. The basis of the Planning and Zoning Commission's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this ordinance, and all other ordinances that relate to the proposed development. The Planning and Zoning Commission shall forward the formal application and a recommendation for approval, conditional approval, or denial to the Mayor and City Council for consideration.

Mayor and City Council Approval

Upon receipt of a recommendation from the Planning and Zoning Commission and all accompanying material, the Mayor and City Council shall make a determination regarding the preliminary plat at the next scheduled meeting of the Mayor and City Council. The Mayor and City Council shall approve, conditionally approve, or deny the preliminary plat application.

Disapproval

If a preliminary plat is not approved by the Mayor and City Council, a statement of the reasons for disapproval shall be made on two copies of the Preliminary Plat with one copy being returned to the subdivider and one copy being added to the records of the City of Forsyth.

Expiration Time

Approval of a preliminary plat shall be valid for a period of one year, after which time a complete construction plan application must be submitted. If a completed application for construction plans is not submitted during that time, preliminary plat approval shall expire and be null and void.

Amendments to Approved Preliminary Plats

The Subdivision Officer is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the Subdivision Officer to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, procedures shall be the same as required for an initial application for preliminary plat approval. The Planning and Zoning Commission shall make a recommendation to the Mayor and City Council. The Mayor and City Council will approve, conditionally approve, or deny the proposed major amendment to a preliminary plat.

CONSTRUCTION PLANS

When Required

Upon approval of a preliminary plat and prior to the installation of any required improvements, the subdivider shall apply for construction plan approval. No application for construction plans shall be accepted for processing nor approved until a preliminary plat has been approved by the Mayor and City Council and the proposed construction plans are found by the Subdivision Officer and any other applicable parties to be in substantial conformity with said approval and any conditions of such approval.

Approved Erosion and Sedimentation Control Plan Required

No application for construction plans shall be accepted for processing unless an Erosion and Sedimentation Control Plan has been approved by the Towaliga Soil and Water Conservation Commission and is submitted with the construction plans.

Construction Plan Application and Specification

Applications for construction plan approval shall be made in accordance with requirements shown in Appendix A. The construction plans shall be prepared by either a registered Georgia professional land surveyor or a registered Georgia professional engineer. Application for Construction plan approval must be submitted within twelve (12) months of preliminary plat approval.

Construction Plans for Minor Subdivisions

In the case of a minor subdivision, the subdivider may apply for approval of construction plans; provided, however, that in the case of a minor subdivision or land development the application for construction plan approval should hold a pre-application conference with the Subdivision Officer to ensure that plans meet the intent and specific provisions of this ordinance and other applicable regulations.

Construction Plan Review

The construction plan approval process is administrative. The Subdivision Officer will distribute construction plans to the Public Works Director and City Engineer. The Subdivision Officer and each applicable department shall check the construction plans for conformance to the rules and regulations set forth in this ordinance. The Subdivision Officer, Public Works Director, and City Engineer shall note any findings within ten (10) working days.

Certificate of Construction Plan Approval

Following the City's review of the construction plans and other related material, the Subdivision Officer or his designee may place a Certificate of Construction Plan Approval noting the conditions of such approval on two (2) copies with one (1) copy being returned to the developer and one (1) copy being added to the records of the City. Approval of the construction plans does not constitute approval for the final plat. It authorizes only that work may begin on the construction and installation of all improvements for the proposed layout shown on the preliminary plat and is subject to inspection by the City.

A certification shall be placed on the construction plans as follows:

“In that all the requirements of Construction Plan Approval have been fulfilled, this subdivision plat has been given Construction Plan Approval by the City of Forsyth on _____, 20____.”

Decision Criteria

The only basis upon which the Subdivision Officer and any other applicable parties may deny a construction plan is the failure of the application to meet the requirements of this ordinance or any other applicable local regulations or the failure of the construction plans to substantially conform to the approved preliminary plat and/or any of the special conditions or restrictions imposed by the Mayor and City Council.

