

# WARE COUNTY SUBDIVISION REGULATIONS

By  
WARE COUNTY PLANNING AND CODES DEPARTMENT  
for  
WAYCROSS - WARE COUNTY PLANNING COMMISSION

(Original October 30, 1973)  
(Updated March 10, 1983)  
(Updated July 30, 2002)  
(Updated November 11, 2003)  
(Updated December 13, 2004)  
(Updated February 14, 2006)  
(Updated March 12, 2007)  
(Updated September 10, 2007)  
(Updated January 12, 2009)  
(Updated May 11, 2009)  
(Updated October 11, 2016)

## **TABLE OF CONTENTS**

### **SECTIONS:**

- I. TITLE
- II. SHORT TITLE
- III. INTENT, AUTHORITY AND DEFINITIONS
  - A. Subdivision Regulations Intent
  - B. Planning Commission as Platting Authority
  - C. Provision of Regulations
  - D. Adoption of Regulations
  - E. Effect of Plat Approval On Status of Dedications
  - F. Acceptance Of And Improvements In Unapproved Streets
  - G. Erection of Buildings
  - H. Definitions
- IV. PROCEDURE
  - A. Step 1 Preliminary Discussion
  - B. Step 2 Preliminary Plat
  - C. Step 3 Final Plat
- V. REQUIREMENTS
  - A. Plat and Other Data
    - i. General
    - ii. Preliminary Plats
    - iii. Preliminary Sections, Profiles and Utility Plans
    - iv. Final Plats
  - B. Streets and Alleys
    - i. Right-of-Way-Widths
    - ii. Improvements to all streets and alleys (paving, grading, curb and gutter, street signs, storm water drainage and street designs)
  - C. Easements
  - D. Blocks
  - E. Lots
  - F. Utilities
  - G. Monuments
  - H. Surveying

I. Bond Or Security In Lieu Of Installation Of Completion Of Improvements

- i. Completion Bond or Escrow Deposit
- ii. Loan Commitment And Title Of Ownership
- iii. Performance Bond
- iv. Maintenance Bond or Escrow Deposit For 1 Year

J. Mobile Home Parks

- i. Streets
- ii. Easements
- iii. Blocks
- iv. Lots
- v. Buffer

K. Flood Damage Protection Standards For Subdivisions

L. Recreational Subdivisions

VI. FEES

VII. ENFORCEMENT/PENALTIES

VIII. EXCEPTIONS

## **SECTION I – TITLE:**

A RESOLUTION OF THE COUNTY OF WARE FOR THE PROMOTION OF PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE AND IN FURTHERANCE OF SUCH PURPOSE IT IS RECOGNIZED THAT FOR THE ORDERLY AND PROGRESSIVE DEVELOPMENT OF LAND IN WARE COUNTY WITHIN THE UNINCORPORATED PORTION OF SAID COUNTY THE FOLLOWING, AS IT PERTAINS TO SUBDIVISIONS OF SAID LAND, THIS SUBDIVISION REGULATION IS ADOPTED; FOR REPEALING ALL CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

## **SECTION II – SHORT TITLE:**

This Resolution shall be known as THE WARE COUNTY SUBDIVISION REGULATIONS.

## **SECTION III – INTENT, AUTHORITY AND DEFINITIONS:**

A. SUBDIVISION REGULATIONS: INTENT – The public health, safety, morals, and general welfare require the harmonious, orderly and progressive development of land within the cities and counties of the State. In furtherance of this purpose, the subdivision of land is regulated by Ware County for the following purposes, among others:

1. To encourage the development of economically sound and stable county;
2. To assure the provision of required streets, utilities, and other facilities and services to new land developments;
3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
4. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and
5. To assure, in general, the wise development of new areas, in harmony with the master plan of the county.

B. PLANNING COMMISSION AS PLATTING AUTHORITY – Article IX of the Constitution of the State of Georgia, 1976, grants authority to the governing body of each county and municipality to regulate subdivisions and land development. The Waycross-Ware County Planning Commission has adopted a master plan of major streets for Waycross-Ware County and has recommended regulations for the subdivision of land within the county, which plan, and regulations have been adopted and amended from time to time by the Ware County Board of Commissioners. A plat of a subdivision of land located within unincorporated Ware County with the State of Georgia OCGA 15-6-67(d) exemption statement placed on such plat can be filed or recorded in the office of the Clerk of Superior Court of Ware County without the approval of the Waycross-Ware County Planning Commission. However, a building/mobile home or other development permit shall not be issued for any part of such plat of land that meets the exemption requirement. Such land/lots shown on a plat and recorded pursuant to the exemption language of OCGA 15-6-67(d) (without the Waycross-Ware County Planning Commission approval) may be approved for development when such land/lots have been platted for development purposes and submitted to the Waycross-Ware County Planning Commission and meeting the Ware County Subdivision Regulations in effect at that time. The Secretary of the Planning Commission shall enter such approval in writing on the plat.

