

STATE OF GEORGIA
CITY OF STOCKBRIDGE

ORDINANCE NO. 0218-454

AN ORDINANCE TO PROVIDE FOR CERTAIN SUBDIVISION REGULATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to adopt the regulations pertaining to the subdivision or combination of parcels; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. That Chapter 8.32 - SUBDIVISIONS of the Stockbridge Municipal Code is hereby amended by adding the sections attached hereto as Exhibit A.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, 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. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, 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.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. The effective date of this Ordinance shall be the date it is signed by the Mayor.

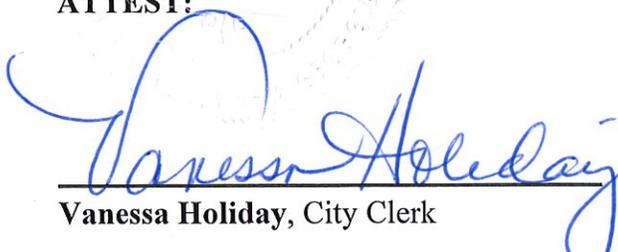
ORDAINED this 30th day of January 2018.

CITY OF STOCKBRIDGE, GEORGIA



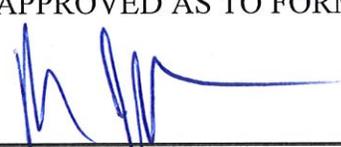
Anthony S. Ford, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:



Michael Williams, City Attorney

EXHIBIT A

Sec. 8.32.070. - Prerequisites to grading and/or building permits.

- (a) Any person proposing to subdivide land within the city shall conform to the comprehensive plan and its elements, the zoning ordinance of the City of Stockbridge, any specific plans, and all policies of the city, or any part thereof, including but not limited to the type, density, and intensity of use established for the site, any phasing requirements, and reservations of utility and infrastructure service capacities. As used herein, "subdivide" or "subdivision" shall refer to both divisions of parcels into two or more parcels as well as the combination of parcels. As used herein "city planner" and "city engineer" shall refer to the Director of Community Development or their designee.
- (b) No subdivider shall proceed with any construction work on a proposed subdivision before obtaining approval from the planning commission.

Sec. 8.32.080. - Commencement of construction work.

Subsequent to the approval of the civil plans, the developer may commence construction work in accordance with either of the following:

- (1) The improvements may be installed per the approved plans and then the final plat may be recorded; or
- (2) Prior to installation of the improvements, a bond or other suitable financial security sufficient to cover the cost of all improvements shall be submitted to the city engineer; the developer shall enter into a subdivision agreement to be approved and accepted by the mayor and council; and the final plat is recorded.

Sec. 8.32.090. - Preliminary plats.

The procedures set forth herein for preliminary plats shall apply to all subdivisions, parts of subdivisions or any division of land.

Sec. 8.32.100. - Pre-application review.

- (a) When a subdivision is contemplated, the subdivider may submit sketch plans and other information which shall indicate the nature and workability of the proposed subdivision, for informal consideration by the city engineer. The purpose of this review is to acquaint the subdivider of city plans and policies that might be significant to the proposed subdivision.
- (b) No fee shall be charged for pre-application review.

Sec. 8.32.110. - Application for preliminary plat approval.

Whenever any subdivision is proposed to be made, the subdivider shall submit to the city engineer an application for preliminary plat approval, which shall consist of:

- (1) A plat and other information, as specified in section 8.32.120; and
- (2) A filing fee, as set forth by the mayor and council pursuant to resolution.

Sec. 8.32.120- Data and design required.

The preparation of any preliminary plat shall comply with all applicable provisions of this chapter and, at a minimum, shall include the following data:

- (1) Vicinity plat that depicts the location of the property from nearest arterial road. This vicinity plat is a directional aid only.
- (2) Name and address of owner of record and subdivider.
- (3) Name, address and license number of licensed land surveyor, registered civil engineer or other qualified professional who prepared the preliminary plat.
- (4) Date, north point arrow and scale. Maximum scale: one (1) inch = one hundred (100) feet for parcels more than twenty (20) acres and one (1) inch = fifty (50) feet for parcels less than twenty (20) acres. Minimum plat: size eighteen (18) inches by twenty-six (26) inches (18" × 26").
- (5) Name or number of proposed subdivision, and of all adjacent subdivisions; locations of names and width of adjacent streets, highways, alleys and ways, and easements of all kinds, together with the type and location of street improvements including fire hydrants, curbs, gutters, sidewalks, walkways and street light locations.
- (6) Contour of the land at intervals of one (1) foot of elevation up to five (5) percent slope; two-foot intervals up to ten (10) percent slope and five-foot intervals over ten (10) percent slope.
- (7) Sufficient data to define the boundaries of the tract or a legal description of the tract and border.
- (8) Width, approximate location and purpose of all existing and proposed easements and adjacent easements adjoining such land.
- (9) Width, approximate grade and name of all streets, highways, alleys and of the rights-of-way proposed within the subdivision.
- (10) Approximate radii of all curves.
- (11) All lots numbered consecutively by block throughout the entire development; the approximate dimensions of all lots; approximate lot areas should be shown for all lots not rectangular in shape.
- (12) Approximate locations of areas subject to inundation by storm water overflow, and the location, width and direction off flow of all water courses existing and proposed.
- (13) Location and footprint to scale of each existing building or structure including underground utilities within the subdivision, noting thereon whether or not such building or structure is to be removed or remain in the development of the subdivision, and its existing and proposed future use.
- (14) Elevation of street intersections.
- (15) Location, pipe size and grades of proposed sewers, water lines and underground storm drains, including the proposed location of fire hydrants, street lights, gas mains, power and communication lines, and TV cables.

- (16) Location of all trees on the site over ten (10) inches in diameter at a height of four and one-half (4½) feet from the ground at the base of the tree. Where stands of trees are located, individual trees need not be shown, but may be shown as a group.
- (17) Location of existing fences, ditches, wells, pumps, cesspools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines or sand, gravel or other excavation within two hundred (200) feet of any portion of the subdivision, noting thereon whether they are to be abandoned or used.
- (18) Typical street sections and details as indicated in the City of Stockbridge specifications.
- (19) All major cross sections of all cuts and fills before and after grading to determine the scope of the work involved, including the estimate of contemplated earth work.
- (20) If the preliminary plat or the final plat indicates any grading which involves a removal of earthen material from the proposed subdivision, the subdivider shall show the elevations of the property by contour lines. The subdivider shall file with the preliminary plat a written application for grading and excavation, if any, in conformity with the provisions of the City Code. Original elevations shall be indicated by solid lines not greater than five (5) feet, and the proposed elevations shall be shown by broken lines upon completion of the grading and excavation.
- (21) Proposed public areas, if any.

Sec. 8.32.130. - Additional requirements.

Accompanying, or on the preliminary plat shall be statements and reports by the subdivider as follows:

- (1) Existing zoning and existing and proposed use or uses.
- (2) Soil tests by a registered geotechnical engineer if applicable.
- (3) Intention of subdivider to control erosion and improvements to be constructed, as required by this chapter and any other applicable ordinances of the city.
- (4) Building setback lines.
- (5) Proposed source of water supply and method of sewage disposal and availability.
- (6) Proposed type of tree planting and landscaping including indication of any existing trees to be removed or left in place.
- (7) Proposed public areas to be dedicated or scenic easements proposed.
- (8) Type and location of street lighting proposed in conformance with the adopted standards of the city.
- (9) Preliminary title report prepared by a qualified title insurance firm.
- (10) Justification and reasons for any exceptions to provisions of this chapter.
- (11) The subdivider shall submit with the preliminary plat, a copy of a letter to each serving utility and agency requesting submission of utility easement requirements and a copy of the reply of each affected utility and agency.
- (12) A geological report shall be required in any area, so determined by the city engineer, where there are known geological hazards.
- (13) Existing conditions, restrictive reservations or covenants, and any which a proposed.
- (14) Any additional information as may be deemed necessary by the city planner and/or the city engineer.

Sec. 8.32.140. - Filing requirements.

