



**MORGAN COUNTY COMMISSION  
PUBLIC HEARING AGENDA**

**January 05, 2021**

**9:30 AM**

**150 East Washington Street, Madison, GA**

**PUBLIC HEARING-Proposed Development Regulations**

## **Article 1 - General Provisions**

### **Chapter 1 Title and Authority**

#### **Section 1.1 - Title**

These Development Regulations shall be known as, and may be cited as, “The Development Regulations of Morgan County, Georgia” or, for brevity, “Development Regulations.”

#### **Section 1.1.2 - Authority**

These Development Regulations are adopted under authority of Article 9, Section 2, Paragraph 3 and 4 of the Constitution of the State of Georgia and other applicable laws enacted by the General Assembly.

By the same authority, the Morgan County Board of Commissioners grants, the office of Morgan County Planning and Development, the authority to review and approve land divisions prior to the recording of such land division plats in the office of the Clerk of Superior Court of Morgan County

These Development Regulations shall apply to all lands within the unincorporated areas of Morgan County, Georgia.

#### **Section 1.1.3 - Adoption**

All conflicting laws or parts of laws of Morgan County are hereby repealed to the extent of their conflict. Where these Development Regulations overlap with other requirements adopted by the Board of Commissioners, including but not limited to the Zoning Ordinance, whichever imposes the more stringent restrictions shall prevail except with regard to minimum lot sizes and widths, as regulated in these Development Regulations in which case, the minimum lot sizes and widths required under the Zoning Ordinance may be reduced, but only in accordance with these Development Regulations where specifically authorized herein.

#### **Section 1.1.4 - Severability**

If any section, subsection, sentence, clause, phrase or portion of these Development Regulations or any amendment to it are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of these Development Regulations or an amendment to it. The Morgan County Board of Commissioners hereby declares that it would have enacted the remainder of these regulations even without such part, provision or application.

### **Section 1.1.5 - Effective Date**

These Development Regulations shall take effect upon their adoption by the Board of Commissioners of Morgan County, Georgia.

## **Chapter 1.2 – Purpose and Intent**

### **Section 1.2.1 - Purpose**

The purposes of these Development Regulations are to promote the health, safety, and general welfare of the public, and are intended:

- To provide uniform procedures and standards for development of land to promote and protect the public health, safety, and general welfare of the residents of the unincorporated areas of Morgan County, Georgia as it relates to growth and development.
- To promote the orderly and beneficial development and expansion of the county in balance with the preservation or conservation of valuable historic or natural resources.
- To prevent the over-crowding of land and avoid undue concentration of population.
- To provide adequate access to natural light and air.
- To secure safety from fire, panic and other dangers.
- To insure the orderly and desirable construction of streets.
- To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
- To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements in accordance with the Comprehensive Plan.
- To insure proper legal description and recordation of all subdivided land.

## **Chapter 1.3 - Prohibited Activities**

No person shall transfer, sale or convey, or attempt to transfer, sell or convey, ownership of all or any portion of land within unincorporated Morgan County, unless in conformity with these Development Regulations.

- No property shall be divided or developed unless the subject property was legally recorded as a parcel shown in its entirety on a survey or plat, and duly recorded in the office of the Clerk of the Superior Court.
- No parcel of land shall be subdivided using metes and bounds description for the purpose of sale, transfer or lease without a survey of such parcel.
- No person, firm or corporation shall transfer, sell, or agree to sell any land by reference to, or exhibition of, or by other use of a plat of the subdivision of such land before such plat has been appropriately approved by the County and recorded with the Clerk of the Superior Court; provided further, that the description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring such land shall not exempt the transaction from the requirements of these Development Regulations.
- No building permit or development permit shall be issued for the construction of any structure on a parcel subdivided or sold in violation of the provisions of these Development Regulations.

## **Chapter 1.4 – Applicability of Regulations**

These Development Regulations regulate the subdivision of land, land disturbance activities related to grading and site preparation, the location and construction of site improvements, the location and construction of streets and utilities, and flood damage protection for all public or private developments of residential and non-residential projects.

## **Chapter 1.5 - Interpretation**

### **Section 1.5.1 - Responsibility for Interpretation**

The Director of Planning and Development shall be responsible for the interpretation of the requirements, standards, definitions, or any other provision of these Development Regulations.

Interpretations of the Director of Planning and Development may be appealed under the provisions of these Development Regulations relating to Appeals.

### **Section 1.5.2 - Intent in Interpretation**

In the interpretation and application of these Development Regulations, all provisions shall be:

- Considered as minimum requirements.

- Liberally construed in favor of the property owner.
- Deemed neither to limit nor repeal any other powers granted under state and local statutes.

### **Section 1.5.3 - Intent Relative to Private Property Agreements**

These Development Regulations are not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the Clerk of the Superior Court, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by these Development Regulations.

### **Section 1.5.4 - Saving Provision**

Any approved preliminary plat or site plan under construction, may proceed with construction and recordation of a final plat under the provisions of the Development Regulations in effect at the time of such approval.

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

### **Section 1.5.5 – Project Expiration**

Approval shall expire and become null and void for any preliminary plat or site plan approved under these Development Regulations that has not commenced construction within one (1) year from the approval date.

### **Section 1.5.6 - Use of Figures or Examples for Illustration**

Figures or examples associated with defined terms or regulatory paragraphs in these Development Regulations are provided for illustration or explanation only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

### **Section 1.5.6 - Use of Words and Phrases**

References to the “County” and to the Board of Commissioners and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in these development regulations shall always mean Morgan County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:

- County Manager, appointed as such by the Morgan County Board of Commissioners or the County Manager’s designee.
- Road Superintendent, appointed as such by the County Manager, or the Road Superintendent’s designee.
- Planning and Development Director, appointed as such by the County Manager, or the Planning and Development Director’s designee.
- Building Official appointed as such under the County Manager, or the Building Official’s designee.
- Code Enforcement Officer, appointed as such by the County Manager, or the Code Enforcement Officer’s designee.
- County Planner, appointed as such by the County Manager, or the County Planner’s designee.
- Planning Commission, created as such and appointed by the Morgan County Board of Commissioners.
- References to an administrative department of Morgan County shall always mean the department created by the Board of Commissioners as such.

References to public officials, departments or appointed bodies of jurisdictions other than Morgan County shall always mean such persons or bodies having jurisdiction over or relative to Morgan County, Georgia. These include:

- The Clerk of the Superior Court of Morgan County, Georgia.
- The Morgan County Health Department.
- The Piedmont Soil and Water Conservation District. (SWCD)
- The Northeast Georgia Regional Commission (NEGRC).
- The Georgia Departments of Natural Resources (DNR)
- The Georgia Department of Transportation (GDOT).
- The United States Army Corps of Engineers (USACE)

- The Federal Aviation Administration (FAA)
- The Federal Emergency Management Agency (FEMA)
- The Environmental Protection Agency (EPA).
- The Environmental Protection Division (EPD)

References to the terms “preliminary plat” and “preliminary subdivision plat,” and the terms “final plat” and “final subdivision plat,” are used interchangeably in these development regulations and have the same meaning.

### **Section 1.5.7 - Meaning of Words and Phrases**

All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, Section and Article in which they occur.

Words and phrases defined in these Development Regulations shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in these Development Regulations shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.

Definitions are clearly identified as such and are located throughout these Development Regulations in the Articles, Chapters or Sections to which they most readily refer. All definitions, regardless of location within an Article of these regulations, apply equally to the use of such terms throughout the regulations. A glossary of all defined terms is included with these regulations for convenience. However, if differences in wording occur between definitions of a term, the definition contained within an Article, Chapter or Section of these regulations shall control.

## Article 2      Glossary

### Chapter 2.1 Purpose of Article

The following is a glossary of all definitions specifically used in the text of the Development Regulations. Regarding the interpretation of figures, words and phrases as used in these regulations, refer to Article 1, Chapter 1.5.

### Chapter 2.2 Defined Words and Phrases

**AASHTO:** The American Association of State Highway and Transportation Officials.

**Addition (to an existing building):** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter, load-bearing walls is new construction. Any expansion to an existing building that is not walled and roofed, such as an open porch or deck, is not considered an “addition” for flood damage prevention purposes.

**Applicant:** A property owner or their authorized representative who has petitioned the County for approval of a preliminary plat or site plan, development permit, building permit, hardship variance, administrative appeal, or any other authorization for the use or development of their property under the requirements of these development regulations.

**Application:** A petition for approval of a development permit, building permit, hardship variance, or appeal, or any other authorization for the use or development of a property under the requirements of these Development Regulations.

**Area of Shallow Flooding:** A designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet, or where a clearly deemed channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard:** The land in the flood plain within a community subject to a **one (1)** percent or greater chance of flooding in any given year.

**As-Built Survey Drawings:** Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

**Base flood:** The flood having a one **(1)** percent chance of being equaled or exceeded in any given year (100-year flood).

**Basement:** **One or more floors of a building that are completely or partly below ground level.**

**Best Management Practices (BMP's):** A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion



and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

**Block:** A parcel **or parcels** of land **bordered on all sides** by highways or streets, other than alleys.

**Board of Natural Resources:** The Board of Natural Resources of the State of Georgia.

**Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Buffer Area:** A landscaped or naturalized area used to separate and partially obstruct the view of a development from **streets and** adjacent or contiguous development.

**Building Code:** The most recent technical codes approved for enforcement or otherwise adopted or adopted as amended by the County under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures.

**Building:** Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. For purposes of these regulations, the term “building” includes “structure”, as defined.

**Comprehensive Plan:** The Comprehensive Plan for Morgan County and the Cities of Bostwick, Buckhead, and Rutledge, **July 18, 2017**, as adopted and amended from time to time.

**Condition of Zoning Approval:** A requirement adopted by the County Commission at the time of approval of a rezoning or special use, placing greater or additional requirements or restrictions on the property than provided in these Development Regulations in order to reduce an adverse impact of the rezoning or special use and to further the protection of the public health, safety, or general welfare.

**Contiguous:** An area not divided in its entirety by a street or street right-of-way, any right-of-way of a railroad or other public service corporation, or lands owned by others.

**Conventional subdivision:** A subdivision in which all lots meet or exceed the minimum lot size, lot width, and all other dimensional requirements of the Zoning Ordinance.

**Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as “excavation.”

**Cutting:** The removal of any soil or other solid material from a natural ground surface.

**Developer:** See “Applicant.”

**Development Permit:** The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to, buildings, or other structures, mining, dredging, filling, grading, paving, excavation, drilling operation or permanent storage of materials.

**Development, Subdivision:** The entire original parcel for which subdivision approval is requested, including all new parcels intended for development, community amenities, recreation facilities, streets, easements, right of ways and areas to be set aside as open space.

**Director:** The Morgan County Director of Planning and Development or his/her designated representative.

**DNR Department:** The Georgia Department of Natural Resources.

**Drainage Structure:** A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control or flood control purposes.

**Easement:** A grant or one or more property rights by a property owner to, or for the use by, the public, a corporation or a person or entity.

**Elevated Building:** A non-basement building built to have the lowest floor of the lowest elevated area elevated above the ground level by means of fill; solid foundation perimeter walls; pilings, columns, posts and piers, shear walls; or breakaway walls.

**EPD:** The Environmental Protection Division of the Georgia Department of Natural Resources.

**EPD Director:** The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

**Erosion:** The process by which land surface is worn away by the action of wind, water, ice, or gravity.

**Erosion and Sedimentation Control Plan:** A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

**Existing Construction:** For the purposes of flood damage prevention requirements, any structure for which the start of construction commenced before September 9, 1997.

**Existing County Street or Road:** A street, road or highway located in unincorporated Morgan County that existed prior to the submission of a final plat for a minor subdivision, or existed prior to the submission of a preliminary plat for a major or private street subdivision. An “existing road” may be a street or road created through recordation of a final plat for a subdivision, a road under maintenance responsibility of the County, a legally created private street, or a U.S. or State numbered highway.

**Existing manufactured home park or subdivision:** For the purposes of flood damage prevention requirements, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before September 9, 1997.

**Expansion to an existing manufactured home park or subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

**Filling:** The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

**Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard or the risk premium zones applicable to the community.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the:

- (a) Overflow of inland or tidal waters; or
- (b) Unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Plain:** Any land area susceptible to inundation by water.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor:** The top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does

not include the floor of a garage used solely for parking vehicles or storage, or the floor area of an attic used exclusively for storage.

**Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

**Greenway:** An area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

**Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

**Historic Structure.** Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Improvements:** Physical changes to the land which are necessary to create useable lots including (but not limited to) streets, sewer and water facilities, hydrants, sidewalks, survey monuments, changes to existing utilities and storm drainage systems.

**Issuing Authority:** The Morgan County Board of Commissioners, acting through its Director of Planning and Development as its designated representative, which has been certified by the Director of the Environmental Protection Division (EPD) of the Department of Natural Resources (DNR) as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or EPD in those instances where an application for a permit is submitted directly to EPD.

**Jurisdiction:** That area over which the governing body has authority for planning, zoning and development permitting under the Constitution of the State of Georgia.

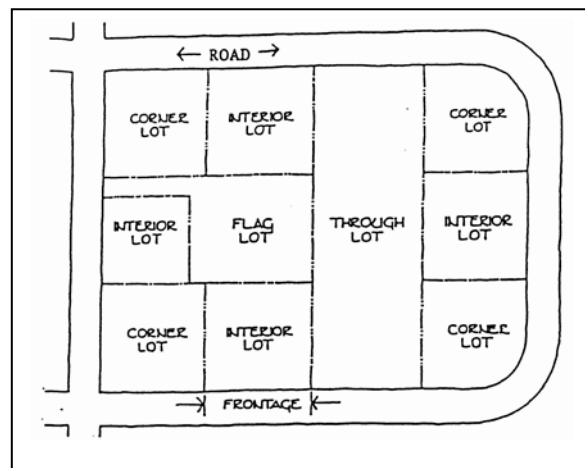
**Lake:** A body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.