Disapproval

A statement of the reasons for disapproval shall be made on two (2) copies with one (1) copy being returned to the subdivider and one (1) copy to being added to the records of the City of Forsyth. The subdivider may reapply for construction plan approval once the construction plans have been adjusted to conform with the requirements of this ordinance or any other applicable local regulations. The subdivider may appeal staff denial to the Mayor and City Council at the earliest regularly scheduled meeting.

Expiration Time

Construction plan approval shall expire and be null and void after a period of one year, unless substantial activity toward improvements on the land has been initiated, or unless the Mayor and City Council approve an extension of time.

Amendments to Approved Construction Plans

Should the developer find, during the construction phase, it necessary to change the construction plans, then he may submit an amendment to the Subdivision Officer. The Subdivision Officer is authorized to approve minor amendments to construction plans. Any proposed amendment to a construction plan that is determined by the Subdivision Officer to significantly alter the approved plans shall be deemed a major amendment. For all amendments to construction plans determined to be major amendments, procedures shall be the same as required for an initial application for construction plan approval. Any amendments to the approved construction plans shall be noted by the Subdivision Officer.

FINAL PLAT

When Required

After completion of physical construction of the subdivision or the posting of a performance bond or negotiable instrument guaranteeing any unfinished or any unacceptable portion of the same, the subdivider shall submit a final plat to the Subdivision Officer in accordance with the requirements shown in Appendix A. All major subdivisions, minor subdivisions, and dedications shall require final plat approval.

Review of the Final Plat

The final plat shall be reviewed for conformance with the approved preliminary plat, the approved construction plans, the requirements of this ordinance, and any special conditions or restrictions imposed by the City.

Final Plat Approval

The Subdivision Officer may give final approval and shall stamp a Certificate of Final Plat Approval provided the final plat is the same as the approved preliminary plat and approved construction plans and that all conditions specified by the City and specified herein have been met. The Subdivision Officer may grant final plat approval for minor subdivisions.

Non-conformance of the Final Plat

Should the final plat not substantially conform to the preliminary plat and the construction plans, or not fulfill any and all special conditions or restrictions imposed by the City, or not contain every and all of the specifications set forth herein, then the plat is referred to the Mayor and City Council, and a hearing shall be held as follows:

- 1) Notice of the time and place of the hearing shall be sent to the name and address of the subdivider indicated on the final plat. This notice shall be sent by registered or certified mail to said name and address not less than ten (10) days before the date of the hearing.
- 2) The Mayor and City Council shall provide a hearing on the final plat at the first regular meeting of the Mayor and City Council following submission of the final plat for review. The Subdivision Officer shall present to the Mayor and City Council, at the hearing on the final plat, his written findings and recommendations.

Mayor and City Council Disapproval

The Mayor and City Council may find the final plat is in conflict with the approved preliminary plat or construction plans or with this ordinance, requiring the disapproval of the final plat. A statement of the reasons for disapproval shall be placed on three (3) copies of the final plat with one (1) copy being returned to the subdivider, one (1) copy to the county health department, and one (1) copy being added to the records of the City. In addition, the minutes of the Mayor and City Council shall reflect the reason for denial. No certificate of approval shall be given. The original plat shall be returned to the subdivider. The final plat may be resubmitted as a new application for a hearing for final plat approval after the corrections noted by the Mayor and City Council are made.

Recording of Final Plat

Upon approval of the final plat by the City, the owner, or his agent, shall have the final plat recorded in the Office of the Clerk of the Superior Court prior to the sale of any lot in the subdivision. Upon recording of the final plat, a copy of any private covenants or deed restrictions shall be provided by the subdivider for the records of the City of Forsyth.

Revisions to a Recorded Plat

The subdivider shall file with the Subdivision Officer copies of the proposed revision to a recorded plat together with all supporting information, including a statement of the reason for the revision and a complete list of any deviations from the recorded plat. The Subdivision Officer is authorized to approve minor amendments to recorded plats. All amendments to recorded plats determined to be major amendments, including any proposed revisions to a recorded plat which alter or change in any way the street and/or utility layout of said plat, shall be submitted as an initial application for preliminary plat approval. The Planning and Zoning Commission shall make a recommendation to the Mayor and City Council. The Mayor and City Council shall have the power to grant approval or disapproval for preliminary and final plats.