- (a) The subdivider shall submit to the planning commission, fifteen (15) copies of the preliminary plat and any statements or other information required by this article relating to the proposed subdivision of land. All submissions shall be presented to the planning commission at least thirty (30) days prior to the planning commission meeting, together with a fee set by resolution of the mayor and council.
- (b) The city planner and the city engineer shall review all preliminary plat applications and supporting information to determine whether all necessary information has been submitted. Within thirty (30) days of receipt of any such plat, the city planner shall notify the applicant, indicating whether the application is complete. Any parts which are incomplete shall be specified and the manner in which they can be made complete shall be indicated. In the case of any subdivision which requires the preparation of an environmental impact statement (EIS), negative declaration or is categorically exempt, no application shall be deemed complete until a professional environmental engineer of the developer has certified the EIS or negative declaration to be adequate or the project qualifies for a categorical exemption. The date upon which notice is given to the applicant that the application is complete shall be deemed the date of filing of the application; provided that, if at any stage of processing the plat, a professional environmental engineer of the developer determines that an EIS or negative declaration is required, the date of filing shall be revised to the date upon which that EIS or negative declaration is required, the date of filing shall be revised to the date upon which that EIS or negative declaration is certified by a professional environmental engineer.

Sec. 8.32.150. - Findings for denial of a preliminary plat.

The planning commission shall deny a preliminary plat upon any of the following findings:

- (1) That the proposed preliminary plat is not consistent with the city's comprehensive plan or its elements or other applicable plans or the city's zoning ordinance.
- (2) That the design or improvement of the proposed subdivision is not consistent with the city's comprehensive plan or its elements or any other applicable plans.
- (3) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (4) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
- (5) That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. In this case, the planning commission may approve a preliminary plat upon a finding that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the mayor and council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

- (6) That the discharge of waste water, including sewage and storm water runoff from the proposed subdivision would result in a violation of existing water quality requirements prescribed by EPD.

Sec. 8.32.160. - Expiration and extensions of time

- (a) Except as may otherwise be provided in this chapter, a final plat shall be submitted for processing within twelve (12) months from the date of final action by the planning commission to approve or conditionally approve a preliminary plat.
- (b) Where the city engineer determines that a subdivider is required to expend one hundred twenty-five thousand (\$125,000.00) or more to construct or improve public facilities outside the boundaries of the preliminary plat that are reasonably related to the proposed development on the site, final plat shall be submitted for processing within thirty-six (36) months from the date of final action by the planning commission to approve or conditionally approve a preliminary plat.
- (c) The planning commission may extend the expiration date of any preliminary plat for not more than twelve (12) months at any one time. A maximum of two (2) such extensions may be granted.

Sec. 8.32.170. - Shortcut procedure.

The provisions herein may be waived and the subdivider may submit an application for final plat approval, without submitting a preliminary plat, if the following conditions exist:

- (1) Each lot in the proposed subdivision abuts an existing public street;
- (2) The proposed subdivision will not effect any major alterations of utility installations, or other existing or proposed public facilities; and
- (3) The application for final plat approval meets all the applicable procedural, design and other requirements of these regulations.
- (4) A subdivider intending to proceed in accordance with subsection (3) shall first consult with the city engineer, supplying sufficient information to satisfy the city engineer that the specified conditions will be met.

Sec. 8.32.180. - Plat certificates.

- (a) Before submitting a preliminary plat. the subdivider shall have the following certificates signed by the appropriate authority, with the following language:

- (1) *Preliminary engineering or surveying certificate:* "I hereby certify that this proposed preliminary plat correctly represents boundary of a survey completed by me, or under my supervision, on _____, 20 _____, of the property shown and described hereon.

_____ Registered C. E. No. _____

or

_____ Registered L. S. No. _____

Date" _____

EXHIBIT A
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- (2) Request for preliminary plat approval: "The undersigned hereby applies to the Stockbridge Planning Commission for preliminary plat approval, and certifies that no improvements shall be undertaken with respect to the subdivision represented by this plat prior to the endorsement hereon of preliminary plat approval by the planning commission. The undersigned recognizes that all improvements otherwise made or commenced may not be approved by the city engineer.

_____	_____
Subdivider	Agent
_____	_____
Date	Date"

- (3) *Certificate of preliminary plat approval:* "All the requirements of the Stockbridge subdivision regulations relative to the preparation and submission of a preliminary plat having been fulfilled, preliminary approval of this plat hereby granted subject to the further provisions of such regulations. This certificate shall expire _____, 20

Approved

Planning Commission, Stockbridge

PRELIMINARY PLAT NOT TO BE RECORDED"

- (b) Before a final plat has been submitted to the city engineer, the subdivider shall have had stamped or printed thereon, and signed, the following:

- (1) *Permit for final improvements:* "Preliminary subdivision improvements having been made in accordance with the Stockbridge subdivision regulations and city specifications, and the attached plat and drawings conforming with such regulations and specifications, permission is hereby granted for installation of final improvements.