**Land-Disturbing Activity:** Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including agricultural practices that are exempt under the Erosion and Sedimentation Control Section of the Land Development Activities Article of these Development Regulations.

**Lot of Record:** A lot which is part of a subdivision **lawfully** recorded in the office of the Clerk of Superior Court, or a lot described by metes and bounds, the description of which has been so **lawfully** recorded.

**Lot:** A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use with the customary accessories and open spaces belonging to the same, which is described in a deed or shown on a plat and lawfully recorded in the office of the Superior Court of Morgan County.

**Lot, Corner:** A lot abutting two or more streets or roads at their intersection.



**Lot, Double Frontage:** Any lot, other than a corner lot, which has frontage on two streets.

**Lot, Reverse Frontage:** A double frontage lot on which access is restricted from at least one abutting street or road.

**Lot Frontage:** See “Lot width.”

**Lot Depth:** The distance measured along a line extending from the lot's frontage, through the mid-point of the lot's width, to the mid-point of the lot line that is most opposite and parallel to the lot width line. For a lot that has more than one frontage, the depth shall be measured from the shortest frontage line. For a lot that has no rear property line, the depth shall be measured at a right angle (90 degrees) to the lot width. For a lot that has more than one rear property line, the depth shall be measured to the mid-point of the property line most nearly opposite and parallel to the lot width.

**Lot Width:** The distance between side lot lines measured at the front building line and at the right-of-way of any street.

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of these regulations.

**Manual for Erosion and Sediment Control in Georgia:** A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

**Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

**Mean Sea Level:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of these regulations, the term "mean sea level" is synonymous with National Geodetic Vertical Datum (NGVD).

**Mobile Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

**Model Home:** A dwelling used initially for display purposes that typifies the type of units that will be constructed in the subdivision.

**National Geodetic Vertical Datum (NGVD):** As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

**Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.

**Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

**New Construction:** Any structure for which the start of construction commenced after September 9, 1997, and includes any subsequent improvements to the structure.

**New Manufactured Home Park or Subdivision:** For the purposes of flood damage prevention requirements, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 9, 1997.

**One-Hundred-Year Flood Plain:** A land area subject to a **one (1)** percent or greater statistical occurrence probability of flooding in and given year.

**Original Parcel:** A contiguous parcel of land, recorded in the Office of the Clerk of Superior Court of Morgan County, as it existed immediately prior to the approval of any portion of the parcel being divided as a subdivision.

**Owner:** A person or other legal entity having or controlling a majority fee simple interest in a property, or their authorized representative.

**Pond:** A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

**Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.

**Public Improvement:** The construction, enlargement, extension or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

**Recombination:** The joining of parcels, or portions thereof, of adjoining properties, including the joining of existing parcels of record, provided that additional parcels are not thereby created, and

that all resulting parcels are in compliance with the provisions of the zoning district in which it is located.

**Recreational Vehicle.** A vehicular type unit primarily designed for recreation, camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home and custom van conversions

**Re-subdivision:** A change in the map of a recorded subdivision plat if such change affects any street layout, area reserved for public use, or any lot line, and includes the further division of platted subdivision lots.

**Right-of-Way:** That area, distinguished from an easement, which is owned in fee-simple by Morgan County or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

**Roadway Drainage Structure:** A device such as a bridge, culvert or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Screening:** A method of visually shielding or obscuring one abutting or nearby building, structure, or use from another by fencing, walls, berms, densely planted vegetation, or some combination thereof.

**Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

**Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

**Soil and Water Conservation Commission:** The Soil and Water Conservation Commission of the State of Georgia.

**Soil and Water Conservation District Approved Plan:** An erosion and sedimentation control plan approved in writing by the Soil and Water Conservation District.

**Soil and Water Conservation District:** The Piedmont Soil and Water Conservation District.

**Stabilization:** The process of establishing an enduring soil cover of vegetation an/or mulch or other ground cover and/or installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**Start of Construction:** The initiation of new construction or a substantial improvement, as follows:



(a) For New Construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, including a manufactured or mobile home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt).

(b) For a Substantial Improvement: The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

**State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

**Street:** A way for vehicular traffic, whether designated as an "avenue", "road", "boulevard", "highway", "expressway", "alley", or any other term.

**Street Frontage:** See "Lot width."

**Structural Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

**Structure:** Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground.

**Subdivision site:** The entire property for which subdivision approval is requested, including the lots intended for development of residences and community amenities (such as recreation facilities and stormwater detention facilities), streets and other rights-of-way or easements, and areas to be set aside as open space.

**Subdivision:** The division of land into **two (2) or more parcels**, tracts, lots, building sites or other divisions for sale, lease or development.

***Subdivision, Agricultural:*** A form of subdivision design which requires larger parcels to facilitate a range of agricultural activities with or without a residence.

***Subdivision, Conservation:*** A form of subdivision design which concentrates lots, houses, streets, utilities and related development activities on the more suitable, and less environmentally sensitive, areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. The net density of the development is equal to or less than that of traditional subdivision design but the lot sizes are smaller in order to preserve the environmentally sensitive areas in dedicated, perpetual open space.

***Subdivision, Legacy:*** The granting of a parcel of land to an immediate family member, which has been owned by the Grantor for a minimum of fifteen (15) years, as shown on a recorded deed or plat. Any such parcel created as a legacy subdivision shall meet the minimum requirements of the zoning district; must be shown on a plat prepared by registered surveyor; and it must have a notation certifying the relationship of the Grantee to the Grantor. The subject parcel created under the legacy subdivision provision shall not be further subdivided for a period of five (5) years from date of recording in the Morgan County Clerk of Courts Office.

***Subdivision, Major:*** A division of an *original parcel* that creates any number of new parcels involving the construction of a new street, stormwater drainage facilities, or the construction or improvement of public utilities that complies with all requirements of the zoning district in which it is located.

***Subdivision, Minor:*** A division of an *original parcel* that creates no more than three (3) parcels, including the remaining portion of the original parcel, fronts along an existing County street and does not require the extension or widening of the street; require the construction of stormwater drainage facilities; or the construction or improvement of public utilities. No further subdivision of the original tract or resulting tracts from a minor subdivision will be permitted for one (1) year after the date of final plat approval.

***Subdivision, Private Street:*** A major subdivision in which the parcels are served by a street held in private ownership and not dedicated to the County. A private street subdivision must meet all requirements of these development regulations that apply to a “Major Subdivision,” except for dedication of the street rights-of-way or easements and drainage structures and easements.

***Subdivision, Road Frontage:*** A form of subdivision design which allows for the division of property abutting an existing County road or street with or without a residence.

***Substantial Damage:*** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

**Substantial Improvement:** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to improvement. The market value of the building should be:

- (a) The appraised value of the building prior to the start of the initial repair or improvement; or
- (b) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred “substantial damage,” regardless of the actual amount of the actual repair work performed.
- (c) For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified through enforcement of these Development Regulations and not solely triggered by an improvement or repair project.

**Substantially improved existing manufactured home park or subdivision:** A manufactured home park or subdivision where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (b) Temporary seeding, producing short-term vegetative cover; or
- (c) Sodding, covering areas with a turf of perennial sod-forming grass.
- (d) Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

**Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Wetlands:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

***Wetlands, protected:*** Those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.

***Zoning Map:*** The map of Morgan County delineating the zoning districts described within the *Morgan County Zoning Ordinance* related to property lying within unincorporated areas.

***Zoning Ordinance:*** The Zoning Ordinance for Morgan County, Georgia, adopted by the Board of Commissioners of Morgan County, Georgia, and amended from time to time.

## Article 3 – Land Division

### Chapter 3.1 – Purpose

This Article sets out the minimum requirements and standards for land division, construction of subdivisions and other land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.

### Chapter 3.2 - Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations, and written proof of such compliance must be furnished when requested by the Morgan County Director of Planning and Development.

- All applicable statutory provisions.
- The Morgan County Zoning Ordinance, building and housing codes, and all other applicable laws, ordinances, and regulations of the appropriate jurisdiction.
- The Official Zoning Map of Morgan County.
- All rules of the Morgan County Health Department and any other appropriate state agencies.
- The rules of the State Department of Transportation, if the subdivision, or any lot contained therein, abuts a state highway.

### Chapter 3.3 - Standards Incorporated by Reference

#### Section 3.3.1- Standard Design Specifications

The *Construction and Design Standard Details of Morgan County*, also referred to in these regulations as the “Standard Details,” as adopted by the Board of Commissioners and as may be amended from time to time, are incorporated into these regulations as though set forth within the body of these regulations. In the case of a conflict between the Standard Details and the text of these regulations, the Standard Details **the more stringent shall control**.

*The Morgan County Utility Department Water and Wastewater Standards*, also referred to as “Water and Wastewater Standards,” and *The Morgan County Utility Department Water System Design and Construction Manual*, also referred to as “Water System Design and Construction Manual” as adopted by the Board of Commissioners and as may be amended from time to time, are incorporated into these regulations as though set forth within the body of these regulations. In the case of a conflict between either the Water and Wastewater Standards or the Water System Design and Construction Manual, and the text of these regulations, **the more stringent shall control**.

#### Section 3.3.2 – Traffic Control and Street Striping

The installation of all traffic control **devises** and street striping shall be governed by the standards contained in the *Manual on Uniform Traffic Control Devices*, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation.

**Section 3.3.3 - Georgia Department of Transportation Standard Specifications**

Unless otherwise specifically set forth in these regulations or the Standard Details of Morgan County, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.

**Section 3.3.4 - AASHTO Design Standards**

Design criteria and standards for streets and highways not specifically set forth herein shall conform to the latest edition of the *AASHTO Policy on Geometric Design of Highways and Streets*, published by the American Association of State Highway and Transportation Officials.

**Chapter 3.4 – General Design Criteria**

**Section 3.4.1 – Site Development**

Every developer of land within the jurisdiction of unincorporated Morgan County shall provide the project access improvements to serve the project, in accordance with these regulations and other pertinent Codes, ordinances, and regulations of Morgan County. Said improvements and associated lands shall be provided at no cost to Morgan County, and shall be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation.

All residential, commercial and industrial developments that requires access to a state highway shall not receive a land disturbance permit or building permit until the approval of the Georgia Department of Transportation has been obtained by the applicant on the entrances and exits, curb radii, drainage and other matters.

Unsuitable land may not be developed. Land subject to flooding, improper drainage or erosion, and any land deemed to be unsuitable for development due to steep slope, unsuitable soils or subsurface conditions, etc., shall not be subjected to development in which it may intensify conditions or increase danger to health, safety, life, or property. Unsuitable land shall be incorporated into one of the following:

- Attached to a buildable lot as excess land
- Incorporate into open space for public use
- Placed into a perpetual conservation easement

If the Director or other agency finds that such land is not suitable for public use or does not qualify for an easement, the Director shall require the land to be included into the adjacent land in private ownership.

### **Section 3.4.2 - Conformance to the Comprehensive Plan and Other Adopted Plans**

All proposed subdivisions shall conform to the Comprehensive Plan, as applicable, and development policies of the Board of Commissioners in effect at the time of submission to the Director of Planning and Development.

All highways, streets and roads shall be platted in the location and to the dimension indicated in these regulations or on the Transportation Plan.

In subdivisions or developments related to or affecting any State or U.S. numbered highway, the Director of Planning and Development shall require the approval of the Georgia Department of Transportation (DOT) prior to the approval of the County.

When features of the Comprehensive Plan or other plans adopted by the Board of Commissioners (such as schools or other public-building sites, parks or other land for public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

### **Section 3.4.3 - Development Capacity**

The development capacity of a development is assumed to be the gross acreage of the site, divided by the minimum lot size required by the zoning district. Under no circumstances shall a proposed development be allowed to exceed the maximum number of allowable lots resulting from a calculation of the development capacity.

The development capacity of a development is also limited based on water and waste-water capabilities of the site. Under no circumstances shall a proposed development be allowed to exceed the maximum number of lots beyond the capabilities of water supply and waste-water disposal for the site.

Nothing contained in this Article shall be construed as preventing the Health Department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in these regulations are inadequate and must be increased to ensure the protection of the public health.

### **Section 3.4.4 - Suitability of the Land**

Land physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geologic or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods approved by the Board of Commissioners are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.

### **Section 3.4.5 – Identification of Federal or State Protected Conservation Areas**

Conservation Areas must be identified and mapped. A minimum of thirty-three percent (33%) of the gross area of a conservation subdivision shall be designated as conservation area. Required and suggested conservation areas are identified below.

#### **Section 3.4.5.1 - Designation of conservation areas**

State and Federal protected conservation areas.

Protected conservation areas are areas that are required to be preserved or protected by State or Federal law. These areas shall be included in a Conservation Area and shall be indicated on the preliminary plat and final plat as undisturbed buffers or unbuildable areas. The areas include:

- **Floodways within the 100-year floodplain**

These areas are designated on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on the Preliminary Plat.

- **Flood hazard areas.**

All areas within the 100-year floodplain but lying outside any floodway, wetland or other designated Conservation Area fall under this category. The boundaries of the 100-year floodplain are designated as the “flood hazard area” on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on the Preliminary and Final Plat.

- **Required stream buffers**

Undisturbed greenways extending 25 feet from the banks of all perennial streams and other state waters.