“As-Built” Plans When Required

After the preparation of the final plat; and before any improvements are accepted for maintenance; and before the subdivider or his agent are released from any bond requirement specified herein, the Subdivision Officer shall receive formal written notice that all improvements have been installed as approved. In instances where said improvements have been installed in such a manner as to vary from the approved construction plans, a copy of “As-Built” construction plans shall be submitted to the Subdivision Officer.

EXISTING CONDITIONS TO BE SHOWN ON “AS-BUILT” PLANS

In such instances where there have been variations from approved construction plans, the following information, as applicable, may be required:

- (1) Final profiles of grades for streets;
- (2) Final plan of water supply system with pipe sizes, location of hydrants, and valves;
- (3) Final plan of storm drainage system with grade, pipe sizes, location of hydrants, and valves;
- (4) Final plan of sanitary sewers with grade, pipe sizes, and point of discharge; and
- (5) A complete listing of the deviations from the approved construction plans made by the subdivider.

LIMITATIONS ON MINOR SUBDIVISIONS

Purpose

Minor subdivisions provide certain advantages, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the Mayor and City Council to prohibit the practice of “chain” subdivisions where

the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than four lots. It is also the intent of the Mayor and City Council to prohibit minor subdivisions adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.

Common Contiguous Parcels Shown on Minor Subdivision Plats

Contiguous common parcels, as defined by this ordinance, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Common contiguous parcels shall not be counted as lots in the case of a minor subdivision.

Limitations

Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this ordinance. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last three years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a three-year period. It is the intent that land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of three years, regardless of ownership.

SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

DESIGN REQUIREMENTS FOR LOTS

Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the ordinances of the City of Forsyth and standards of the Monroe County Health Department, if applicable, and in providing driveway access to buildings on the lots from an approved street.

Natural Features and Assets

In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites or similar conditions, which, if preserved, will add attractiveness to the proposed development and safety from hazards.

Access and Minimum Lot Frontage

Each lot shall have access to a public street and a minimum of 50 feet of lot frontage on a public street; provided further, that in the case of a lot accessed by a circular cul-de-sac, the minimum lot frontage may be reduced to 30 feet.

Adequate Buildable Area Required

Land subject to flooding, improper drainage or erosion, or that is unsuitable for residential or other use for topographical or other reasons, shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or of property destruction, unless the hazards can be and are corrected. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by the local governing body.

Lot Remnants Not Permitted

All remnants of lots below any required minimum lot size that may be left over after subdividing a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels. The Mayor and City Council may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building use.

Lot Dimensions

The minimum lot area shall not be less than that established by the zoning district in which the subdivision of land is located. Every lot shall conform to the minimum dimension and area requirements established in the zoning regulations, provided that every lot not served by a public sewer or community sanitary sewage system and/or public water shall meet the dimension and area requirements of the health department.

Side Lot Lines

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

Corner Lots

Corner lots shall have adequate width to meet the front building setback requirements, if applicable, from all rights-of-way. Corner lots shall have driveways on only one street.

Flag Lots

No lot shall be approved which constitutes a flag lot except with special approval from the Planning and Zoning Commission due to extreme topographic circumstances.

Locations Adjacent to Major Street

Where a subdivision borders a freeway, a major arterial, or any other major source of noise, the subdivision should be designed to reduce noise in residential lots to a reasonable level via a landscaped or natural buffer area or lots with greater depth from the major street to enable increased building setbacks from the street.

Double Frontage Lots

Double frontage lots should be avoided except where essential to provide separation of residential development from arterials or overcome specific disadvantages of topography or orientation. Double frontage lots shall establish a screen reservation of at least 10 feet, across which there shall be no right of access, along the line of disadvantageous use. In the reserved area, if a natural screen planting that is acceptable to the Mayor and City Council does not exist, then the subdivider shall plant shrubs or trees, or construct a decorative fence, or other such treatment as may be proposed and approved by the Mayor and City Council.

