

CITY OF ODUM
SUBDIVISION, STREET ACCEPTANCE, LOCATION, AND PERMIT
ORDINANCE

AN ORDINANCE PURSUANT TO THE CONSTITUTION AND LAWS OF THE STATE OF GEORGIA PROVIDING FOR HOME RULE TO PROVIDE MINIMUM STANDARDS FOR SUBDIVISION OF LANDS, DEDICATION OF PUBLIC STREETS, REQUIRED IMPROVEMENTS, LOCATION OF STRUCTURES, AND PERMITS FOR ALL NEW CONSTRUCTION OR LOCATION WITHIN THE INCORPORATED LIMITS OF THE CITY OF ODUM; TO PROVIDE FOR AN EFFECTIVE DATE; TO PRESCRIBE PENALTIES; AND FOR OTHER PURPOSES.

BE IT ORDAINED AND ESTABLISHED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ODUM, GEORGIA AND IT IS HEREBY ORDAINED AND ESTABLISHED BY THE AUTHORITY OF THE STATE OF GEORGIA AS GRANTED THEREOF AS FOLLOWS:

Section 1. Short Title. This Ordinance shall be known, referred to, and may be cited as "The 2001 Subdivision, Street Acceptance, Location and Permit Ordinance of the City of Odum."

Section 2. Purpose. It is the intent and policy of the City of Odum to promote the health, safety, convenience, order, prosperity and general welfare of Odum and its residents; to facilitate orderly and harmonious development; to facilitate the adequate provision of safe and convenient traffic access and circulation in land development; to establish standard procedures and criteria for location of buildings and structures, the acceptance of public streets and the provision of water and sewerage facilities; to require permits for new construction or location; to assure that land is developed in conformity with plans and ordinances that have been or will be adopted by the City of Odum and in such a manner to minimize land use incompatibilities; to preserve the existing small town character of the City of Odum; to protect the environment, including the soils, air quality, and water resources, from pollution and inappropriate development; and to assist in the orderly, efficient, and integrated development of the city.

Section 3. Definitions. When used in this Ordinance the following words and phrases shall have meanings given in this section.

- A. **Lot:** the contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part

thereof severed from another lot where the severance creates any nonconformity of size, use, or structure.

- B. *Street*:** a way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, lane, alley, street or any like designation. The words "street" and "road" will be used interchangeably throughout this ordinance.
- C. *Subdivision*:** all divisions of a tract or parcel of land into two or more lots, buildings sites, or other divisions for the purpose of sale, legacy, or building development, whether immediate or future. This shall include all divisions or re-subdivisions of land involving a new road or change in existing roads. Excluded from this definition is the combination or recombination of portions of previously platted lots where the total number of lots is not increased.

Section 4. General Provisions.

4.1. No building, structure, or land within the incorporated limits shall hereafter be erected, constructed, reconstructed, located, moved, subdivided or altered except in conformity with the regulations herein and without first obtaining a permit from the City of Odum. This provision does and shall apply to the location of all manufactured housing in the city.

4.2. All lots intended for residential or other use within the city shall be of such size as is specified by the City of Odum or the Wayne County Health Department, if appropriate, but in no case shall be less than one-half (0.5) acre.

4.3. Only one building or structure intended for human habitation along with any usual and customary accessory buildings may hereafter be erected or located on any one (1) lot.

4.4. All buildings and structures shall be located or set back at least twenty-five (25) feet from any public right-of-way and at least ten (10) feet from any property line.

4.5. All manufactured homes located in the city must adhere to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, must bear the insignia of approval of the U.S. Department of Housing and Urban Development (HUD), and must be installed according to the manufacturer's and the State of Georgia's standards.

Section 5. Subdivision Lot Regulations.

5.1. From the effective date of this Ordinance and until such time as a supplementing land development regulation is imposed by the Mayor and City Council of City of Odum, no subdivision of land in the City of Odum shall be allowed, platted, or recorded which creates a lot of less than one-half (0.5) acre in size.