- **Wetlands and hydric soils classified as “unsuitable”**

Wetlands are illustrated generally on the Wetlands Inventory Maps published by the U.S. Fish and Wildlife Service and are delineated by the U.S. Corps of Engineers. Soils classified as “unsuitable” often coincide with wetlands and include all soils designated under Group 6 on the Appendix to Article XXIV of the Zoning Ordinance. Soils in Morgan County are shown on the Soil Survey Maps prepared by the USDA Natural Resource Conservation Service (formerly the Soil Conservation Service).



- **Cemeteries**

Any cemetery or place of burial recognized by the Morgan County Tax Commissioner as tax exempt (under O.C.G.A. §48-5-41), and any “family plot” or other burial ground discovered on the site, must be protected under the requirements of State law (O.C.G.A. §36-72-1 *et seq.*). State law currently defines “burial ground” and “cemetery” as follows:

“Burial ground” means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

“Cemetery” or “cemeteries” means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

Whenever a development site contains or is adjacent to a cemetery, the following cemetery protection measures shall be required:

- An undisturbed or planted 25-foot grassed or vegetated buffer shall be required around the perimeter of the known boundary of said cemetery.
- If the boundary of an existing cemetery is unknown, then a 100-foot undisturbed buffer shall be placed around the entire perimeter of the outer most visible indicators of potential grave sites.
- Cemeteries that are not fenced prior to development must be fenced with a minimum four-foot high, black coated chain-link fence or other appropriate fencing with gates. The fence shall include the entire known boundary of the cemetery.
- In instances where a cemetery includes an existing fence, the existing fence may be considered to satisfy this requirement.
- A ten (10) foot perpetual ingress/egress easement shall be indicated on the development survey from the cemetery to the nearest street.
- No blasting shall be allowed within 500 feet of a cemetery.
- No drainage shall be directed towards a cemetery.
- The developer is responsible for any damage to a cemetery during construction of the development.

- **Wildlife habitats of threatened or endangered species**

The following have been identified by the Federal and/or the State governments as threatened or endangered species in Morgan County:

<b>Threatened or Endangered Species Identified in Morgan County</b>		
Common Name	Biological Name	Habitat
Bald eagle	<i>Haliaeetus leucocephalus</i>	Inland waterways and estuarine areas in Georgia. Active eagle nests were located in Morgan County 1994 and 1997.
Red-cockaded woodpecker	<i>Picoides borealis</i>	Nest in mature pine with low understory vegetation (<1.5m); forage in pine and pine hardwood stands >30 years of age, preferably >10" dbh.
Bay star-vine	<i>Schisandra glabra</i>	Twining on subcanopy and understory trees/shrubs in rich alluvial woods.
Piedmont barren strawberry	<i>Waldsteinia lobata</i>	Rocky acedid woods along streams with mountain laurel; rarely in drier upland oak-hickory-pine woods.
Source: U.S. Fish and Wildlife Service.		

**Section 3.4.5.2 - Additional Conservation Areas**

Conservation areas are areas that are encouraged to be preserved but are not required to be preserved or protected under State or Federal law. These include:

- Areas with steep slopes over 25% which comprise 5,000 square feet or more of contiguous area.

Slopes greater than 25% are to be identified from the topographic data required for the Preliminary Plat. Areas comprising 5,000 contiguous square feet or less are not considered Conservation Areas.

- Areas with slopes of 15% to 25% greater than 40,000 square feet.

Slopes between 15% and 25% are to be identified from the topographic data required for the Preliminary Plat. Areas comprising 40,000 square feet or more of contiguous are not considered Conservation Areas.

- Soils with exposed bedrock or rock outcroppings of 40,000 sf or greater.

Areas with exposed bedrock or rock outcroppings must be identified through observation on each site. Areas comprising less than 40,000 contiguous square feet are not considered Conservation Areas.

- Areas with soils classified as “poorly drained” greater than 80,000 square feet.

Soils classified as “poorly drained” include those designated as such under Group 4 and all soils listed under Group 5 on the Appendix to Article XXIV of the Zoning Ordinance. Soils in Morgan County are shown on the Soil Survey Maps prepared by the USDA Natural Resource Conservation Service. Such areas comprising 80,000 contiguous square feet or less are not considered Conservation Areas.

- Buffer areas around wetlands and habitats of endangered species.

Additional lands in their natural state provided around designated wetlands and critical wildlife habitats as protective buffers are recognized as Conservation Areas. To qualify, a wetland buffer must extend at least 25 feet from the wetland, and a buffer around a wildlife habitat must be at least 100 feet deep.

- Mature timber stands or significant trees.

Forests and timberlands that have developed mature stands of trees qualify for conservation consideration. Individual trees that are specimen trees or otherwise have significance through their size, age, species or historic value may be designated as a Conservation Area to the extent of the tree’s dripline.

- Registered historic or archeological assets.

Sites or areas registered with the State or the National Register of Historic Places qualify under this category since preservation is desirable but not mandated by law. Information regarding all such sites is available from the Georgia Office of Historic Preservation.

- Viewshed protection areas.

These areas are set aside either to screen the view of the subdivision development from abutting roadways or to protect existing scenic views into the subdivision site of rural heritage features. Examples of rural heritage features include the following:

Rural Heritage Features may include any of the following:

- Mature tree groves
- Rock outcroppings
- Historic structures
- Agricultural fields
- Natural water features

### **Section 3.4.6 - Required Setbacks and Buffers**

In a major subdivision or private road subdivision, no building shall be located within 100 feet of the periphery of the subdivision site or within 300 feet of the right of way of an existing road. Such area between the subdivision's building lots and the periphery of the subdivision site may be included within the open space areas of the subdivision.

In major, minor or private road subdivision, an undisturbed buffer of 100 feet shall be maintained surrounding any Local, State and Federal Protected Conservation Areas (including floodways, stream greenways, wildlife habitats, cemeteries, wetlands and flood hazard areas as described in Article 4, Section 4.3.a et. al.), structures and/or properties listed on or eligible for the National Register of Historic Places, and other specific identified cultural resource areas (as defined the Zoning Ordinance, Article 12 Resource Conservation). Such undisturbed buffers may be included within the open space areas of the subdivision if the buffer area is subject to a conservation easement.

### **Section 3.4.7 – Lot Design**

Each lot shall contain a building envelope large enough to allow for the placement of buildings and other structures so that they will not encroach on the required setbacks for the **district or encroach into a flood plain, drainage or flood hazard area.**

Each lot shall contain a building envelope large enough to allow for the placement of buildings and other structures, regardless of topography or any other environmental issue, which will not encroach on the required setbacks for the district.

**Each** corner lot shall be sufficiently large enough to allow the placement of the building in conformance with the required front setback from both streets.

**The minimum lot width required by the zoning district or these regulations shall not be reduced for the depth of the lot.**

Side lot lines shall be at right angles to straight street lines or radial to curved street lines, including cul-de-sacs.

**Each lot adjoining the radial curve of a cul-de-sac shall maintain a minimum lot width at the street right of way of sixty (60) feet and shall meet the required lot width at the building line.**

Flag lots and through lots or double frontage lots are prohibited. Through lots or double frontage lots may be allowed when alley access is required.

### **Section 3.4.8 – Design of Blocks**

The design of blocks shall be determined with regard to the following:

- Adequate building sites suitable to the needs of the type of development. Blocks within a new development shall not be less than 400 feet in length nor greater than 1,500 feet in length between street intersections.
- Designed in compliance with applicable zoning requirements as to lot width, lot size and setbacks.
- Designed for the need convenient access, circulation, control, and safety of street traffic.
- Limitations of topography.
- Nonresidential blocks for non-residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service. The Director of Planning and Development may require one or more public easements of not less than 12 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.

### **Section 3.4.9 – Open Space Design**

#### **Design principles.**

The following principles shall guide the layout of the conservation areas set aside within the development.

Conservation areas must be designed to preserve valuable natural resources, such as stream greenways and wetlands, to the greatest extent practical.

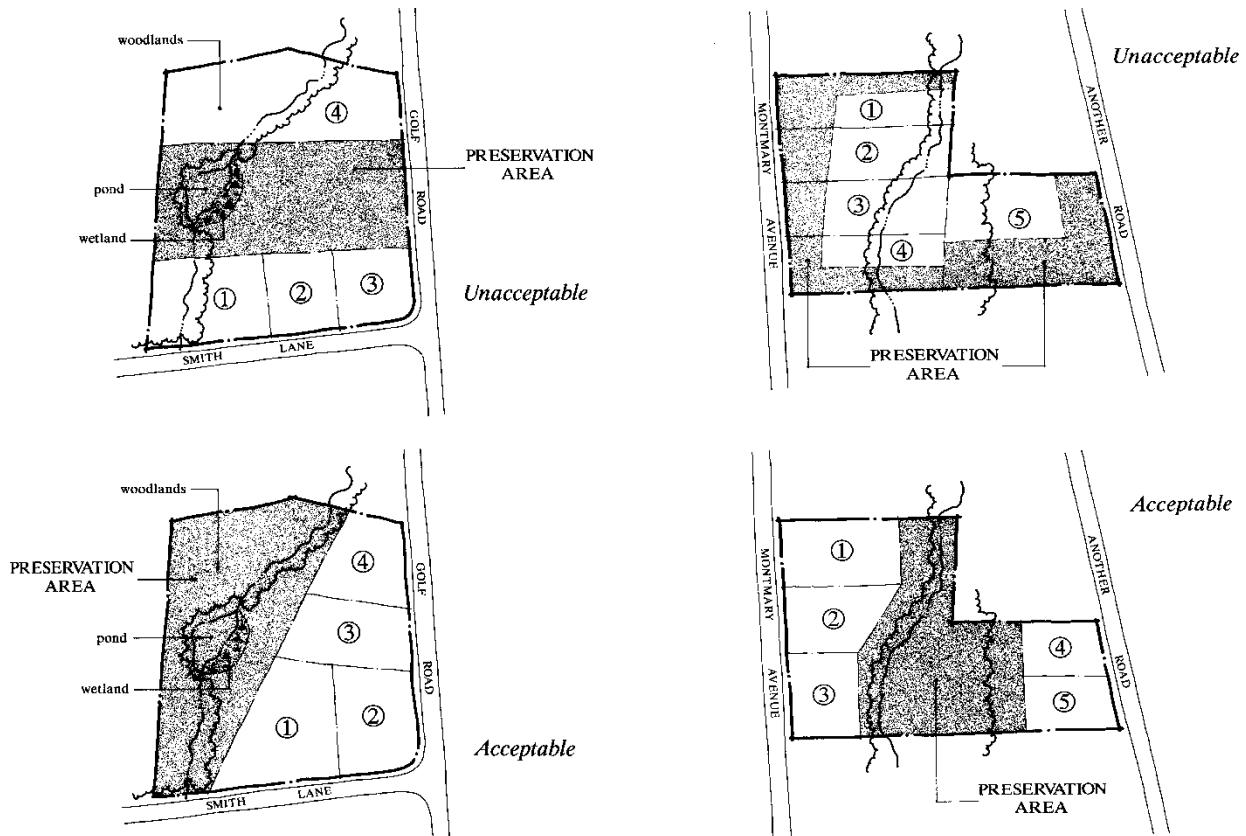
Fragmentation of conservation areas must be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practical, the conservation areas should be designated as a single block with logical, straightforward boundaries. Long, thin strips of conservation land should be avoided unless necessary to connect other significant areas or when they are designed to protect linear resources such as streams, steep slopes or trails.

The minimum width of any open space area shall be 100 feet, as measured perpendicular to the centerline between the boundaries of the open space, except for the following:

- Any portion of a Conservation Area that, by the very nature of its designated boundaries, is less than 100 feet in width. Examples include strips of steep slopes and “fingers” of floodplains that extend up drainage swales.

## Examples of Conservation Design

- Viewshed buffers intended to screen the view of the subdivision development, which must be at least 300 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.
- The minimum size of any open space area shall be two acres of contiguous land, except for the following:
  - A portion of a Conservation Area that adjoins the site and extends into the site covering an area of less than two acres.
  - An isolated strip of steep slope, provided that such an area having a slope greater than 25% must comprise at least 5,000 square feet, and such an area having between 15% and 25% must comprise an area of at least 40,000 square feet.



- Buffer areas around wetlands or habitats of endangered or threatened species, provided that the combination of the buffer area and the wetland or wildlife habitat must contain at least two acres of contiguous area.
- Historic or archeological assets and specimen trees that can be adequately protected by an area of less than two acres.

### **Section 3.4.9.1 - Ownership of Conservation Areas**

#### **Conservation easement required**

All conservation areas in a conservation subdivision shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement. The conservation easement shall be approved by the Board of Commissioners and

- co-signed on behalf of the Board of Commissioners and donated to a private nonprofit conservation organization or land trust;
- co-signed on behalf of the Board of Commissioners and donated to a non-profit homeowners association; or
- donated to Morgan County if accepted by the Board of Commissioners.

The following guidelines are required to be incorporated into any conservation easement:

- The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph.
- The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer.
- The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description, survey plat or location on a final subdivision plat.
- The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations may include but may not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property.
- The easement provides for the right of the easement holder and co-signer to inspect the property to assure observance of restrictions. It also provides for enforcement procedures.
- The easement provides for the maintenance of the open space.

- The easement contains provisions governing its amendment, including provisions that the easement shall not be altered except with the express written permission of the easement holder, property owner, and any co-signers.