DESIGN REQUIREMENTS FOR BLOCKS

Block Length

Blocks in residential subdivisions shall not exceed 1,500 feet nor be less than 400 feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than 800 feet, the Planning and Zoning Commission may require pedestrian ways and/or easements through the block to be located near the block center.

Block Width

The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth, except where fronting on expressways, major roadways, or railroads, or prevented by topographical conditions, in which case, the Planning and Zoning Commission may approve a single tier of lots. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

MONUMENTS

Right-of-Way and property line monument shall be placed in each subdivision in accordance with the following:

Right-of-Way Monuments

Iron pins shall be embedded at least two (2) feet into the ground on street right-of-way lines at street intersections and at each point where the right-of-way line changes direction. Such iron pins shall be at least five-eighths (5/8) of one inch in diameter. They shall be spaced so as to be within sight of each other. The top surface of each marker shall be approximately level with the ground surface.

Property Line Monuments

Iron pins shall be embedded at least two (2) feet into the ground at each lot corner, at each point where the property line changes direction, and no more than 1,400 feet apart in any straight line. Where property lines follow rivers or streams, the meander lines shall be established and monumented not less than twenty (20) feet back from the bank of such river or stream, except that when such corners or points fall within a street or proposed future street, the monuments shall be placed on the right-of-way line of the street. Such iron pins shall be at least five-eighths (5/8) of one inch in diameter. The top surface of such iron pins shall be approximately level with the ground surface.

SIDEWALKS

Generally

Sidewalks shall be provided on both sides of each street in subdivisions in all zoning classifications. Provisions may be made for sidewalks located only on one side of the street with an approved variance. All sidewalks shall comply with the Americans with Disabilities Act and the Georgia Access to Public Facilities Code (O.C.G.A. Section 30-3-1 et seq.).

Construction Specifications

Sidewalks shall be four (4) inches thick with a minimum width of four (4) feet on all streets. Sidewalks shall be constructed of Class "A" concrete (3000 psi). All sidewalks shall slope one-fourth ($\frac{1}{4}$) inch per foot toward the street. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

Installation

Typically, sidewalks shall be installed by the builder before the issuance of a certificate of occupancy. However, all sidewalks are required to be complete throughout the subdivision by the developer before the end of the two-year maintenance period or the maintenance bond will not be released. Broken curbing and sidewalk after this two-year period will be repaired by the builder before the issuance of a certificate of occupancy.

Design

Sidewalks shall parallel the street pavement as much as possible, but sidewalks may be permitted that are designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.

STREET SIGNS

All streets shall be designated by name on a street sign post, with such post having nameplates of set one above the other with a clearance of seven (7) feet. The post shall be so located as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, two (2) sign posts shall be located diagonally across the intersection from each other. Only one street sign post shall be required at T-street intersections. The developer shall be responsible for all costs associated with the installation of street signs.

Decorative Signs Allowable

The Subdivision Officer, at his discretion, may allow decorative signs within a subdivision to the extent that state laws do not conflict with the placement thereof. Color, texture, and size shall be determined by the Subdivision Officer. If a decorative sign and post installation is desired by the subdivider and approved by the Planning and Zoning Commission, the subdivider or homeowner's association shall be responsible for the installation and perpetual maintenance thereof. Failure to comply with maintenance requirements will result in the Public Works Department taking over such maintenance with the installation of standard signs and post.

STREET LIGHTING

The subdivider shall install street lights within any major subdivision fed with power from underground power lines. The subdivider shall be responsible for the cost of such installation. Street light plans and fixtures shall be approved by the City and by the local electric utility company with authority in the applicable service area. Spacing between the lights will vary from 200 feet to 350 feet. All lighting shall be LED type fixtures.

A final plat shall not be approved unless the subdivider submits proof of final payment to the utility company for construction and installation of the streetlights in the district, or a portion thereof where the development is phased.

STREETS

Alleys

Alleys may be provided. If they are provided, they shall be graded and surfaced to specification approved by the city engineer. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

Half Streets

Half streets shall be prohibited. Any new streets required shall be paved for their entire width and the full right-of-way dedicated.