_____, 20 _____
City Engineer"

- (2) *Engineering or surveying certificate:* "I hereby certify that this plat true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "Future," and their location, size, type and material are correctly shown.

_____ Registered C. E. No. _____
_____ Registered L. S. No. _____ :
_____, 20 _____ "

- (3) Owner's acknowledgment:

"State of Georgia

County of Henry

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, dedicates to the use of the public forever, all streets, easements and other public grounds shown on such plat.

_____	_____
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Owner	Agent
_____	_____
Date	Date"

- (4) *Certificate of final plat approval:* "Pursuant to the provisions of the Stockbridge subdivision regulations, this plat was given final approval by the Stockbridge Planning Commission at the meeting held _____, 20___. All of the conditions of approval having been satisfied, this plat is hereby accepted and this approval granted under authority of such regulations.

_____	_____
Planning Commission	Date"

- (5) *Certificate of recording.*

Sec. 8.32.190. - Filing.

- (a) The subdivider shall cause the subdivision or any substantial part thereof to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved or conditionally approved, within twenty-four (24) months after approval or conditional approval of the plat. If the subdivider fails to comply with these requirements within twenty-four (24) months after approval or conditional approval of the plat, the preliminary plat approval shall expire.
- (b) The compact disc and two (2) blue line or black line prints of the final plat shall be filed with the city engineer, together with a plat checking fee set by resolution of the mayor and council to be paid to the city engineer. Prior to the recording of the final plat with the clerk of the superior court of the county, the permanent reproducible final plat shall bear all required signatures and the civil engineer's seal.
- (c) An extension of time, for the filing of a final plat, may be granted by the planning commission, provided that written application for such extension is made by the subdivider prior to expiration of the preliminary plat. The planning commission may grant an extension for not more than twelve (12) months. The planning commission may grant no more than two (2) such extensions.
- (d) At the time of the filing of the final plat with the city engineer, the subdivider shall also file the following:
- (1) Four (4) recordable instrument prohibiting traffic over the side lines of a major highway, parkway, street or freeway, when and if required under the provisions of this chapter. A dedication of a planting strip may be accepted as a satisfactory alternative.
 - (2) A copy of the deed restrictions and covenants applicable to the subdivision.
 - (3) Sheets or drawings showing traverse closures and the computation of all distances, angles and courses shown on the final plat, ties to existing and proposed monuments and adjacent subdivisions, street corners, and/or highway stations.

- (4) Two (2) copies of infrastructure civil plans.
- (5) Subdivision agreement.
- (6) The minutes of the meeting of the planning commission approving the final plat and any conditions of approval.
- (7) A title report of the property to be subdivided.

Sec. 8.32.200. - Form of final plat.

The final plat, when submitted, shall comply with the following specifications.

- (1) Clearly and legibly drawn upon reproducible media. All lines, letters, figures, certifications acknowledgments and signatures shall be made in black ink. Typewriting or rubber stamps shall not be used. The plat shall be in such condition, when filed, that good legible blueprints and negatives can be made. The size of the sheets of reproducible media shall be eighteen by twenty-six (18 × 26) inches leaving a margin of two (2) inches at the left edge and one (1) inch at the other three (3) edges of the sheets. The scale of the final plat shall be large enough and a sufficient number of sheets shall be used to show all details clearly.
- (2) When the final plat consists of more than two (2) sheets, the relation of sheets shall be indicated by note. Every sheet comprising the plat shall bear the scale, north point arrow, legend, sheet number and number of sheets comprising the plat.
- (3) The final plat shall show clearly what stakes, monuments or other evidence found on the ground or set to determine the boundaries of the subdivision. The corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, and other proper designation.
- (4) Sufficient data must be shown to readily determine the bearing and length of every lot line, block line and boundary line and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one (1) acre or more shall show total acreage to the nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the center of curves and tangent points shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.
- (5) The final plat shall be prepared in full compliance with the following requirements:
 - a. Show the line of high water for the 100-year flood where the subdivision is adjacent to a stream, channel or any body of water and shall also show any area subject to periodic inundation by water.
 - b. The boundary of the subdivision shall be designated by a border that shall not interfere with the legibility of figures or other data.
 - c. Show the lines of all streets and rights-of-way, the total width of all streets and rights-of-way, the width of the portion being dedicated, the width of existing dedications, and the width of any railroad rights-of-way appearing on the plat. Each street shall be named.
 - d. Show the side lines of all easements to which the lots are subject. The easements must be clearly labeled and identified and if already of record, the recorded reference given. If any easement is not definitively labeled of record, a statement of such easement must appear on the title sheet. Easements for storm drains, sewers and other purposes shall be denoted by dashed lines. The width of the easement and

sufficient datum ties to definitively locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.