In addition to a conservation easement, the open space areas in a resource conservation subdivision shall be permanently protected through ownership either by a non-profit homeowners association, a private non-profit conservation organization or land trust, or by Morgan County, if accepted by the County, in accordance with the following:

**Homeowner’s association.**

Open space may be owned and managed in common by a non-profit homeowner’s association, subject to the following requirements:

- The developer of the subdivision shall obtain approval, prior to the approval of a preliminary plat, of a description of the homeowner’s association, including bylaws and methods for maintaining open space.
- The homeowner’s association shall be established by the subdivision developer and endowed with a financial subsidy from the developer prior to the approval of a final plat on the property. The amount of the financial subsidy shall be no less than that required by the plan for maintenance of open space and operation of common facilities approved for the subdivision or development (see Article 6). The amount of the financial subsidy shall include an amount no less than the estimated taxes, operation and maintenance costs for the open space to be incurred for a period of no fewer than 3 years from the time at which control of the association will be turned over to the purchasers of the subdivision lots or homes.
- Membership of each non-open space lot owner in the subdivision shall be mandatory and automatic.
- The homeowner’s association shall be responsible for maintenance, insurance, and taxes on the open space within the subdivision. The association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share equitably the costs of open space development and maintenance as indicated in bylaws.
- The association shall be empowered with the legal ability to place liens on non-open space lot owners for failure to pay association dues.
- The homeowner’s association shall not be dissolved without the consent of the Board of Commissioners. If common ownership of the open space by a homeowner’s association is proposed and approved, then the open space shall be subject to permanent deed and final plat restrictions or covenants on the future use, development, and subdivision of the open space, in addition to the requirement of a conservation easement.
- The Board of Commissioners may require that the homeowner’s association establish a minimum amount of funds to be initially deposited and maintained in a maintenance account.



### **Private nonprofit conservation organization or land trust.**

With the County's approval, the open space may be transferred, in whole or in part, to a private nonprofit conservation organization or land trust, provided that:

- The organization is a bona fide conservation organization intended to exist indefinitely.
- The conveyance contains appropriate provisions for proper recedes or transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
- The organization demonstrates to the satisfaction of Morgan County that the organization is financially capable of executing its responsibilities, including stewardship and maintenance of the open space.
- The developer provides to the organization a financial subsidy for the maintenance and operation costs of the open space and any associated facilities prior to the approval of a final plat on the property. The financial subsidy shall include an amount no less than the estimated taxes, operation and maintenance costs for the open space to be incurred for a period of no fewer than 3 years from the time at which ownership of the open space will be turned over to the organization.

### **Fee simple dedication to Morgan County.**

Dedication in fee simple ownership to the public for recreational and/or open space use, is a possible mechanism for the permanent retention and maintenance of some or all of the open space within the subdivision, at the sole discretion of the Board of Commissioners, and subject to the following:

- Dedication to the County shall only be approved if the Board of Commissioners finds that the size, shape, location, type of open space, or cost of development or maintenance of such open space or the availability of open space would make public ownership desirable or necessary.
- The decision to accept open space for fee simple public ownership shall be at the sole discretion of the Board of Commissioners.
- The Board of Commissioners generally will require dedication of all open space or park and recreation areas indicated for acquisition in the County's Comprehensive Plan or capital improvement program.
- The Board of Commissioners may require a maintenance bond or other financial security with a duration of 12 months following public acceptance in an amount sufficient to ensure that such lands do not cause unwarranted public expenditures because of faulty conditions or construction. The Board shall have authority to cash said bond in the event substandard conditions or construction are evident. Otherwise, following the one-year period following public dedication, with satisfactory performance, the Board shall return the maintenance bond to the subdivider.
- In addition to the required conservation easement, a deed for open space lands in a form acceptable to the County Attorney in favor of Morgan County shall be signed and recorded prior to or along with recordation of any final plat pertaining to land within the subdivision.

### **Multiple ownership.**

In some cases, different parties, depending on the actual use of the open space and the resources that are being protected, may own different portions of the open space. For instance, the portion of the open space that may provide important assets to the life of the neighborhood—village greens, passive recreation areas, horse riding pasturage or open vistas, may be most appropriately owned and maintained by a homeowner’s association, while critically important features requiring non-use preservation, such as a forested floodplain or the habitat of endangered wildlife, may be best donated to a conservation organization.

### **Maintenance**

The cost and responsibility for maintenance of the open space and any facilities located in the open space shall be the responsibility of the property owner, unless that responsibility is specifically transferred as part of the conservation easement.

The applicant shall, at the time of preliminary plat submission, provide a plan for maintenance of open space and operation of common facilities in accordance with the following requirements:

- The plan shall define ownership;
- The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space;
- The plan shall establish staffing responsibility, insurance requirements, and associated costs and define the means for funding the maintenance of the open space and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
- Any changes to the maintenance plan shall be approved by the County.

In the event that the organization established to maintain the open space and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance, in which case any escrow funds shall be paid to Morgan County and any prior existing maintenance agreements shall be revoked or suspended. The County thereupon may enter the premises and take corrective action, including extended maintenance. The costs of such corrective or continuing action may be charged to the owner of the open space or common facilities and/or to the individual property owners of the subdivision. Such costs may include administrative costs and penalties. Costs may be recovered as follows:

- Through property assessments.
- The County may apportion the costs among the property owners in the subdivision as an assessment, payable over one or more years. Such assessment shall become a lien on said properties until satisfied. Notice of such lien shall be filed by the County in the office of the Clerk of the Superior Court.

- Through special taxes.
- The County may establish a special tax district encompassing the subdivision and levy an ad valorem property tax annually in an amount adequate to fund maintenance and operations of the open space.

**Section 3.4.10 - Areas Reserved for Future Development**

If any portion of a development is reserved for future development, the street access shall be installed to the reserved area boundary. This is to prevent future disturbance of adjoining lots or setback issues.

Such a reserved area must be labeled “Reserved for Future Development” on the final subdivision plat.

Such a reserved area will not be eligible for issuance of a building permit unless the lot meets all requirements of the Zoning Ordinance, including minimum lot width and frontage requirements of the applicable zoning district and development regulations at the time development.

**Section 3.4.11 - Plats Straddling Political Boundaries**

Whenever access to a subdivision is required across land in another governmental jurisdiction, the Morgan County Director of Planning and Development may request assurance from the County Attorney, and/or the other county that access is legally established, and that the access road is adequately improved. In general, lot lines shall be laid out so as to not cross jurisdictional boundary lines.

**Section 3.4.12 - Name of Subdivision or Development Project**

The name of each subdivision or development project must be approved by the Director of Planning and Development. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Morgan County or any of its cities. The name of the subdivision or development project will be approved upon preliminary plat or site plan approval.

**Chapter 3.5 - Required Improvements**

**Section 3.5.1 Major Subdivision**

The following improvements shall be provided by the developer or at the developer’s expense in every major or private street subdivision or individual multi-family or nonresidential development or mixed-use development in accordance with the standards contained in this Article.

- Install survey monumentation of the public streets and lot lines within the development.
- Provide streets access to all lots within the development.
- Installed streets within a development shall be improved to the minimum standards contained in this Article.

- Existing streets that adjoin such a development shall be improved to the minimum standards from the centerline of the street along the development's frontage.
- Curb and gutter shall be installed for all new streets.
- **Install** storm water drainage and detention facilities.
- Provide and install all traffic control devices and street name signs as approved by Morgan County.
- Provide driveway access to each lot.
- Install postal delivery cluster boxes and covered shelter.
- Provide adequate water supply for the development.
- Public water service for both domestic use and fire protection shall be provided to every lot in such a subdivision and to every development if public water is available within 1,500 feet. The distance of 1,500 feet will be measured from the utility right-of-way to the nearest property line of the development site. Water mains shall be connected to the existing public water system and extended past each lot. All water system improvements shall meet the Morgan County standards for public water service. A contractor approved by the Morgan County shall install all elements of the water system, including but not limited to mains, valves, service laterals through the curb line, and fire hydrants at the developer's expense. The minimum fire flow shall be **no less than 1,000** gallons per minute at hydrants. **A higher fire flow may be required based on structure type or size. The required fire flow required to support such a development shall be determined by the International Fire Code, latest edition, and hydraulic calculation design.**
- New construction of a principal building on any lot that is within 100 feet of an existing public water line shall be required to connect to the public water line.
- If a public water system is not available, the developer shall provide a water supply using a community water system or individual wells in conformity with the regulations of the Morgan County Health Department and Georgia Environmental Protection Division. If a community water system is created, it must be designed to provide a **minimum fire flow of 1,000** gallons per minute, meet Morgan County standards.
- Every lot in such a subdivision and every development shall be connected to a public sanitary sewerage system if sanitary sewerage is available within 1,500 feet of the subdivision. The distance of 1,500 feet will be measured from the utility right-of-way to the nearest property line of the development site. Sewer lines shall be connected to the Morgan County's sanitary sewerage system and extended past each lot in accordance with all County requirements. Every element of the sanitary sewerage system, including but not limited to mains, lift stations, outfalls, and laterals, shall be installed at the developer's expense by a contractor approved by Morgan County.
- New construction of a principal building on any lot that is within 100 feet of an existing public sanitary sewerage line shall be required to connect to the public sanitary sewerage line.
- If a public sewerage system is not available nor under bid or contract to be available, each lot shall be provided with septic tanks or other on-site disposal systems in accordance with the regulations of the Morgan County Health Department, these development regulations and all other applicable laws and regulations.
- If a community septic system is created, it must meet **Georgia Environmental Protection Division** and Morgan County standards, all lots in the entire development site must connect to the community septic system.

- Create a mandatory homeowners association to provide for collections of adequate payments to maintain and operate said utilities.

### **Section 3.5.2 - Private Street Development**

In addition to the requirements improvements identified under Major Subdivision, the following shall also apply to private street developments:

- Private streets shall remain private ownership and maintained by the occupants of the development.
- Private streets shall be denoted as such on the street name signs for each such street. All private street name signs shall have a blue background with white lettering mounted on channelized posts.

Any gate placed across a private street that limits access to a development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Accessibility to such gated communities shall comply with all standards and requirements of the County for access activation or shall be of breakaway construction.

### **Section 3.5.3 - Minor Subdivisions**

By definition, a minor subdivision does not involve the construction of major public improvements, such as new streets or storm water detention. However, the following improvements are required in order to adequately serve the lots and protect the safe operation of the existing road:

Right-of-way shall be dedicated along the property's frontage from the centerline of the existing road equal to ½ of the minimum requirement for the classification of the road, as established in this Article.

The storm water carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the storm water characteristics of the existing road are inadequate to accommodate the new lots, the Director of Planning and Development may require improvement of the roadway ditch as appropriate.

Minor subdivisions are subject to buffer requirements along state water greenways.

## Chapter 3.6 - Types of Land Divisions

### Section 3.6.1 – Land Divisions

***Agricultural Subdivision:*** A form of subdivision design which requires larger parcels to facilitate a range of agricultural activities with or without a residence.

**Conservation Subdivision:** A form of subdivision design which concentrates lots, houses, streets, utilities and related development activities on the more suitable, and less environmentally sensitive, areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. The net density of the development is equal to or less than that of traditional subdivision design but the lot sizes are smaller in order to preserve the environmentally sensitive areas in dedicated, perpetual open space.

**Legacy Subdivision:** The granting of a parcel of land to an immediate family member, which has been owned by the Grantor for a minimum of fifteen (15) years, as shown on a recorded deed or plat. Any such parcel created as a legacy subdivision shall meet the minimum requirements of the zoning district; must be shown on a plat prepared by registered surveyor; and it must have a notation certifying the relationship of the Grantee to the Grantor. The subject parcel created under the legacy subdivision provision shall not be further subdivided for a period of five (5) years from date of recording in the Morgan County Clerk of Courts Office.

**One-lot Split:** The subdivision of an original tract that creates no more than 2 lots, building sites, or other divisions (including the remaining portion of the original tract). Neither lot created under this exemption may be further subdivided except as a minor or major subdivision.

**Retracement of Original Parcel:** A survey where the boundary lines and corners of a parcel of land are reestablished from an existing legal or deed description.

**Recombination:** The joining of parcels, or portions thereof, of adjoining properties, including the joining of existing parcels of record, provided that additional parcels are not thereby created, and that all resulting parcels are in compliance with the provisions of the zoning district in which it is located.

**Road Frontage Subdivision:** A form of subdivision design which allows for the division of property abutting an existing County road or street with or without a residence.

## **Section 3.6.2 – Agricultural Subdivision**

### **Section 3.6.2.1 – Agricultural Subdivision Criteria**

This section sets out requirements for subdivision development that ensures the health, safety, and welfare for our farming community and the citizens of Morgan County, while providing for the protection of viable farm land and the right to farm from residential development.

### **Section 3.6.2.2 – Purpose of Agricultural Subdivisions**

Supports the continued viability of agricultural activities in Morgan County, including but not limited to, crop production, animal production, dairying, equestrian activities, and managed forestry.

Provides for conservation of open land and forest land.

Provides for the conservation of pastoral views and other elements of the county’s rural character.

Minimizes the density of new developments along existing roads.

### **Section 3.6.2.3 - Subdivision Design**

Agricultural subdivisions may either be developed under the requirements of a Major Subdivision or Private Street Subdivision involving the development of new streets or as a Minor Subdivision utilizing existing streets.

Exceptions:

Agricultural subdivisions divided off an existing street are exempt from the maximum number of lots under Minor Subdivisions.

New Street developments shall comply with the Street Construction Standards, except for, the requirement for curb and gutter and sidewalks. Storm water drainage shall be handled by way of a minimum eight (8) foot shoulder sloped to a swell ditch.

### **Section 3.6.2.4 - Development Capacity**

The minimum development capacity for agricultural subdivisions is 1 lot per 20 acres in the following zoning districts:

- Agricultural (AG)
- Agricultural Residential (AR)
- Low Density Residential (R-1)

Agricultural subdivision lots cannot be further subdivided.

**Section 3.6.2.4.1 - Lot Dimensions**

The following are the minimum lot dimensions within agricultural subdivisions.