Continuation of Existing Streets and Connections

Existing streets, and their rights-of-way, shall be continued at the same or greater width, but in no case less than the required width. The Mayor and City Council may require that a major subdivision provide one or more future connections to adjoining subdivisions or unsubdivided tracts.

Marginal Access Streets

Whenever a major subdivision is proposed abutting the right-of-way of a U.S. or State highway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Mayor and City Council at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way.

UTILITIES

Installation of Utilities

All utilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development. All utilities shall be installed according to the design and construction standards adopted by the City of Forsyth. No private facilities shall be placed in a utility easement. All utilities shall be ascertainable under the Georgia Utility Protection Act (O.C.G.A. Section 25-9-1 et seq.).

ELECTRIC

The underground electrical distribution system for all subdivisions that fall within the City of Forsyth's Electrical Service area shall be designed and installed by the City of Forsyth or an approved contractor of the city. The complete cost of the electric distribution system including materials, labor, and contractor costs shall be borne by the subdivider. Labor cost associated with city employees may be waved upon the approval of the Utilities Director or City Manager.

Specifications:

- (a) The electrical distribution system shall be installed at a distance of 12 feet back of curb
- (b) All electric services shall adhere to the city of Forsyth residential electric service code

WATER METERS

Specifications:

- (a) All water meters shall be installed no further than 10 feet back of curb
- (b) When two water meters share a single tap, all water meters shall be installed in a "y" fashion with enough distance between the meters to allow for the water services to clear any electrical equipment e.g., transformers, pedestals, or St. lights, set on property line.
- (c) All water meter boxes shall be of the "large/jumbo" type, approximate dimensions of 16"x22"x12" with cast iron "reader" lids capable of accepting MXU remote read equipment. Except for irrigation meter boxes, which may use a plastic lid preferably green in color.

SEWER LATERALS & CLEANOUTS

Specifications:

- (a) All sewer cleanouts shall be installed no closer than 15 feet back of curb
- (b) All sewer laterals shall use a "y" type connection to enter the sewer main in a horizontal position

Fire Hydrants

Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the City Fire Department. Hydrants shall be installed according to the standards adopted by the City.

SPACING

Fire hydrant spacing shall be as follows:

- (a) Residential Area: 500 feet spacing
- (b) Commercial/Business Area: 300 feet spacing
- (c) All Other Areas: 1,000 feet spacing

For areas determined by the City Fire Chief to be special fire hazard areas, the City Fire Chief shall determine the appropriate fire hydrant spacing.

SPECIFICATIONS

Fire hydrants should be three-way hydrants with two (2) each 2 ½” nozzle connectors with a 4 ½” streamer connection for fire pump suction. All hydrants shall fit a 6” M.J. connection. All hydrants shall have 6” gate valve on the hydrant branch so that the hydrant can be isolated on the street main pipe. The valve shall be restrained to the street main by eyebolts or hydrant anchor couplings.

STANDARDS

All fire hydrants shall be per the City of Forsyth standards:

- (a) Open counterclockwise (per City Fire Department standards).
- (b) Traffic pattern which will shut off if knocked off by a vehicle.
- (c) Be of a standard manufacturer: M&H, Mueller, etc. A standard type hydrant list will minimize the number of repair parts the City must carry in inventory to repair hydrants.
- (d) National Standard thread.

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

INSTALLATION OF SITE IMPROVEMENTS

After receiving a certificate of approval of the construction plans by the city, the subdivider may then proceed to install any and all improvements required under this ordinance and any other applicable regulations of the city. In lieu of the completion of all improvements prior to submission of the final plat, the subdivider shall post a performance bond with the City of Forsyth in an amount equal to one hundred twenty-five (125) percent of the cost of completing such unfinished improvements. As an alternative, the subdivider can tender a negotiable instrument in like amount in favor of the city, including but not limited to, a letter of credit or an

assignment on a certificate of deposit. The value of the bond or instrument shall be established by the Mayor and City Council or their designee.