- e. City limit crossing or bounding the subdivision shall be clearly designated and referenced.
- f. Lot numbers shall begin with the number "1" in each block and shall be numbered in a clockwise direction from the upper left hand corner; north shall be generally at the top of the sheet of the final plat.
- g. Block numbers shall begin with the letter "A" continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid and of sufficient font size and line weight, shall be so placed as not to obliterate any fixture and shall be enclosed in a circle. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets with complete property line data.
- h. Specifically define, delineate and designate all lots intended for sale or reserved for private purposes. all parcels offered for dedication for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case.
- i. Show all other data that is or may be required by law, and any additional information that may be required by the city engineer.

Sec 8.32.210. - Certificates and tax bond.

The following certificates and acknowledgments and all other certificates or acknowledgements now or hereafter required by law shall appear on the final plat or accompanying documents. Such certificates may be combined where appropriate.

- (1) *Certification of owner(s) of record.* Except as may be noted in subsection (2) below, a certificate signed and acknowledged by the owner or owners of record.
- (2) *Exceptions to owner's certification.* The signatures of parties owning following types of interest may be omitted if their names and the nature of their interests are set forth on the plat:
 - a. Rights-of-way, easements or other interests, none of which can ripen into a fee.
 - b. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or lapses, appear to be no longer of practical use or value and signature for which is impossible or impractical to obtain in this case, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the plat.
 - c. Any subdivision plat including land originally patented by the United States or the State of Georgia, under patent reserving interest to either or both of these entities, may be recorded under the provision of this Code without the consent of the United States or the State of Georgia.
- (3) *Dedication certificate.* A certificate signed and acknowledged as above, irrevocably offering for dedication all parcels of land shown on the final plat and intended for any public use, except those parcels other than streets, which are intended for the exclusive use of the owners in the subdivision, their licensees, visitors, tenants and employees.

- (4) *Design engineer's certificate.* A certificate by the registered civil engineer or licensed surveyor responsible for the survey and final plat. The signature of such civil engineer or surveyor must be accompanied by seal, and include the date of license expiration.
- (5) *City engineer or surveyor certification.* A certificate for execution by the city engineer, including the state license number and date of expiration of the license.
- (6) *Planning commission certification.* A certificate for execution by the planning commission stating that the planning commission approved the final plat. Such certificate must also include a certification that the mayor and council accepted, subject to improvement, or rejected, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.
- (7) *Certificate of clerk of the superior court.* A certificate for execution by the county clerk.
- (8) *Reapportionments.* Where any property is encumbered by assessments or similar instruments secured by the property, the subdivider shall prepare or cause to be prepared any assessment reapportionments necessary for the parcel. The reapportionments shall conform to the lots created by the subdivision such that each lot shall be a separate reapportionment. Prior to recording the final plat, the subdivider shall submit any and all completed reapportionment diagrams and legal documents to the city engineer for review, distribution, and recording.

Sec. 8.32.220. - Action on final plat.

- (a) *Approval by city engineer.* Upon receipt of the final plat and other data, the plat and data shall be referred to the city engineer who shall determine:
 - (1) Whether the subdivision as shown is substantially the same as appeared on the preliminary plat, with any approved alterations; and
 - (2) That all provisions of the conditions of approval and this chapter applicable at the time of approval of the preliminary plat have been met; and
 - (3) That the plats are technically correct.

Upon determination by the city engineer that full conformity has not been made, the city engineer shall notify the subdivider of the revisions needed. Upon determination by the city engineer that full conformity has been made, the city engineer shall certify conformity on the plat and transmit the plat to the planning commission.