<b>Zoning District</b>	<b>Lot Width</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>
Agricultural (AG)	420 ft	100 ft	50 ft	50 ft
Agricultural Residential (AR)	420 ft	100 ft	50 ft	50 ft
Low Density Residential (R-1)	420 ft	100 ft	50 ft	50 ft

**Section 3.6.2.4.2 - Required Buffers and Setbacks**

The following are the minimum buffer dimensions within agricultural subdivisions.

- **Confined animal operations**  
Confined animal operations must follow the required setbacks set-forth in the Morgan County Zoning Ordinance.
- **Distance from any Federal or State Protected Conservation Area**  
A 100-foot undisturbed buffer shall be maintained from any Federal or State Protected Conservation Areas.

**Section 3.6.3 – Conservation Subdivision**

**Section 3.6.3.1 - Conservation Subdivision Criteria**

This section sets out requirements for subdivision development that ensures the health, safety, and welfare for the citizens of Morgan County, while providing for the protection and conservation of valuable historic and natural resources.

**Section 3.6.3.2 – Purpose of Conservation subdivisions**

- Provides for conservation of open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
- Provide greater design flexibility and efficiency of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development
- Provides for the reduction of erosion, sedimentation, and pollution by the retention of existing vegetation and the minimization the impact of development.
- Provides a mechanism to enhance water quality of streams and waterways, and to protect valuable groundwater resources.



- Creates neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space.
- Provides multiple options to minimize impacts on environmental resources, such as streams, wetlands, and floodplains; and the disturbance of natural or cultural features, such as mature woodlands, wildlife habitats, historic structures, and archeological sites.
- Provides for the conservation of pastoral views and other elements of the county’s rural character.
- Minimizes the appearance of perceived density, by minimizing views of new development from existing roads.
- Provides the opportunity for enhanced passive recreational use by residents.

### **Section 3.6.3.3 - Subdivision Design**

Conservation subdivisions may either be developed under the requirements of a Major or Private Street Subdivision involving the development of new streets.

### **Section 3.6.3.4 - Development Capacity**

To achieve the development capacity of a conservation subdivision, the following steps must be accomplished:

- Identify conservation areas and setting aside a minimum of twenty five percent (25%) of the gross area of a conservation subdivision shall be designated as conservation area. Required and suggested conservation areas are identified below.
- Determine conventional development capacity based on the minimum requirements of the zoning district. Under no circumstances, shall a property be developed with more lots than the site’s conventional capacity.
- Parcel design to balance the conservation of valuable resources with current development rights, flexibility is given in minimum lot size and other dimensional requirements.

Parcel Acreage

The following are the minimum lot sizes within conservation subdivisions:

Zoning District	Minimum Parcel Acreage	Minimum Parcel Acreage w/o Utilities
Agricultural (AG)	0.75 acre <sup>1</sup>	2 acres <sup>3</sup>
Agricultural Residential (AR)	0.75 acre <sup>1</sup>	2 acres <sup>3</sup>
Low Density Residential (R-1)	0.75 acre <sup>1</sup>	2 acres <sup>3</sup>
Low Density Lake Residential (LR-1)	0.75 acre <sup>1</sup>	2 acres <sup>3</sup>
Medium Density Residential (R-2)	0.75 acre <sup>1</sup>	2 acres <sup>3</sup>
Medium Density Lake Residential (LR-2)	0.75 acre <sup>1</sup>	2 acres <sup>3</sup>
High Density Residential (R-3)	0.75 acre <sup>2</sup>	N/A
High Density Lake Residential (LR-3)	0.75 acre <sup>2</sup>	N/A

<sup>1</sup>Permitted only with water requirements met.

<sup>2</sup> Permitted only if water and wastewater requirements are met.

<sup>3</sup> With no water requirements met.

Lot Dimensions

The following are the minimum lot dimensions within conservation subdivisions.

Zoning District	Lot Width	Front Setback	Side Setback	Rear Setback
Agricultural (AG)	100 ft	30 ft	10 ft	20 ft
Agricultural Residential (AR)	100 ft	30 ft	10 ft	20 ft
Low Density Residential (R-1)	100 ft	30 ft	10 ft	20 ft
Low Density Lake Residential (LR-1)	100 ft	30 ft <sup>1</sup>	10 ft <sup>1</sup>	20 ft <sup>1</sup>
Medium Density Residential (R-2)	100 ft	30 ft	10 ft	20 ft
Medium Density Lake Residential (LR-2)	100 ft	30 ft <sup>1</sup>	10 ft <sup>1</sup>	20ft <sup>1</sup>
High Density Residential (R-3)	100 ft	30 ft	30 ft	30 ft
High Density Lake Residential (LR-3)	100 ft	30 ft <sup>1</sup>	30 ft <sup>1</sup>	30 ft <sup>1</sup>

**1** A required 40-foot setback must be maintained from the Georgia Power right of way on Lake Oconee.

### **Section 3.6.4 – Legacy Subdivision**

#### **Section 3.6.4.1 – Legacy Subdivision Criteria**

This section sets out requirements for subdivision development that ensures the health, safety, and welfare for our family groups.

#### **Section 3.6.4.2 – Purpose of Legacy Subdivisions**

To allow for the division of legacy land to immediate family members.

#### **Section 3.6.4.3 – Legacy Subdivision Design**

Agricultural subdivisions may either be developed under the requirements of a Major Subdivision or Private Street Subdivision involving the development of new streets or as a Minor Subdivision utilizing existing streets.

Legacy subdivisions divided off an existing street are exempt from the maximum number of lots under Minor Subdivisions.

#### **Section 3.6.4.4 - Development Capacity**

The development capacity for a legacy subdivision shall meet the minimum requirements for the zoning district.

### **Section 3.6.5 - One-lot Split**

The subdivision of an original tract that creates no more than 2 lots, building sites, or other divisions (including the remaining portion of the original tract) meeting the minimum requirements for the zoning district. Neither lot created under this exemption may be further subdivided except as a minor or major subdivision.

### **Section 3.6.6 - Retracement of Original Parcel**

A survey where the boundary lines and corners of a parcel of land are reestablished from an existing legal or deed description.

### **Section 3.6.7 - Recombination**

The joining of parcels, or portions thereof, of adjoining properties, including the joining of existing parcels of record, provided that additional parcels are not thereby created, and that all resulting parcels are in compliance with the provisions of the zoning district in which it is located.

### **Section 3.6.8 - Road Frontage Subdivision**

#### **Section 3.6.8.1 – Road Frontage Subdivision Criteria**

This section sets out requirements for subdivision development that ensures the health, safety, and welfare for our community and the citizens of Morgan County, while allowing parcels to be subdivided along existing streets.

#### **Section 3.6.8.2 - Road Frontage Subdivision Design**

Road frontage subdivision shall only be developed as a minor subdivision.

Shall not require the extension or widening of an existing street.

Shall not require the construction of or improvements of public utilities or stormwater drainage facilities.

Land subdivided as a minor subdivision shall not be further divided for one (1) year from the date of signed final plat approval of such subdivision.

#### **Section 3.6.8.3 – Development Capacity**

An original parcel on an existing street may be subdivided into a total of three (3) parcels including the remaining portion of the original tract meeting the minimum dimensional requirements for the zoning district.

### **Section 3.7 - Street Addresses**

When a building or structure is erected on any land covered by these regulations, the number assigned shall conform to the existing address numbering system.

The street address shall be posted at the street with four (4) high reflective numbers on a blue reflective background.

### **Section 3.8 – Postal Delivery Requirements**

Centralized delivery is the Postal Service’s preference for new addresses, whether residential or commercial. These delivery areas must be on the right side of the road when entering the development. These areas shall be located outside the normal flow of traffic for the development and fully accessible to meet ADA guidelines.

Cluster boxes shall be located under a shelter to provide all weather access to the residents and business owners of the development.

Individual mailboxes on existing streets must be approved by the U.S, Postal Service.

To safeguard the health and welfare of the traveling public and to ensure uniform standards of function and beautification of the county highway system, individual mailboxes shall be constructed as follows:

- The support structure or post of the mailbox shall not be constructed with masonry material or of any other material which will not readily yield upon impact with a vehicle.
- The encasement or housing for the mailbox itself shall not be made of masonry material or of any other material that will not readily yield upon impact with a vehicle.
- All posts shall have a maximum width of four inches by four inches or, if round, the post shall have no greater than a four-inch diameter. If a metal post is used to support the mailbox, such post shall be hollow.

For more details see the: *U.S. Postal Service National Delivery Planning Standards – A Guide for Builders and Developers*

### **Chapter 3.9 - Sight Triangle at Street and Driveway Intersections**

A minimum visibility triangle shall be located at every street intersection with another street or a private driveway in accordance with the requirements contained in the Standard Details.

Minimum sight distances shall be maintained at the intersection of every driveway exit or street with another street, depending on street classification in accordance with the requirements contained in the Standard Details.

The planting of trees or other vegetation or the location of structures exceeding 3 feet in height that would obstruct the clear sight across the minimum visibility triangle shall be prohibited.

### **Chapter 3.10 - Easements**

Easements shall be required in connection with subdivisions or developments for the following purposes.

#### **Section 3.10.1 - Utility Easements**

Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated for such purpose. Easements for water and sanitary sewers shall be a minimum of 20 feet wide, and may be required to be wider depending on the depth of cut to maintain a 1:1 open cut slope for the trench, or as otherwise determined by the Board of Commissioners.

#### **Section 3.10.2 - Water Course and Drainage Easements**

Drainage easements shall be cleared and opened for man-made ditches at the time of development to control surface water run-off. Run-off slopes and side slopes shall be specified by the developer's engineer according to good engineering practices.

A publicly dedicated drainage easement is to be provided along any perennial stream or water impoundment within a development located outside a street right-of-way. The easement is to be substantially centered on the watercourse or surround the high water line of the impoundment, and shall be of such width as to include all natural greenways required by these regulations and for adequate access by maintenance equipment.

A publicly dedicated drainage easement is to be provided along any drainage channel or drainage pipe located outside a street right-of-way. All easements shall be no less than 20 feet wide when used as an open ditch. Piped storm drainage shall have a minimum easement width as shown in Table 3-10:

Table 3-10 - Drainage Easements for Drainage Pipes	
Pipe Diameter	Easement Width
15 to 48 inches	20 feet
48 to 66 inches	30 feet
72 inches or more	40 feet

Drainage easements off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner, and such property owner shall keep the easement free of obstructions and maintain that part of the easement within the property owner’s boundary line so that free and maximum flow is maintained at all times.

**Section 3.10.3 - Overlapping Easements**

Easements for sanitary sewers and drainage purposes may be combined, but must be a minimum of 30 feet or more if in combination, depending on the required drainage pipe size as determined by the Board of Commissioners.

**Chapter 3.11 - Location of Utilities**

**Section 3.11.1 – Underground Utilities**

All utilities shall be placed underground.

All underground utilities shall be shown on construction drawings placed within the right-of-way for the project and approved by the Director of Planning and Development.

All utilities beneath pavement shall be installed and the ditch backfilled and thoroughly compacted before the base course is installed. **Any utilities installed after the base course is installed must be bored and sleeved.**

All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.

**Section 3.11.2 - Electrical Power**

**All electrical power servicing a development shall be placed underground, sixteen (16) feet from the back of curb. All electrical power lines shall have a minimum of four (4) feet of cover.**

**Section 3.11.3 - Street Lighting on Public or Private Roads**

Street lighting for the public or private streets and sidewalks in the unincorporated area of Morgan County is the responsibility of the developer or property owner’s association. No street lighting will be provided by Morgan County for any type of development.

**Section 3.11.3.1 - Installation of Street Lights**

The installation and operation of lighting fixtures located within or adjoining the rights-of-way of any public or private street in the unincorporated areas of the Morgan County shall comply the following procedures:

- Lighting luminaries or fixtures installed within the public rights-of-way or adjacent to, for the purpose of lighting streets, sidewalks or parking areas, or for the use of security, shall require the approval of Morgan County before installation of such lights.
- Plans and specifications shall be submitted for approval with sufficient detail and clarity showing placement, lumens, and illumination patterns to prevent glare from being a hazard to or interfering with the normal use of the public or private rights-of-way.
- Lighting luminaries and fixtures shall be designed and installed to prevent light pollution by use of down lighting.
- Pole mounted lighting fixtures shall be no taller than 20 feet above finished grade.
- Pole mounted lighting fixtures shall be placed eleven (11) feet from back of curb.
- All lighting luminaries and fixtures shall be LED.

**Section 3.11.4 – Installation Telephone Lines**

All telephone lines servicing a development shall be placed underground, fourteen (14) feet from the back of curb. All telephone lines shall have a minimum of two (2) feet of cover.

**Section 3.11.5 – Installation Cable Lines**

All cable lines servicing a development shall be placed underground, thirteen (13) feet from the back of curb. All cable lines shall have a minimum of two (2) feet of cover.

**Section 3.11.6 – Installation Gas Lines**

All gas lines servicing a development shall be placed, twelve (12) feet from the back of curb. All cable lines shall have a minimum of three (3) feet of cover.

**Section 3.11.7 – Installation Water Lines**

All water lines and hydrants servicing a development shall be placed, nine (9) feet from the back of curb. All water lines shall have a minimum of four (4) feet of cover.

Water taps for each lot shall be installed at installation, with a water line stub line to property line.

**Section 3.11.8 – Installation Sanitary Sewer Lines**

All sanitary sewer lines servicing a development shall be placed in the center of street. All sanitary sewer lines shall have a minimum of four (4) feet of cover.

Sanitary sewer taps for each lot shall be made at time of installation, with a stub line installed to a clean out tee at property line.