The duration of the bond or negotiable instrument will be established jointly by the subdivider and the Mayor and City Council or their designee. Fifteen (15) days prior to the expiration of the bond or instrument, the City Attorney will notify the bonding company or financial institution of possible default. If unfinished improvements are not completed by the end of the duration period, the bond or instrument will be deemed to have been forfeited and the bonding company or financial institution will be required to immediately pay all amounts due to the local government.

MAINTENANCE SECURITIES

1. *Maintenance Securities.* A maintenance bond or equivalent form of security as approved by the City Attorney, in favor of the City, shall be posted within the City by all subdividers, developers, or other persons where street, sidewalks, storm drains, stormwater management facilities, greenspace facilities to include trail systems, or other improvements (hereinafter referred to collectively as the “infrastructure improvements”), are made according to the rules and regulations of the Subdivision Ordinance.
2. The amount of this bond will be calculated by the following formula: 20 percent of construction costs for other infrastructure improvements. The minimum amount of a bond shall be \$15,000.
3. The bond shall be filed with the City Clerk at the time of submittal of the final plat.
4. Separate bonds are required for each unit of development, phase, or like subdivision. If the development is phased, the subdivider shall be responsible for the infrastructure improvements in the first phase until all phases have been accepted.
5. The bond period shall remain in effect until all infrastructure improvements from all phases are complete and maintained for twelve (12) months after final inspection is approved. The subdivider shall notify the Director of Public Works that all infrastructure improvements are complete and request a final inspection. If the Director of Public Works approves the final inspection, the twelve (12) months of maintenance shall begin. At the end of the 12-month period of maintenance, the City shall either:
 - a. Release the bond and, if appropriate, accept the bonded infrastructure improvements;
 - b. Require an additional bond period of up to 12 months if the infrastructure improvements are not maintained to the satisfaction of the City; or
 - c. Call the bond and hold the bond proceeds if the infrastructure improvements are not properly maintained to the City’s satisfaction or call the bond and use the bond proceeds to properly maintain the infrastructure improvements using the bond proceeds.

6. Bonds or equivalent forms of security from banks having local offices are preferred. The bond must contain the following information and be substantially in this form:

City of Forsyth, Georgia

MAINTENANCE AND WARRANTY BOND

KNOW ALL MEN BY THESE PRESENCE: that

a Corporation, hereinafter call Principal, and

(Name of Surety)
(Address of Surety)

a Corporation of the State of _____, and a surety authorized by law to do business in the State of Georgia, hereinafter called Surety, are held and firmly bound unto

City of Forsyth
26 North Jackson Street, Forsyth, Georgia 31029

hereinafter referred to as Obligee, are held and firmly bound unto said Obligee and all persons maintaining and warranting infrastructure improvements hereinafter referred to, in the penal sum of

_____ \$

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presence.

THE CONDITION OF THIS OBLIGATION is such, as whereas the Principal is obligated to maintain and warrant for the street, sidewalks, storm drains, stormwater management facilities, greenspace facilities to include trail systems, or other improvements (hereinafter referred to collectively as the “infrastructure improvements”), some of which may be dedicated to _____, unless expressly authorized, in connection with the development of _____(project name).

The bond period shall remain in effect until all infrastructure improvements from all phases are complete and maintained for twelve (12) months after a final inspection is approved. The Principal shall notify the Director of Public Works that all infrastructure improvements are complete and request a final inspection. If the Director of Public Works approves the final inspection, the twelve (12) months of maintenance shall begin. At the end of the 12-month period of maintenance, the City shall either:

- a. Accept the bonded infrastructure improvements and release the bond.

