

## **ARTICLE IV. STREET STANDARDS**

### **Sec. 21-101. Streets required to meet standards.**

All streets constructed in the City of Forsyth following the enactment of this article shall meet all design and construction standards set out herein. The designation of a street by its builder or developer as private or as limited access shall not release the street from the standards.

(Ord. of 8-17-93, § 1)

### **Sec. 21-102. Design requirements for streets.**

- (a) Minimum right-of-way width: Fifty (50) feet with curb and gutter.
- (b) Minimum pavement width: For streets in developments restricted to single family residential use — twenty-two (22) feet excluding curb and gutter; and for all other streets — twenty-eight (28) feet including curb.
- (c) Minimum cul-de-sac right-of-way: One hundred (100) feet diameter.
- (d) Minimum cul-de-sac pavement width: Eighty (80) feet diameter, excluding curb.
- (e) Minimum alley right-of-way and pavement width: Sixteen (16) feet.
- (f) Maximum vertical grade: Twelve (12) percent.
- (g) Minimum vertical grade: One and one-half (1 ½) percent.
- (h) Minimum horizontal radii of center line curvature: One hundred (100) feet.
- (i) Minimum sidewalk width: Four (4) feet.  
(Ord. of 8-17-93, § 1)

### **Sec. 21-103. Street intersections.**

Street intersections shall be as nearly at right angles as possible. No street intersections shall be at an angle of less than seventy-five (75) degrees.

(Ord. of 8-17-93, § 1)

### **Sec. 21-104. Slope development.**

Street alignments are subject to performance standards as are appropriate to the city and state construction requirements as may be adjusted to any given site limitation, but at a minimum:

- (a) The street system shall follow parallel contours of the land as closely as possible.
- (b) Depth of cuts and fills shall be held to a minimum in order to avoid excessive land disturbance. The smallest practical area shall be denuded at any one time during the construction period. Suitable vegetation cover or mulch shall be applied immediately following construction to all denuded areas located on a street right-of-way.
- (c) Permanent drainage structures shall be designed for anticipated runoff and be installed in the initial phase of road construction.

(Ord. of 8-17-93, § 1)

### **Sec. 21-105. Grading.**

All streets, roads and alleys shall be graded by the builder or developer so that pavement and sidewalks can be constructed as required. The minimum width of grading shall be the pavement width as specified in section 21-102, plus six (6) feet on each side. Deviation from the above will be allowed only when due to special topographical conditions.

- (a) *Preparation.* Before grading is started, that part of the right-of-way consisting of the area to be paved plus the shoulders, shall be first cleared of all stumps, roots, brush, other objectionable materials, and all trees not intended for preservation.
- (b) *Cuts.* All tree stumps, boulders, and other obstructions shall be removed to a depth of two feet below the subgrade. Rock and fill areas, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade.
- (c) *Fill.* All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the roadway. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted. The filling of utility trenches and other places not accessible to compacting shall be mechanically tamped.
- (d) *Subgrade.* The subgrade shall be properly shaped, rolled, and uniformly compacted to conform with the lines, grades, and typical cross sections as shown on drawings approved as set out in this article. Unsuitable materials shall be excavated and replaced with acceptable compacted material.

(Ord. of 8-17-93, § 1)

### **Sec. 21-106. Storm drainage.**

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural waterflow, and shall be of sufficient length to permit full roadway width and the required slopes. The size of the pipe to be provided shall be engineeringly determined by the builder or developer, but in no case shall the pipe diameter be less than fifteen (15) inches.

A storm drainage plan shall be submitted at the preliminary review stage and shall contain the following information: location of proposed drainage ways, streams and sediment ponds; location, size and invert elevations of proposed drainage structures, including culverts, pipes, etc.; area of land contributing runoff to each drainage feature; location of easements and rights-of-way for drainage ways and maintenance accesses therefore; typical improvements around drainage features and culverts, if any; direction of waterflow through the drainage area and computed velocities at those points deemed necessary by the city; and detailed engineering drawings on all impoundments structures, dams, sediment ponds, etc.

(Ord. of 8-17-93, § 1)

**Cross reference**—Erosion and sediment control, Ch. 10.

### **Sec. 21-107. Street improvements.**

(a) *Curb and gutter required.* All streets shall provide curbs and gutters constructed with either precast concrete curb or integral concrete curb and gutter conforming to Georgia Department of Transportation specifications.

(b) *Paving required.* All streets must be prepared according to the following methods or by equivalent methods acceptable to the city.