**Section 3.11.9 – Installation Storm Sewer Lines**

All storm sewer lines servicing a development shall be placed along the edge of street curb. Lines running under the street shall be perpendicular to the street. All storm sewer lines within the right-of-way shall have a minimum of four (4) feet of cover.

**Section 3.11.10 - Pavement Cuts**

All utility construction plans and work within County right-of-way shall be reviewed and approved by the Director of Planning and Development.

All utility infrastructure must be bored and sleeved under any existing street.

No existing County roads can be open cut unless the circumstance necessitates it for repairs or connections to existing infrastructure and approved by the Director of Planning and Development.

**Section 3.11.10.1 – Pavement Repair**

When the necessity of open cutting and existing street, all trenches under existing paving shall be backfilled in 6-inch lifts and compacted to a minimum of 98% compaction on a standard proctor test.

The pavement shall be saw cut to a width of 12 inches either side of opened trench and excavated to allow for a minimum of six (6) inches of 4,000 psi concrete. The wearing course of two (2) inches of 12.5 mm superpave asphalt shall be installed only after concrete has fully cured.

**Chapter 3.12 - Storm Drainage**

**Section 3.12.1- Applicability and Exemptions**

An adequate drainage system, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

All persons proposing development or construction in Morgan County shall prepare a storm water management plan. No final subdivision plat shall be approved and no development or building permit shall be issued until and unless the storm water management plan, including engineering plans and specifications, has been reviewed and approved by the Director of Planning and Development, and has been installed, except as exempt below.



Exemptions from Storm Drainage Requirements: The following development activities are exempt from the provisions of this Section and the requirement of providing a stormwater management plan:

- Agricultural land management.
- Additions or modifications to existing single-family detached dwellings.

Georgia Department of Transportation Standard Specifications and Details shall be used for construction of all storm water management structures and appurtenances.

Erosion Control practices shall comply with the Manual for Erosion and Sediment Control in Georgia and these regulations.

### **Section 3.12.2 - Hydrologic and Hydraulic Study Required**

Storm water detention facilities providing for the storage and controlled release of runoff shall be required for any development activity that will increase the peak rate of discharge. Hydrologic and hydraulic calculations are required to specify existing and proposed conditions for storm water conveyance and detention facilities. A hydrology and hydraulic study shall be required for all storm water detention facilities.

All hydrology and hydraulic studies shall be prepared and sealed by a design professional registered to practice in the State of Georgia and must include the following:

- A signed Engineer's Statement as provided here:

I, the undersigned, hereby attest to the accuracy of the information contained in the hydrology report prepared for \_\_\_\_\_, dated \_\_\_\_\_. This report was prepared under my supervision and represents, to the best of my knowledge, a true accurate description of the storm water conditions for this site, both before and after the construction of the proposed development. The storm water run-off from the subject site after development will be maintain at or less than the existing run-off rate from the site prior to development. The proposed development as indicated in the report and in the plans for \_\_\_\_\_, dated \_\_\_\_\_, will not, from a storm water standpoint, adversely impact upstream or downstream property owners or existing drainage facilities.

- A narrative of site description
- A summary showing existing and developed conditions and allowable release rate, including any bypass or offsite sub-basins, for the 2-, 5-, 10-, 25-, 50-, and 100-year storm events.
- A detailed explanation of the methodology used for hydraulic and hydrologic calculations
- The following exhibits:
  - a. Drainage area maps for existing and proposed conditions
  - b. Sub-basin delineation and identification
  - c. Drainage area, hydrologic data/parameters
  - d. Detail of outlet control structure

### **Section 3.12.3 - Standards to be Used in Designing Detention Facilities**

Permanent detention facilities will be required, and shall be designed so that the following standards shall apply:

- If it is proposed to make a new or existing lake a part of a subdivision, the developer shall be required to submit a breach analysis and show the dam breach zone on the plans.
- All storm water detention facilities shall be designed to for up to the 100-year storm event.
- Detention facilities shall be subject to the provisions of Georgia Safe Dam Program, and the Georgia EPD Rules for Dam Safety (Chapter 391-3-8).
- Detention facilities shall provide a minimum of 2 feet of freeboard between the maximum water surface elevation and the top of the detention berm.
- An emergency overflow device for a detention pond shall be designed to pass the 100-year peak developed inflow without overtopping the dam in the event the primary outlet control structure becomes obstructed.
- Pond discharge locations shall be in defined drainage ditches. The developer's engineer shall include in the hydrology study a discussion of existing conditions downstream of the detention pond and an explanation of how downstream property owners will not be adversely affected by the "concentrated" runoff. If there is an existing storm drainage system within one hundred and fifty (150) feet of the discharge point of the outlet pipe for the pond, then the developer shall extend the outlet pipe and tie-in to the existing system.
- All closed drainage systems (i.e. culverts, pipes, etc.) must have a headwall on the inflow and outflow ends meeting DOT standards, along with the required rip rap or other erosion and sediment control device(s) found in the Manual for Erosion and Sediment control in Georgia. As part of the hydrological study, consideration should be given to the flow capacity of downstream drainage structures.
- The steepest fill slopes shall be 3:1, and cut slopes shall be no steeper than 3:1. Slopes proposed to be steeper shall be reviewed by the Director of Planning and Development.
- A 10-foot wide access road that runs on top of the dam shall be required around the circumference of the pond, where topography does not prohibit this.
- A fence of high quality, durable material, including wood, iron or other metal, shall be required for all detention facilities. Metal fences which are prone to rust or deterioration, such as chain link, are acceptable if they are coated with black Teflon or similar material to protect against deterioration. The fence must also comply with the following standards:
  - The fence shall be at least 6 feet high.
  - Fence posts shall be set in concrete 10 feet on centers.
  - There shall be a minimum 10-foot wide gate locked for access.
  - The fence shall be installed completely around the pond and containing the dike and access road.

All hydrology and hydraulic studies shall meet the standards and employ the methods listed here:

- The reservoir routing method or an equivalent method shall be used in sizing detention ponds (the bowstring method is not acceptable.) Output from this routing is required for each design storm.
- Runoff from areas that bypass detention must be shown to be less than or equal to pre-developed flow rates in the receiving waterway.
- The minimum time of concentration used for hydrologic calculations shall be 5 minutes
- Intensity-Duration-Frequency curves supplied by Morgan County or synthesized from Hydro-35 data
- The maximum drainage area for use of the Rational Method is 100 acres.

#### **Section 3.12.4 - Grading and Drainage Plans**

Grading and drainage plan shall be included in all storm water management plans and shall include the items and meet the standards listed below:

- The location, size and length of all existing drainage structures shall be shown on a topographic layout with two foot contour intervals. Existing and proposed contours shall be shown.
- The 25-year storm even shall be used in designing all storm drains.
- Calculations showing how size of each drainage structure was determined (drainage area, runoff coefficient, flow path for inlet time, etc) subject to approval of the Director of Planning and Development.
- Storm sewer catch basins, drop inlets, manholes, and junction boxes shall be designed by the developer's engineer to Georgia Department of Transportation Standards and subject to the final approval of the Director of Planning and Development.
- Catch basins shall be located outside of intersection radii unless unusual circumstances cause undue hardship, in which case the Director of Planning and Development may waive this requirement.
- Inlet spacing shall be designed for a maximum gutter spread of 8 feet for the 100-year storm and shall be limited to a maximum distance as follows:
  - Five hundred feet on grades up to 5%.
  - Four hundred feet on grades from 5% to 8%.
- Cul-de-sacs on downhill street grades shall require catch basin throat design and cul-de-sac grading detail.
- Subdrainage will be installed to control the surplus ground water by intercepting sidehill seepage or by lowering or regulating the ground water level where such conditions exist.

- A certification by the supplier of the pipe specifications for each pipe shall be required before installation.
- Bridges shall be designed for a 100-year storm event.
- Energy dissipation devices, such as splash pads, rip rap, stilling basins, shall be provided at the outlet of every culvert and piped discharge system. The size and type of energy dissipation device to be used shall be designed in accordance with sound engineering practices. If riprap is used, the area of riprap shall be designed in accordance with the Manual for Erosion and sediment control in Georgia, but in no case shall be less than 6 times the pipe diameter for the length and 3 times the pipe diameter for the width.

### **Section 3.12.5 - Cross Drain Pipes**

Cross drains under streets shall not be less than 18 inches in size.

#### **Minimum Clearances:**

- Eighteen inches between the bottom of the street base and the exterior crown of the culvert. In all cases at least 24 inches of cover shall be provided.
- A minimum of 6 inches between underground utilities and exterior crown of culverts.
- The inlet and outlet end of all storm drain pipes including driveway pipe shall have either flared-end sections or concrete headwalls that meet the standards of the Georgia Department of Transportation 1120 or 1125.
- All storm drainage shall extend to the detention facility.
- Maximum continuous length of pipe shall be 300 feet for pipes less than 42 inches.
- Junction boxes having access to the pipe shall be constructed to meet the requirements of Georgia Department of Transportation Standard 1030D (or most current).

### **Section 3.14.6 - Storm Drain Profiles**

All stormwater management plans shall include storm drain profiles that show:

- Existing and proposed grade
- Scale – Horizontal: consistent with Grading and Drainage Plan
- Vertical: factor of 5 to 10 with respect to Horizontal scale
- Structure Number from Grading and Drainage Plan
- Show Hydraulic Grade Line (HGL)
- Pipe Material
- Length
- Upstream and downstream invert elevations

All stormwater management plans shall include a pipe chart showing the following information:

- Upstream and downstream structure numbers
- Drainage area
- Runoff coefficient
- Sub-basin time of concentration
- System time of concentration
- Rainfall intensity
- Incremental flow at each basin
- Cumulative flow conveyed in the system to that point
- Pipe diameter, material, length and slope
- Velocity at design flow
- Minimum 3 fps
- Velocity at full flow
- Upstream and downstream invert elevations
- Upstream and downstream HGL elevations
- Minimum 1 foot between HGL and throat
- Elevation of throat of structure
- Provide a minimum of 0.2 feet drop between inverts across the structure
- When pipe sizes increase, match crowns of pipes

### **Section 3.12.7 - Open Channels**

All open channels shall be profiled at the same scale as the storm drain conduits. The stormwater management plan shall include a typical section of the channel, provided for each reach if the cross-section changes. A maximum slope of 3% along the centerline of the channel is permitted. Exit velocities from storm drain pipe for the 100-year storm shall not exceed 3fps for vegetative channel lining, or 5fps when rocks or cobbles are used for channel lining. Other materials may not be used for channel lining.

### **Section 3.12.8 - Materials and Installation**

Table 3-12 sets out guidelines for the use of storm sewer pipes by pipe material and type of installation.

Georgia DOT Standard 1030D (or most current) shall be used in determining class (concrete) or gauge of pipe under fill, method of backfilling and pipe installation.

Only reinforced concrete pipe shall be used within street rights-of-way for arterial roads, and major and minor collectors. Concrete pipe shall not be used on grades exceeding 10%. Metal pipe may be used within the rights-of-way of local streets and for driveway culverts. Metal pipe shall either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating, or corrugated aluminum alloy pipe (AASHTO M-196).

Corrugated high density polyethylene (HDPE) pipe, smooth lined type “S”, may only be used for residential driveway applications and must be manufactured and installed in strict compliance with Georgia DOT Standard 1030-P HDPE applications shall not exceed 36 inches in diameter.

Pipe installation shall conform to Georgia Department of Transportation Standard Specifications for Construction of Roads and Bridges. Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer’s expense.

Storm drainage pipe shall be bedded in Type 57 gravel.

### **Section 3.12.9 - Driveway Culverts**

Where a wet weather drainage ditch exists between the proposed road and 20 feet into the lot, the design professional shall size the driveway culvert as if the driveway was at the lowest point on that lot. The construction plans shall show the minimum driveway pipe size required.

Driveway culverts may be any of the types of pipe materials shown on Table 3-12 for longitudinal pipe installation.

The inlet and outlet end of all driveway culverts shall have either flared-end sections or concrete headwalls that meet the standards of Georgia Department of Transportation 1120 or 1125.

### **Section 3.12.10 - Field Changes**

Minor changes in construction plans caused by field conditions shall be made at the direction of the Road Superintendent and the Director of Planning and Development with the cost of such changes to be paid by the developer. All changes are to be documented as revisions to the approved development plans and correctly shown on the as-built surveys. Discrepancies between the as-built surveys and the approved development plans may result in delays in approving final plats or certificates of occupancy.

Table 3-12

## Selection Guidelines for Storm Sewer Piping

Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Corrugated Steel AASHTO M-36		Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294	Reinforced Concrete Box Culvert Per Ga. DOT Standards
		Aluminized Type II CMP	Bituminous Coated CMP	Aluminum Alloy CMP	Corr. High Density Polyethylene Smooth Lined	
LONGITUDINAL Grade less than 10%	YES	YES	YES	YES	See Note 1	n/a
LONGITUDINAL Grade 10% or more	NO	YES	YES	YES	See Note 1	n/a
CROSS DRAIN Local Street	YES	YES	YES	YES	NO	n/a
CROSS DRAIN Collector or Arterial St.	YES	NO	NO	NO	NO	n/a
CROSS DRAIN Flowing stream appl.	YES	See Note 3	NO		NO	n/a
CROSS DRAIN 25 year flow >200 cfs Fill depth > 18 feet	See Note 2	See Notes 2 & 3	NO	See Note 2	NO	YES
Note 1	Corrugated high density polyethylene pipe, smooth lined type "S", can only be used for residential driveway applications and must be manufactured and installed in strict compliance with Georgia DOT Standard 1030-P. HDPE applications shall not exceed 36 inches in diameter.					
Note 2	Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances, based on the County engineer's assessment of existing conditions and future maintenance requirements.					
Note 3	The addition of a Type "A" full bituminous coating is required for application. (AASHTO M-190)					

## **Chapter 3.13 - Streets**

### **Section 3.13.1 - Access**

An approved street meeting the requirements of this Article shall serve every development and every lot within a subdivision.