- b. Require an additional bond period of up to 12 months, if the infrastructure improvements are not properly maintained to the satisfaction of the City. In that case, the undersigned, prior to the expiration of the bond, shall be required to provide an additional bond for an additional 12-month period with a federal secured lending institution or this bond will be forfeited and the proceeds shall be paid in full to the City of Forsyth.
- c. Call the bond and hold the bond proceeds if the infrastructure improvements are not properly maintained to the City's satisfaction or call the bond and use the bond proceeds to properly maintain the infrastructure improvements using the bond proceeds.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well, truly, fully, and faithfully maintain and warrant the infrastructure improvements according to the preliminary plat, construction plans, and final plat during the period from its issuance and any twelve-month extension that may be required by the Obligee, with or without notice to the Surety, and during the life of any infrastructure improvement required to be maintained and warranted under the preliminary plat, construction plans, and final plat, and shall also well and truly maintain and warrant all the undertakings, maintenance, terms, and conditions of any and all duly authorized modifications of said infrastructure improvements that may hereafter be made, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED FURTHER, that said Surety to this Bond, for value received, hereby stipulates and agrees that no change, extension of time, alterations, or additions to the infrastructure improvements or to the work to be performed thereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alterations, or additions to the infrastructure improvements or to the work to be performed thereunder.

PROVIDED FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant to and in accordance with the applicable provisions of the Official Code of Georgia Annotated, as amended, including, but not limited to, O.C.G.A. §§ 13-10-1, et seq. and §§ 36-86-101, et seq., and is intended to be and shall be construed as a bond in compliance with the requirements thereof.

Notification of forfeiture or the need for an additional bond period shall be made by certified mail at least 30 days prior to the expiration of this instrument.

IN WITNESS WHEREOF, this instrument is executed in two (2) counterparts, each one of which shall be deemed and original, signed, sealed, and dated this ____ day of _____ 20____.

ATTEST:

(Principal)

(Principal Secretary)
(SEAL)

By: _____
(Address)

(Witness as to Principal)

(Address)

(Surety)

ATTEST:

By: _____
(Attorney-in-Fact)

Resident Agent
(SEAL)

(Address)

(Witness as to Surety)

(Address)

NOTE: Date of Bond must not be prior to date of approved final plat but not to exceed thirty days from date of approved final plat. If Contractor is Partnership, all partners should execute Bond. Surety Companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State.

ENFORCEMENT AND PENALTIES

ENFORCEMENT

It shall be the duty of the duly appointed Subdivision Officer to enforce this ordinance and to bring to the attention of the City Attorney any violations or lack of compliance therewith. The Subdivision Officer may delegate enforcement functions, powers, and duties assigned by this ordinance to other staff as may be appropriate, without the need to reflect such delegation by formal action.

REFUSAL OF PERMITS OR PERMISSIONS

The Subdivision Officer is hereby authorized and directed to deny and withhold permits or permissions on any new project or application pursuant to this ordinance or other ordinances of the City where the applicant, applicant's business, or agent has failed or refused to comply with this ordinance.

STOP WORK ORDER

The Subdivision Officer is hereby authorized to issue written "stop work" and "cease and desist" orders for any activity that fails to comply with the provisions of this ordinance. Such "stop work" or "cease and desist" orders may be lifted at such time as the Subdivision Officer is satisfied that a good faith effort is being made to comply with applicable provisions of this ordinance. Nothing shall prevent the Subdivision Officer from reissuing "stop work" and "cease and desist" orders where warranted.

INJUNCTION

If any land is used, or building, structure, or other activity is established or maintained in violation of this ordinance, the Subdivision Officer is authorized to and may institute, in addition to other remedies, an injunction or undertake other appropriate action to cause the violation to cease or to be corrected.

PENALTIES FOR VIOLATION

Any person, firm or corporation who violates any provision of this ordinance shall be subject to the jurisdiction of the Municipal Court of Forsyth and upon conviction (whether by plea, trial, or in any other manner), shall be subject to such punishment as prescribed by the Charter of the City of Forsyth. Each day a violation continues is to be considered a separate offense.

COMPLAINTS

Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state clearly and fully the causes and bases of the complaint and shall be filed with the Subdivision Officer. The Subdivision Officer shall record properly such complaint, investigate, and take action thereon as may be appropriate to enforce this ordinance.

ADDITIONAL REMEDIES

In any case in which any land is, or is proposed to be, used in violation of this resolution or any amendment thereto adopted by the Mayor and City Council, any owner of real estate having an affected property interest may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or actions, or proceeding to prevent, enjoin or abate such unlawful use.