- (b) *Approval by planning commission.* At its first regular meeting, following the filing of the certified plat with the planning commission, or within thirty (30) days following the filing, the planning commission shall consider the certified plat.
 - (1) Upon determination by the planning commission that the certified plat is in conformity with the preliminary plat, the conditions of approval and this chapter, the planning commission shall approve the plat. When the subdivider has filed, with the planning commission, any agreement and bonds or deposits required, and such agreement and bonds and deposits have been approved by the city attorney and the city engineer, the planning commission shall certify the plat. When all bonds, money or negotiable bonds, required under the provisions of this Code to secure the payment of taxes and assessments which are a lien on some part of the subdivision but which are not yet payable, have been deposited with and approved by the planning commission, the

planning commission shall transmit the final plat to the subdivider for recording in the office of the clerk of the superior court of the county.

- (2) Upon determination by the planning commission that the plat is not in conformity with the requirements of this chapter, it shall deny the plat, specifying its reasons. The planning commission shall, in writing, notify the subdivider.
- (3) Within thirty (30) days of denial of any plat by the planning commission, the subdivider may file an altered plat for approval by the planning commission. No plat shall have any force or effect until the final plat has been approved by the planning commission and recorded in the office of the clerk of the superior court of the county, and no title to any property described in any offer of dedication shall be transferred until the recording of the final plat.

Sec. 8.32.230. - Subdivision agreement and performance, payment, and surety bond for improvements required.

- (a) Prior to consideration of the final plat by the planning commission, the subdivider shall execute a subdivision agreement with the city. The agreement shall provide for installation of all improvements as shown on the approved plans and specifications for the project, and specify the time period within which the subdivider, agent or contractor shall complete all improvement work to the satisfaction of the city engineer. In the event the subdivider fails to complete such work within the specified period, the agreement shall include provisions for the city to complete all improvements and recover the full cost and expense from the subdivider. Such agreement may also provide the following:
 - (1) Construction of the improvements in phases, if applicable and approved by the mayor and council.
 - (2) An extension of time under conditions specified.
 - (3) Termination of the agreement for the construction of improvements deemed by the city engineer to be at least the equivalent of the improvements specified in the subdivision agreement and required to be constructed by the subdivider.
- (b) To assure full and faithful performance, the subdivider shall also file with the subdivision agreement:
 - (1) A financial security for such sum, as is deemed sufficient by the city engineer, to cover the cost of improvements and incidental expenses, replacement or repair of existing streets, other improvements damaged in the development of the subdivision, and any applicable fees.
 - (2) A labor and materials bond and a separate warranty/surety bond in amounts satisfactory to the city engineer. Such bonds shall be executed by a surety company authorized to transact a surety business in the State of Georgia and must be satisfactory to and approved by the city attorney as to form and by the city engineer as to sufficiency.
- (c) The city shall be reimbursed by the surety for the following occurrences:
 - (1) Failure of the subdivider to complete all improvement work in accordance with the provisions of this chapter, and the city completes such work; or
 - (2) Failure of the subdivider to reimburse the city for the cost of inspection, engineering and incidental expenses for the work performed; or

- (3) The cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision.

If the amount of the surety bond or cash deposit is less than all costs and expenses incurred by the city, the subdivider shall be liable to the city for such difference, plus applicable attorneys' fees.

- (d) No extension of time, progress payments from cash deposits, or releases of surety bond or cash deposit shall be made except upon certification by the city engineer that work covered has been satisfactorily completed, and upon approval of the mayor and council.
- (e) Any performance bond filed with the city engineer must contain a provision for the maintenance by the subdivider of all installations and improvements required by these regulations in the subdivision for a period of two (2) years following the date of acceptance of the streets and other public lands by the governing body.

Sec. 8.32.240. - Revocation of approvals.

In the event no lots in a subdivision for which a final plat has been approved and recorded under this chapter have been sold within five (5) years from the date of recording of the final plat or if all of the required improvements have not been made within two (2) years from the date of recording, the mayor and council may, on its own motion, hold a public hearing, after notice to all property owners affected, to determine whether the approval of such final plat should be revoked. If it is determined that such approval should be revoked, the mayor and council shall, by resolution, revoke such approval without prejudice to the filing of a new plat pursuant to this chapter. Such revocation shall be effective upon recording of a certified copy of such resolution in the county and all streets, ways and other easements dedicated or offered for dedication by such plat shall be of no further force or effect.