Every minor or major subdivision, multi-family, or nonresidential development shall have direct access to the public street system via a paved roadway.

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.

Reserved strips are prohibited.

Subdivision or other streets that intersect a State or U.S. numbered highway shall do so at intervals of not less than 800 feet, or as required by the Georgia Department of Transportation, whichever is greater. On all other roads, at least 300 feet must separate street intersections on the same side of the road, measured centerline to centerline. Compliance with sight distance requirements of these development regulations may require greater distances between street intersections.

### **Section 3.13.2 - Classification of Streets**

The street classification determines the required standards of design and construction for the street. Streets are classified in a street hierarchy system based on the following:

- The classification as shown on a Morgan County Multi-Modal Transportation Plan, as adopted as part of the Morgan County Comprehensive Plan dated July 18, 2017, which is hereby incorporated by reference.
- If not classified in an adopted Transportation Plan, the number of dwelling units that the road directly and exclusively serves or the average daily volume of traffic the road will carry, whichever is greater, determine its classification. The classifications of streets and roads based on the number of dwelling units or average daily traffic are shown in Table 3.13.2.



Street Classification	Maximum Number of Dwelling units	Maximum Average Daily Traffic <sup>1</sup>
Arterial	500+	5,000+
Major Collector	250 - 500	2,500 – 5,000
Minor Collector	26 - 250	250 – 2,500
Local Street	1 - 25	250

<sup>1</sup> As determined using average traffic generation factors from *Traffic Generation*, published by the Institute of Transportation Engineers, latest edition.

### **Section 3.13.3 - Street Class**

All streets in Morgan County, Georgia, are divided into five (5) classes as shown in the Morgan County Road Network Map, as adopted as part of the Morgan County Comprehensive Plan (latest adopted), which is hereby incorporated by reference.

#### **Arterial**

A minor arterial is designed to provide cross-town and cross county street access. These roadways are usually multi-lane, although in some less developed areas they may be two lane streets. With access to development, there are often driveways that run directly into thoroughfares and, occasionally, on-street parking. Typical traffic volumes range over 5,000 vehicles per day.

#### **Major Collector**

Major collectors move traffic from large residential areas and other local traffic generators such as schools, parks, office, and retail areas to principal and minor arterials. Generally, these are two to four lane roads with frequent intersections. Traffic volumes are between 2,501 and 5,000 vehicles per day.

#### **Minor Collector**

Minor collectors are streets designated to collect traffic from the network of local streets and transport this traffic to the arterial system. Minor collectors are typically two to four lane facilities with an average daily traffic volume of 251 to 2500 vehicles,

#### **Local Street**

A street used primarily in residential subdivisions or within nonresidential developments for access to abutting properties. Use of these streets for through traffic is discouraged. Local streets typically average daily traffic volume less than 250 vehicles.

**Section 3.14.4 - Relation to Present and Future Street System**

The street pattern within a development or subdivision shall provide for the continuation or appropriate projection of the existing street pattern at the same or greater width, but in no case less than the required minimum width, unless the Director of Planning and Development deems such extension undesirable.

- Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the subdivision.
- Proposed minor and major subdivisions, private street subdivisions, multi-family, and nonresidential developments accessing an existing County road that has less than 20 feet of pavement shall be required to upgrade the road. The road shall be upgraded from the centerline of the roadway along the subdivision or development’s frontage on the existing road to ½ of the minimum right-of-way and paving requirement for the classification of the road.
- When a future street or road, as proposed in the Comprehensive Plan or adopted Transportation Plan, adjoins or traverses the subdivision or development project, the future right-of-way shall be platted as part of the subdivision or development project. No development will be allowed within the platted future right-of-way except for drives and landscaping, and the platted future right-of-way is to be treated as a lot line for the provision of all setback lines as required by this Article. A right-of-way agreement shall be executed before the Director of Planning and Development approves the development.

**Section 3.14.5 - Street Construction Standards and Specifications**

Unless otherwise stated herein, all materials, methods of construction, and workmanship for the work covered in reference to street construction shall conform to the latest specifications of the Georgia Department of Transportation.

**Section 3.14.5.1 - Design Speed**

All new streets shall be designed by street classification in Table 3.14.5.1 to maintain safe vehicle operation with respect topography, curvature, and the adjacent land use.

<b>Table 3.14.5.1 - Street Design and Right of Way Requirements</b>		
<b>Street Classification</b>	<b>Minimum Design Speed</b>	<b>Right of Way Width</b>
<b>Arterials</b>	55 mph	120 Feet
<b>Major Collector &amp; Truck Routes</b>	45 mph	80 Feet
<b>Minor Collector</b>	35 mph	80 Feet
<b>Local</b>	25 mph	60 Feet
<b>Cul-de-sac</b>	N/A	65 Foot Radius
<b>Alley</b>	15 mph	16 Feet

**Section 3.14.5.2 - Right-of-Way**

Right of way is measured by measuring one half of the required right-of-way for a street from the center line of road to the adjoining property boundary line.

Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the subdivision. The proposed street system within a subdivision shall have the right-of-way of existing streets extended no less than the required minimum width in Table.

Subdivisions that adjoin only one side of an existing street shall dedicate to the Board of Commissioners one-half of the additional right-of-way needed to meet the minimum width requirement for the street. If any part of the subdivision includes both sides of an existing street, the required additional right-of-way shall be dedicated on each side.

All new public streets shall be shown on the final plat and dedicated by right-of-way deed to the Board of Commissioners prior to the acceptance of said street.

<b>Table 3.14.5.3 - Street Alignment Requirements</b>					
<b>Vertical Alignment</b>				<b>Horizontal Alignment</b>	
<b>Street Classifications</b>	<b>Grade</b>	<b>Cross Slope</b>	<b>Maximum Grade Approaching Intersections</b>	<b>Minimum Radius of Curvature of Center Lines</b>	<b>Minimum Tangent Between Reverse Curves</b>
<b>Arterials</b>	1% - 6%	2 %	3 %	885 Feet	300 Feet
<b>Major Collector &amp; Truck Routes</b>	1% - 6%	2 %	3 %	500 Feet	200 Feet
<b>Minor Collector</b>	1% - 8%	2 %	4 %	420 Feet	100 Feet
<b>Local</b>	1% - 8%	2 %	4 %	300 Feet	100 Feet
<b>Cul-de-sac</b>	2% - 4%	2 %	4 %	N/A	N/A
<b>Alley</b>	1% - 4%	2 %	4 %	N/A	N/A

**Section 3.14.5.3 - Vertical Alignment of Streets**

All streets shall have a minimum grade of 1 percent. Minimum grade on cul-de-sacs should be 2% to maintain 1% in curb line.

The maximum grades approaching intersections shall not exceed the values shown in Table 3.14.5.3 a for a distance of not less than 100 feet, measured from the nearest right-of-way line at the point of intersection.

Under no circumstance is a curved street to be reverse super elevated. All streets (unless super elevated) shall have a two (2) percent rise to center crown above gutter elevation. Crown slopes shall be transitioned over a distance of 50 feet from any intersection, to provide a proper tie-in at the mainline edge of pavement.

#### **Section 3.14.5.4 - Horizontal Alignment of Streets**

Where a deflection angle of more than 10 degrees in the alignment of a street occurs, the radius of curvature of the center line of said street and the minimum tangent between reverse curves shall be not less than what is shown in Table 3.14.5.3.

Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of cross streets.

Street jogs with centerline offsets of less than 120 feet on interior subdivision streets and 300 feet on existing streets shall not be allowed.

#### **Section 3.14.5.5 – Intersections**

All streets shall intersect at an interior angle of no less than 80 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines. Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with these regulations.

Islands at intersections shall be subject to individual approval by the Director of Planning and Development. In no case shall any object (landscaping, monument, etc.) extend more than 3 feet above the back of the curb within the right-of-way of the intersecting street.

Curb lines or edge of pavement at street intersections shall have a radius of curvature of not less than 30 feet for arterials and major collectors, 25 feet for minor collectors, and 10 feet for local streets.

Intersecting street right-of-way lines shall parallel the back of curb (or edge of pavement) of the roadway, or shall be mitered along both streets from the point of the right-of-way lines projected to their intersection, in order to maintain the minimum required shoulder width continuously along the roadway.

The sight distance for horizontal curves at intersections shall be as required by the Morgan County Standard Details.

#### **Section 3.14.5.6 - Cul-de-sac Streets**

A cul-de-sac street is defined as any street within a subdivision that require a vehicle to turn around (180 degrees) in order to return to the county road or highway that provides access to the subdivision.

Cul-de-sac streets shall be avoided in subdivisions unless other street alternatives are not feasible.

A cul-de-sac street shall be no more than 1,500 feet long unless necessitated by topographic or other conditions approved by the Director of Planning and Development **or located in a subdivision where lot sizes exceed 20 acres.**

Cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way **of at least 130 feet in diameter**, and a paved turnaround with a minimum outside diameter of 90 feet.

Dead end streets that are approved to be longer than 1,500 feet, shall have an intersecting street or a permanent circular turn-around every 1,500 feet or less, meeting the same diameters for right-of-way and paved turnaround as required for the turnaround at the end of the cul-de-sac.

A dead-end street turnaround other than a cul-de-sac shall not be allowed.

### **Section 3.14.5.7 - Alleys**

Alleys shall not be provided in residential blocks **except where the subdivider produces evidence satisfactory to the Director of Planning and Development of the need for alleys.**

Alleys where specifically authorized or required shall comply with the following minimum design standards:

The alley width shall be no more than 12 feet, exclusive of curb and gutter, paved to local street standards.

Dead-end alleys shall be prohibited.

Each end of an alleys shall terminate at a street intersection.

**Section 3.15 - Street Improvements**

The following are the minimum requirements for all new streets constructed subject to a subdivision or development.

**Section 3.15.1 - Testing and Quantities**

The following requirements shall be followed when constructing a new street:

<b>Table 3.15.1 - Compaction Testing Requirements</b>		
<b>Test to Be Performed</b>	<b>Minimum Number of Tests</b>	<b>Testing Standards Thresholds</b>
<b>Subgrade Compaction</b>	Each 100 linear feet of roadway and for every 2-foot of lift and one (1) for every 10 linear feet (length and width) of fill.	Minimum 98% - Standard Proctor Test
<b>Base Compaction</b>	Each 100 linear feet of roadway	Minimum 98% - Standard Proctor Test
<b>Asphalt Density</b>	Each 500 linear feet of roadway	Minimum 92% - Laboratory Density
<b>Asphalt Thickness</b>	Each 100 linear feet of roadway	Deficient thickness – Maximum ¼ inch
<b>Stormwater and Utility Ditches</b>	Each 10 linear feet within the right of way	Minimum 98% - Standard Proctor Test

- All compaction and roll tests shall be scheduled with Morgan County, no less than 24 hours in advance.
- The developer shall ensure that all required testing identified in Table 3.15.1 Compaction Testing Requirements are conducted and reported to Morgan County. The cost of all testing and quality control shall be performed at the expense of the developer by a third-party qualified testing laboratory.
- All compaction testing shall be conducted utilizing either Standard Proctor or Nuclear Density Testing equipment.
- All subgrade and base course roll test shall be witnessed by a representative of Morgan County utilizing a fully loaded, 18 ton hauling capacity, tandem dump truck provided by the developer or contractor. An indentation greater than 1/2 inch or pumping conditions during the Roll Test for the subgrade compaction will require remediation and retesting.

- Compaction testing will be required at no more than 100 linear foot intervals and at every 2 foot of fill or more for all roadway sub-grades. Morgan County reserves the right to specify the number, location, and selection of test areas.
- Copies of all bill of lading for GAB, Binder and Asphalt shall be forwarded to Morgan County for a record of quantities used for road construction.

### **Section 3.15.2 - Paving**

#### **Street Base and Paving Requirements**

<b>Street Classification</b>	<b>Pavement Width</b>	<b>Lane Width</b>	<b>Base Course</b>	<b>Prime Coat</b>	<b>Sub-Binder Course</b>	<b>Binder Course</b>	<b>Tack Coat</b>	<b>Surface Course</b>
<b>Arterials</b>	28 Feet	12 Feet	10 Inches GAB	Yes	4 Inches 25 mm Superpave	3 Inches 19 mm Superpave	Yes	2 Inches 12.5 mm Superpave
<b>Major Collector &amp; Truck Routes</b>	26 Feet	12 Feet	10 Inches GAB	Yes	N/A	4 Inches 19 mm Superpave	Yes	2 Inches 12.5 mm Superpave
<b>Minor Collector</b>	24 Feet	12 Feet	10 Inches GAB	Yes	N/A	4 Inches 19 mm Superpave	Yes	2 Inches 9.5 mm Superpave
<b>Local</b>	20 Feet	10 Feet	8 Inches GAB	Yes	N/A	3 Inches 19 mm Superpave	Yes	2 Inches 9.5 mm Superpave
<b>Cul-de-sac</b>	45 Foot Radius	14 Feet	8 Inches GAB	Yes	N/A	3 Inches 19 mm Superpave	Yes	2 Inches 9.5 mm Superpave
<b>Alley</b>	12 Feet	12 Feet	8 Inches GAB	Yes	N/A	3 Inches 19 mm Superpave	Yes	2 Inches 9.5 mm Superpave

#### **Streets without Curb and Gutter**

<b>Shoulder Width</b>	<b>Shoulder Cross Slope</b>	<b>Ditch Foreslope</b>	<b>Ditch Bottom</b>	<b>Ditch Backslope</b>	<b>Obstruction Clear Zone</b>
8 Feet	4% Max	4:1	4 Feet	4:1	Up to 5 Feet from back of Right of Way

### **Section 3.15.3 - Subgrade Preparation for All Streets**

Subgrade preparation shall be in accordance with Georgia Department of Transportation specifications.