- (1) *Base.* The base shall consist of crushed stone or other approved material having a minimum thickness, after being thoroughly compacted, to six (6) inches and constructed on a prepared subgrade in accordance with these specifications and in conformity with the drawings submitted to and approved by the city. All materials shall generally conform to minimum acceptable standards of the Georgia Department of Transportation. All materials shall be mixed to the extent necessary to produce a thoroughly pulverized and homogeneous mixture. No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.
- (2) *Pavement.* Wearing surface shall conform to mixes found suitable by the Georgia Department of Transportation or an independent testing laboratory and shall be applied after prime coat. Unless otherwise approved by the city, pavement shall be constructed as follows: prime coat shall be cut-back asphalt or cut-back asphalt emulsion applied on a clean slightly damp surface in the amount of from 0.10 to 0.30 gallons per square yard, depending on the nature and condition of the surface; and wearing surface shall consist of an approved plant mix prepared in a central plant and composed of aggregate and bituminous material having an in-place minimum compacted thickness of one and one-half (1 ½) inches.
- (3) *Sealing of joints.* Care and precaution shall be taken that all joints between the surface mixture and such structures as manholes and curbs are well sealed.
- (4) *Damage to public streets.* The developer shall be responsible for damage and maintenance of previously accepted streets when undergoing construction on developments. Any pavement disturbed shall be fully restored in accordance with

minimum acceptable standards of the Georgia Department of Transportation. Such restoration shall be fully completed within thirty (30) days from the date of first disturbance, provided, however, that the city may direct earlier completion in instances involving dire hazard to the public safety. When construction traffic of new development impacts severely on existing city streets, as determined by the City of Forsyth Public Works Department and the developer fails to take necessary corrective action, permits may be voided or withheld until proper repairs have been made. The cost of such restoration shall be paid by the developer or builder of a street subject to this article. Also, the developer's maintenance bond may be used for these off-site repairs and maintenance.

(Ord. of 8-17-93, §, 1)

**Sec. 21-108. Repealed.**

**Sec. 21-109. Repealed.**

**Sec. 21-110. Repealed.**

**Sec. 21-111. Repealed.**

**Sec. 21-112. Final street plan approval.**

- (a) Following completion of construction, upon the posting of a guaranty or surety and upon the submittal of a set of as-built plans conforming to the approved plan and the standards of the City Code as surveyed by a registered surveyor, the city council shall approve the street and accept a deed to the street right-of-way.
- (b) Following the approval of the street by the city council and the acceptance of a deed to the right-of-way, the city clerk shall note the approval within the city minutes, and shall attach a plat of the street, together with a copy of the deed to the street, to the city minutes, and shall record the plat and deed in the public deed records of Monroe County, Georgia, and shall furnish copies thereof to the developer or builder.

(Ord. of 8-17-93, § 1)

## ARTICLE V

### COMMERCIAL PROPERTY AND SUBDIVISIONS

#### Part 1

##### Commercial Property

#### **32-6-130. “Commercial driveway” defined.**

As used in this part, the term “commercial driveway” means any private entrance, exit, ramp, tunnel, bridge, side road, or other vehicular passageway to any property used for commercial purposes, except a farm or a dwelling house not exceeding a four-family capacity, and leading to or from any public road on the state highway system. (Code 1933, § 95A-942, enacted by Ga. L. 1973, p. 947, § 1.)

#### **32-6-131. Permit requirement as to construction or improvement of commercial driveways; authority of department to close driveways for violations.**

It shall be unlawful for any person to construct a new commercial driveway or to reconstruct, alter, or improve any existing commercial driveway without first obtaining a permit from the department therefore and complying with the department regulations authorized by Code Section 32-6-133. A violation of this Code section, in addition to being unlawful, shall entitle the department to barricade, displace, or otherwise close such driveway and to collect the costs therefore from the violator as provided in Code Section 32-6-134. (Code 1933, § 95A-943, enacted by Ga. L. 1973, p.947, § 1; Ga. L. 1974, p. 1422, § 34.)

#### **32-6-132. Change or substitution of existing commercial driveways.**

Any commercial driveway constructed prior to July 1, 1973, and adjudged by the department to be unsafe for the traveling public or in violation of department regulations promulgated pursuant to Code Section 32-6-133 may be changed or caused to be changed by the department so as to eliminate any unsafe features; or it may be closed or displaced by substitution therefore of another driveway at such place or of such design as may be deemed safe. Liability for the expense of such change or substitution will be determined in accordance with Code Section 32-6-134. (Code 1933, § 95A-944, enacted by Ga. L. 1973, p. 947, § 1.)

#### **32-6-133. Promulgation of regulations by department.**

The department is granted the authority to promulgate uniform and reasonable regulations to carry out the provisions of this part. In making such regulations the department shall specify among other things the circumstances under which commercial driveway permits may be issued or revoked, provided that such regulations shall not deprive the landowner of reasonable access to the public road on the state highway system. (Code 1933, § 95A-946, enacted by Ga. L. 1973, p. 947, § 1.)

## JUDICIAL DECISIONS

Cited in Department of Transp. V. Worley, 150 Ga. App. 768, 258 S.E.2d 595 (1979).