5.2. All subdivision lots shall have the greater of one-half (0.5) acre or the minimum lot area determined by the Wayne County Health Department as appropriate for sewage treatment and human occupation.

5.3. All subdivision lots shall have a width of not less than 100 feet where they abut any road.

5.4. Every lot in a subdivision shall be served from a publicly dedicated road.

Section 6. Public Street Requirements.

6.1. All new streets must have a minimum right-of-way width of 50 feet to be accepted for public dedication by the City of Odum and the developer must pave a minimum road surface width of 22 feet to Georgia Department of Transportation standards for local roads entirely at his expense.

6.2. The City of Odum shall not accept, improve, grade, or maintain any street which does not comply with the provisions of this Ordinance. It is a violation for any person to plat or record a street for public dedication which has not been approved by the Mayor and City Council of the City of Odum for public acceptance.

6.3. All street right-of-ways must be cleared and grubbed of all obstacles, including timber, stumps, and other structures.

6.4. All roadways must be designed, graded, and constructed in accordance with Georgia Department of Transportation standards and other specifications of the City of Odum.

6.5. All streets must be brought up to an elevation which prevents flooding, be equipped with proper drainage pipes, including driveway and ramp pipes, and

have appropriate drainage easements and out-fall ditches. Drainage easements shall not be less than 30 feet or a greater width, if required.

6.6. A cul-de-sac with a radius from the center of not less than 65 feet shall be constructed at the closed end of all dead end streets.

6.7. Dead-end streets shall not exceed 800 feet in length.

6.8. Street jogs with center-line offsets of less than 125 feet shall not be permitted.

6.9. Whenever a street must cross a pond dam or similar structure used or capable of retaining water, the required right-of-way and road shall be located on the back side of the dam with a sloped ditch between the right-of-way and the dam. No part of the required right-of-way shall be part of the dam or structure.

6.10. The location, road elevation cross drains, and proposed out-fall ditches of any road proposed for public dedication must be approved by the City of Odum prior to construction.

6.11. All construction of a street to these standards shall be complete before it is accepted by the City of Odum as part of the city street system.

6.12. All roads must be properly platted and accompanied by a deed conveying the necessary right(s)-of-way to City of Odum before approval and acceptance by the Mayor and City Council of the City of Odum. Such a plat and deed shall not be filed in the Wayne County Clerk of Court's office until officially accepted and so noted on that plat and deed by the City of Odum.

Section 7. Required Utilities.

7.1. All new subdivisions exceeding two lots must have agreed upon water and sewage management utility service as approved by the City of Odum and/or the Wayne County Health Department, if appropriate.

7.2. The subdivider or developer of a subdivision exceeding two lots shall install, entirely at his expense and to such standards as the City of Odum shall specify, water and sewer mains, with appurtenances as deemed necessary by the City and with connections to each lot, within the subdivision.

7.3. Any required utilities shall be completed before the City of Odum shall accept and approve a subdivision plat for filing with the Wayne County Clerk of Court's office.

7.4. In lieu of completion and installation of any required utilities previous to acceptance and approval of a subdivision plat by the City of Odum, the Mayor and City Council of the City of Odum may accept a cash or surety bond providing for and securing to the municipality the actual construction and installation of such required improvements and utilities within a period specified by the Mayor and City Council of the City of Odum and similarly expressed in the bond.

7.5. If any required utilities are to be installed in the streets as approved by the City, all such utilities shall be placed and compacted prior to paving.

Section 8. Plat Requirements. A plat drawn at a scale of not less than 100 feet to the inch by a registered land surveyor and meeting the requirements of the Georgia Plat Act (O.C.G.A. § 15-6-67), as amended, must be submitted to the Mayor and City Council of the City of Odum for their approval and acceptance for any subdivision exceeding two lots and for any proposed construction of a new street.

Section 9. Development Plan.

9.1. In order to construct, alter, or expand a subdivision exceeding two lots or to construct a new street for public dedication, a developer must secure approval of a development plan from the Mayor and City Council of the City of Odum. Such plans with full and complete information must be submitted at least thirty (30) days prior to the time construction is to begin.