Removal of unsuitable material. If any sections of the subgrade are composed of topsoil, organic, or other unsuitable or unstable material, such material shall be removed and replaced with suitable material and then thoroughly compacted as specified for fill or stabilized.

Fill material shall be placed in uniform, horizontal layers of not more than six (6) inch lifts. Moisture content shall be adjusted as necessary to compact material to a minimum of 98 percent of maximum dry density. Compaction test shall be at a rate of 1 per 10 linear feet of fill width and length. Compaction test shall be conducted every 24-inches of fill material lift and shall be conducted within each lane of travel and each side of street, within the right of way.

After all storm drainage, water, sanitary sewer and other utilities installed within the right-of-way as required, and the backfill in all such ditches thoroughly compacted and tested at a rate of 1 per 10 linear feet of utility trench to a minimum of 98 percent of maximum dry density, the subgrade shall be brought to final grade as shown on the plans.

All utility crossings within the right-of-way must be installed prior to subgrade approval. All manhole covers, clean outs and valves must be flush with top of intermediate (binder) course for new roadway pavement. Manhole covers, cleanouts and valves will be required to be required to be adjusted flush when final surface course is installed.

Final subgrade shall require a compaction test at a rate of 1 per 100 linear feet of roadway to a minimum of 98 percent of maximum dry density. Test sites shall alternate lanes at 50-foot intervals. The subgrade also must pass roll test prior to placement of the base material.

The roll test of the subgrade shall be observed and approved by a Morgan County Inspector prior to base material installation.

#### **Section 3.15.4 - Base Course Preparation for All Streets**

After the compaction test and roll test on the subgrade has been approved by Morgan County, the base course shall be installed to the specifications below.

- The base course shall consist of compacted graded aggregate base (GAB) meeting Georgia Department of Transportation specifications.
- Base material (GAB) shall be placed in uniform, horizontal layers of not more than six (6) inch lifts. Moisture content shall be adjusted as necessary to compact material.
- Base material (GAB) shall extend under all curbing on all new streets requiring curb and gutter.



- Base material (GAB) shall extend a minimum of one (1) foot beyond the edge of pavement on all streets that do not require curb and gutter.
- The roll test of the base material shall be observed and approved by a Morgan County Inspector prior to binder course installation.

**Section 3.15.5 - Curb and Gutter Requirements**

All streets within a development shall install curbing meeting the following requirements:

<b>Street Classification</b>	<b>Profile</b>	<b>Minimum Size</b>	<b>Minimum Strength</b>	<b>Bituminous Expansion Joint</b>	<b>Pre-shaped Expansion Joints</b>
<b>Arterials</b>	N/A	N/A	N/A	N/A	N/A
<b>Major Collector &amp; Truck Routes</b>	Vertical	8" x 14" x 24"	4,000 PSI at 28 days	At structures and every 250 linear feet	Every 10 linear feet
<b>Minor Collector</b>	Vertical	6" x 12" x 24"	4,000 PSI at 28 days	At structures and every 250 linear feet	Every 10 linear feet
<b>Local</b>	Vertical	6" x 12" x 24"	4,000 PSI at 28 days	At structures and every 250 linear feet	Every 10 linear feet
<b>Cul-de-sac</b>	Vertical	6" x 12" x 24"	4,000 PSI at 28 days	At structures and every 250 linear feet	Every 10 linear feet
<b>Alley</b>	Vertical	6" x 12" x 24"	4,000 PSI at 28 days	At structures and every 250 linear feet	Every 10 linear feet

- The curb and gutter shall extend beyond the minimum pavement width for the street classification.
- Concrete shall be Class "D" (as defined by Georgia Department of Transportation) and have a minimum strength of 4,000 PSI at 28 days.
- Typical minimum section shall be 6" x 24" x 12" or 8" x 24" x 14".
- Vertical profile curbing only.
- Base material (GAB) shall extend under all curbing on all new streets requiring curb and gutter.
- Curb and gutter shall be set true to line and grade, be field staked, and finished to the section shown on the plans.
- One-half inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 250 feet in the remainder of the curb and gutter.
- Pre-shaped expansion/contraction joints shall be placed every 10 feet along the curb and gutter.
- Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
- Disturbed areas along all curbing shall be backfilled, stabilized, and grassed.

### **Section 3.15.6 - Binder Course Preparation for All Streets**

After the base course being thoroughly compacted, curbing installed and brought to grade, an intermediate binder course shall be installed meeting the following requirements:

- A bituminous prime coat, meeting Georgia Department of Transportation specifications, shall be installed on the prepared and approved base course.
- A thin layer of sand shall then be applied to the bituminous prime coat, meeting Georgia Department of Transportation specifications.
- Temporary drainage pipes shall be installed at all drainage structures
- Following an inspection by a Morgan County Inspector, a binder course of compacted of Superpave shall be applied.

### **Section 3.15.7 - Surface Course Preparation for All Streets**

After the binder course has been inspected and approved surface course shall be installed meeting the following requirements:

- The base course shall be cleaned of any dirt or debris.
- A bituminous tack coat, per Georgia Department of Transportation specifications, shall be installed on the prepared and approved binder course.
- The final asphaltic surface course consisting of Superpave Type II shall be applied.
- Stripping shall be installed, per Georgia Department of Transportation specifications
- Upon the final acceptance of the final surface course, a maintenance bond shall be required for a period of 24 months following the date of approval.

### **Section 3.15.8 - Sidewalks and Curb Ramps**

Sidewalks and curb ramps shall be constructed in all new residential and non-residential developments or redevelopments along all abutting or internal streets, existing or new, private or public. Whenever a discrepancy occurs between the design and construction standards of these regulations and any state or federal regulation, then the most restrictive shall apply.

<b>Table 3.15.8.1 - Sidewalk Requirements</b>							
<b>Street Classification</b>	<b>Width</b>	<b>Thickness</b>	<b>Slope</b>	<b>Strength</b>	<b>Expansion Joints</b>	<b>Compaction</b>	<b>Detectable Warnings</b>
<b>Arterials</b>	5 Feet	4 Inches	2%	3000 psi at 28 days	5 Linear Feet	95 %	At Intersection
<b>Major Collector &amp; Truck Routes</b>	5 Feet	4 Inches	2%	3000 psi at 28 days	5 Linear Feet	95 %	At Intersection
<b>Minor Collector</b>	5 Feet	4 Inches	2%	3000 psi at 28 days	5 Linear Feet	95 %	At Intersection
<b>Local</b>	5 Feet	4 Inches	2%	3000 psi at 28 days	5 Linear Feet	95 %	At Intersection
<b>Cul-de-sac</b>	5 Feet	4 Inches	2%	3000 psi at 28 days	5 Linear Feet	95 %	No
<b>Alley</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

### **Section 3.15.8.1 - General**

Sidewalks and curb ramps shall be installed as follows:

- Sidewalks and curb ramps shall be installed on both sides of all new streets within Residential and Non-residential developments and on abutting external streets.
- All new sidewalks shall connect to the adjacent property's sidewalks.
- Sidewalks and curb ramps as part of passive or active recreation areas, common areas and open space must be installed prior to the approval of the Final Plat.
- Residential contractors shall install sidewalks and curb ramps not required to be installed by developer on residential lots prior to release of the Certificate of Occupancy for the residential structure.
- A performance surety or escrow account shall be submitted to Morgan County for sidewalks and curb ramps not yet installed. The surety or escrow account shall be in an

amount acceptable to the county to complete the installation of the sidewalks and curb ramps.

### **Section 3.15.8.2 - Sidewalk design and construction standards**

Sidewalks shall be constructed in accordance with the requirements of these regulations. The Director is authorized to grant modifications upon specific application due to topographic or drainage difficulty as well as alternative design proposals after receiving a recommendation from a design professional.

- The subgrade on which sidewalks are to be placed shall have a minimum compaction rate of 95% dry density.
- All sidewalks shall be at least five (5) feet wide on all new streets and on abutting external streets.
- All sidewalks shall be constructed with a minimum thickness of four (4) inches of concrete with a minimum strength of 3,000 PSI at 28 days.
- All sidewalks shall have one-half (1/2) inch expansion joints or pre-molded bituminous expansion joint material shall be provided when abutting all structures and radius points. Pre-shaped expansion/contraction joints shall be placed every five (5) linear feet along the length of the sidewalk.
- All sidewalks shall be constructed with a cross slope of two (2) percent. Sidewalks shall maintain this cross slope at driveway crossings or transition the sidewalk to a driveway with ramps.
- All sidewalks shall be located a minimum of two (2) feet from the back of curb. The area between the curb and the sidewalk shall consist of grass or landscaping. Where no curb exists, sidewalks, including appropriate storm-water infrastructure, shall be constructed in a location acceptable to Morgan County.
- All sidewalks and curb ramps shall meet the requirements of the Americans with Disabilities Act.
- Intersection radius curb ramps shall be provided at street intersections. Straight ramps may be provided at intersections of curbed driveways and at streets without sidewalks.

- All curb ramps leading into a vehicular path of travel shall install detectable warnings.
- Crosswalk striping shall be required at all street intersections for all residential and non-residential projects.
- Inferior workmanship or unprofessional construction methods resulting in unacceptable sidewalks or ramps will be cause for rejection of the finished work.
- All disturbed areas resulting from sidewalk construction shall be backfilled, stabilized, and grassed or landscaped.
- Sidewalks located in the right-of-way of roads under the jurisdiction of the Georgia Department of Transportation shall be constructed in accordance with Georgia Department of Transportation design and construction standards.
- Damage to roads, sidewalks, curbs, and ramps caused by construction or development activity shall be repaired at no cost to the County within 30 days or prior to issuance of a Certificate of Occupancy, whichever is earlier.

**Chapter 3.16 - Traffic Control Devices**

The developer shall submit a list of proposed street names and traffic control signs for approval.

A traffic control plan must also be submitted showing location and placement of all signage conforming to the Manual on Uniform Traffic Control Devices.

**Section 3.16.1 - Traffic Signals and Signs**

All traffic signals and signs shall conform to the Manual on Uniform Traffic Control Devices

**Section 3.16.2 - Traffic Control Signs**

Street signs, traffic control signs, and devices such as striping and signalization, shall be provided and installed by the developer.

**Section 3.16.3 - Street Name Signs**

In no case shall the name for a proposed street duplicate existing street names in Morgan County or any of its cities, irrespective of the use of a suffix such as: street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives.

The name of each intersecting street shall be mounted at the intersection including existing streets.

Public street name signs shall have a green background with white lettering mounted on square punched posts with square anchors.

Private street name signs shall have a blue background with white lettering mounted on channelized posts.

Alternate post and sign material shall be subject to the review and approval by Morgan County.

**Chapter 3.17 - Striping Requirements**

All newly constructed streets and existing streets being widened with one or more additional lanes shall be striped. Striping paint shall meet Georgia Department of Transportation standards and conform to the Manual on Uniform Traffic Control Devices.

Item1.

**Section 3.6.3.4.1 - Bonus Lot Development Capacity**

The maximum number of lots allowed to be developed in a conservation subdivision is based on the development capacity (Base Lots) of the zoning district, plus any Bonus Lots allowed under these provisions.

**Base Lots** are the total development capacity of the property allowed by the zoning district.

**Bonus Lots** are the additional lots allowed in the subdivision for the valuable open space that exceeds the minimum amount required to be set aside.

The minimum open space in any subdivision shall be no less than 25% of the total development.

The number of bonus lots allowed is based solely on the additional acreage set aside for open space.

No additional bonus lot will be awarded for more than 50% open space set aside.

The minimum lot size shall be established by the Health Department guidelines when public utilities are not available.

The minimum lot size when public water is available shall be 0.75 acres.

The minimum lot size with public water and sewer shall be 0.75 acres for high density developments.

**Example:**

Agricultural (AG)

Development acreage: 100 acres

Minimum Lot Size: 5 acres

Base lots = 100 acres/5 acres

Base lots = 20 lots

Minimum Open Space: 25 percent

Open Space	Remaining Acreage	% of bonus lots	Bonus Lots	Total Lots
25%	75	0	0	20
30%	70	0.05	1	21
35%	65	0.1	2	22
40%	60	0.15	3	23
45%	55	0.2	4	24
50%	50	0.25	5	25



**Example:**

Agricultural Residential (AR)

Development acreage: 100 acres

Minimum Lot Size: 2 acres

Base lots = 100 acres/2 acres

Base lots = 50 lots

Minimum Open Space: 25 percent

Open Space	Remaining Acreage	% of bonus lots	Bonus Lots	Total Lots
25%	75	0	0	50
30%	70	0.05	3	53
35%	65	0.1	5	55
40%	60	0.15	8	58
45%	55	0.2	10	60
50%	50	0.25	13	63

**Example:**

Residential (R-1)

Development acreage: 100 acres

Minimum Lot Size: 1.5 acres

Base lots = 100 acres/1.5 acres

Base lots = 66 lots

Minimum Open Space: 25 percent

Open Space	Remaining Acreage	% of bonus lots	Bonus Lots	Total Lots
25%	75	0	0	66
30%	70	0.05	3	69
35%	65	0.1	7	73
40%	60	0.15	10	76
45%	55	0.2	13	79
50%	50	0.25	17	83