### **32-6-134. Procedure by department upon discovery of violation of Code Section 32-6-131; liability for expenses incurred in connection with changes made in commercial driveways.**

- (a) Upon discovery of a violation of Code Section 32-6-131, the department shall give written notice by certified mail to the offender to commence removing any offending condition within ten days of receipt of such notice. Upon failure to comply with such notice or to complete such work within a reasonable time after such notice, the department may remove, prevent, or rectify any offending condition by barricading or closing the commercial driveway or a portion thereof, or by other methods, and certify the expenses thereof for collection to the attorney General.
- (b) Where, in accordance with Code Section 32-6-132, a change is made in a commercial driveway in existence on July 1, 1973, the department shall be liable for the expenses thereof, provided that the commercial driveway so changed did not, before such change, provide an unsafe and unreasonable access from the abutting property, considering that there exists in the owner of the abutting property a private property right to have a reasonable access from such property to the public road as the same was and would have continued to be according to the mode of its original use. Before making any change or substitution in a commercial driveway in existence on July 1, 1973, when the department has determined that it shall not bear the expenses thereof, the department first shall give written notice to the abutting property owner to begin within 90 days the necessary change in or substitution of the driveway, provided that in the case of a nuisance such notice need be given only ten days in advance. Upon failure of the abutting property owner to complete the necessary change or substitution, the department may perform the necessary work and certify the expenses thereof to the Attorney General for collection. (Code 1933, § 95A-945, enacted by Ga. L. 1973, p. 947, § 1.)

### **31-6-135. Effect of part on authority of counties and municipalities to regulate highways, roads, and streets.**

Nothing in this part is intended to limit the authority of a county or a municipality to regulate highways, roads, or streets under their exclusive jurisdiction. (Code 1933, § 95A-947, enacted by Ga. L. 1973, p. 947, § 1.)

## **Part 2**

### **SUBDIVISIONS**

**Cross references.** Regulation of sale of subdivided lands generally, § 44-3-1 et seq.

### **32-6-150. Repealed.**

**32-6-151. Department recommendation as to approval or rejection of plat submitted by planning commission.**

In accordance with O.C.G.A. § 32-6-151, the Subdivision Officer shall submit two copies of the Preliminary Plat to the Georgia Department of Transportation if such proposed subdivision includes or abuts on any part of the state highway system or where the proposed subdivision requires access to the state highway system. The Georgia Department of Transportation, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the Subdivision Officer or recommend rejection. Failure of the Georgia Department of Transportation to act within this 30 day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given to the Subdivision Officer in writing; such action shall be binding on the Planning and Zoning Commission unless the Planning and Zoning Commission, by official action recorded in its minutes, overrules the Georgia Department of Transportation recommendation. (Code 1933, § 95A-949, enacted by Ga. L. 1973, p. 947, § 1.)

**Cross References.** Regulation of sale of subdivided lands generally, § 44-3-1 et seq.

**32-6-151. Department approval or rejection of plat submitted by proprietor of subdivision.**

The proprietor of a subdivision to be developed within a county or municipality which has not created a planning commission shall submit three copies of the plat to the department if such a proposed subdivision includes or abuts on any part of the state highway system. The department, within 30 days of receipt of the plan, shall approve or reject it, with written reasons for such rejection and requirements for approval, and note such action on the copy to be returned to the proprietor as well as on the copy to be returned to the county or municipal governing authority concerned. Such rejection shall be binding on the county or municipality concerned unless the county or municipal governing authority concerned, by official action recorded in its minutes, overrules such department action. Failure of the department to act within the 30 day period provided in this Code section shall constitute approval. (Code 1933, § 95A-950, enacted by Ga. L. 1973, p. 947, § 1.)

**Cross references.** Regulation of sale of subdivided lands generally, § 44-3-1 et seq.

**32-6-153. Factors to be considered by department in making recommendations to planning commissions and in approving or rejecting plats.**

Where the department is required to make recommendations to a planning commission under Code Section 32-6-151 or to approve a proposed plat under Code Section 32-6-152, the department, in addition to considering other factors, shall base its recommendation or approval on the following being provided for in the plat:

- (1) Dedication to the department in fee simple of any portion of the subdivision which includes any part of the state highway system, such dedication to include land necessary for future widening of the state highway system; and

(2) An adequate provision for traffic safety in laying out public roads which enter the state highway system. (Code 1933, § 95A-951, enacted by Ga. L. 1973, p. 947, § 1.)

**32-6-154. Effect of part on requirement as to commercial driveway permit.**

Nothing in this part shall dispense with the requirement of obtaining a commercial driveway permit as set forth in Part 1 of this article. (Code 1933, § 95A-952, enacted by Ga. L. 1973, p. 947, § 1.)