9.2. The City will have thirty (30) days to approve, disapprove, or request additional information on the plans after submittal. If additional information is requested by the City, the City will have another thirty (30) days for review to approve or disapprove the proposed subdivision or street plans from the date of submittal of the additional information.

9.3. The Mayor and City Council of the City of Odum may attach reasonable conditions to any approval of a development plan.

9.4. If no action is taken on a proposed development plan by the City within the specified time frame(s), a development plan shall be considered approved. However, such time frames will not start until concurrence is given by the Mayor

and City Council of the City of Odum that a full and complete development plan application, or that requested additional information, if appropriate, has been fully and completely submitted.

9.5. Approval of a development plan does not constitute acceptance of construction.

9.6. A development plan application must include the following information.

- A. Forms designated by the City.
- B. A plat as required under Section 8.
- C. The plat or additional supplemental submittals must show the following information for subdivisions:
 - 1) Name and address of owner of record and subdivider of the property
 - 2) Proposed name of subdivision
 - 3) North point, graphic scale, and date
 - 4) Vicinity map showing location and acreage of subdivision
 - 5) Exact boundary lines of the tract by bearing and distances
 - 6) Names of owners of record of adjoining land
 - 7) Existing streets, utility and drainage easements on and adjacent to the streets
 - 8) Proposed layout including streets, lot lines with dimensions, and easements
 - 9) Proposed names of new streets
- D. Provisions, locations, and specifications of required utilities, including water supply and sewerage.
- E. Proposed drainage plans, showing contour lines, ditches, and cross-drains.
- F. Other information as may be required by the City of Odum to determine compliance with the terms of this Ordinance and appropriateness of the development.

Section 10. Suitability of Land. Lands subject to flooding, improper drainage, erosion, adverse soil conditions, or that is for topographical, environmental, or other

reasons unsuitable for residential or developmental use, or road development as appropriate, shall not be platted for residential nor for any other use that will continue or increase the danger to health, safety, property, the environment, or public welfare unless such hazards can be and are corrected or mitigated in the best interests of the public. Condition, not size, of areas unsuitable for development will be the determining factor.

Section 11. Health Department Approval. All parcels or lots designated for building and human occupation must be approved and certified for functional sewage systems, if necessary, by the Wayne County Health Department.

Section 12. Street and Subdivision Names. Street and subdivision names shall require the approval of the Mayor and City Council of the City of Odum. Approved names shall not duplicate or closely approximate the name of a street or subdivision already existing in the City of Odum. Streets that are obviously in alignment with existing streets shall be given the name of the existing streets.

Section 13. Other Agency Approval. If a proposed development requires the approval of a state or federal agency (e.g., The U.S. Army Corps of Engineers and a Section 404 permit, an environmental permit from the Georgia Environmental Protection Division, an encroachment or other permit from the Georgia Department of Transportation, etc.), action by the Mayor and City Council of the City of Odum carries no waiver of, or otherwise affects, such requirements. If known prior to formal action by the City of Odum, the Mayor and City Council may postpone their action until the required state or federal permit(s) or approval(s) are obtained.

Section 14. Variances. When due to a particular hardship or extraordinary circumstance of the property involved which is not easily corrected, it is impractical for an owner or developer to comply with all of the requirements of this Ordinance, the Mayor and City Council of the City of Odum shall be authorized to vary such requirements only to such extent as to provide fairness to the owner or developer and as to not violate the intent and purposes of this Ordinance. Such variances, and the reasons for granting them shall be entered into the minutes of the meeting.

Section 15. Violations and Penalties. Any person violating, neglecting, or refusing to comply with any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be subject to such penalties as are provided by law. The Mayor and City Council of the City of Odum may take other actions or remedies as available at law to ensure compliance with or to prevent violation of provisions of this Ordinance.

Section 16. Legal Status Provisions. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, for any reason, such