However, the Planning Director shall administratively approve a simple subdivision plat containing no more than four (4) lots within the entire subdivision provided all provisions of these Regulations are met. The Clerk of the Ware County Superior Court shall not file nor record a plat of any subdivision of land that does not have the approval of the Planning Commission or Planning Commission Secretary or the OCGA 15-6-67(d) statement as required by this Resolution.

The filing or recording of a subdivision without such approvals as required by this Resolution is hereby declared a violation of Ware County Codes and is punishable as provided in Section VII.

C. PROVISION OF REGULATIONS – The Waycross – Ware County Planning Commission has prepared and recommended to the Ware County Board of Commissioners regulations governing the subdivision of land within the unincorporated portion of Ware County. Such regulation provide for the harmonious development of the county; for the coordination of streets within subdivisions with other existing or planned streets or official map streets; for the size of blocks and lots; for the dedication or reservation of land for streets, school sites, recreation areas and easements for utilities and other public services and facilities; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity, or general welfare.

D. ADOPTION OF REGULATIONS – The Ware County Board of Commissioners has adopted and amended, as necessary, such land subdivision regulations after a public hearing thereon, alt least fifteen days’ notice of the time and place of which have been published in a newspaper of general circulation in the county.

E. EFFECT OF PLAT APPROVAL ON STATUS OF DEDICATIONS – The approval of a plat by the planning commission shall not be deemed to constitute or effect an acceptance by the county or the public of the dedication of any street or other ground shown upon the plat.

F. ACCEPTANCE OF AND IMPROVEMENTS IN UNAPPROVED STREETS –The Ware County Board of Commissioners or other public authority shall not accept, layout, open, improve, grade, pave, or light any street or lay or authorize the laying of any water mains, sewers, connections, or other facilities or utilities in any street within the county unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of a public street prior to the said attachment of the planning commission’s subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission or on a street plat made and adopted by said planning commission, provided, however, that the county may locate and construct or may accept any other street if the ordinance or resolution or other measure for such approval be first submitted to the planning commission for its review and comment; such street shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the planning commission or on a plat made and adopted by the planning commission.

G. ERECTION OF BUILDINGS – No building permit shall be issued for and no building or other structure shall be erected on any lot within the county unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of a public street prior to that time, or unless such street corresponds in its locations and lines with a street shown on a subdivision plat approved by said planning commission or with a street located and accepted by the county. Any building erected in violation of this section shall be deemed an unlawful structure , and the building inspector or county attorney or other official designated by the county may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

H. **DEFINITIONS** – For purposes of this Act the term “street” or “streets” means, relates to, and includes streets, avenues, boulevards, roads, highways, expressways, lanes, alleys, and other ways; “subdivision” means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

1. Subdivision – All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within the definition:
  - i. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standard of the municipality;
  - ii. The division of land into parcels where no new street is involved and the resultant lots are equal to the standard of Ware County.
2. Drainage Improvements – Include street surface paving, a compacted-approved street base, cement curbs and gutters.
3. Street Improvements - include street surface paving, a compacted- approved street base, cement curbs and gutters.
4. Basic Street- which would presently meet our minimum standards, is a roadway which is centered within sixty (60) foot right-of-way and which is adequately graded or cut to appropriately serve the adjoining subdivision lots.
  - d. All ditches and culvert necessary to connect with existing drainage outside the subdivision and necessary to properly drain all land within the subdivision shall be provided by the subdivider.
5. A “Private Street” is any street, road, or easement within a subdivision that is proposed to be used by more than one household for egress and ingress to a lot or tract of land. Ware County shall not be required to maintain such street unless it is improved to Ware County’s street and drainage standards and accepted by the Ware County Commission.
6. Flag Lots: A lot fronting on a public or private street which is reached via an access strip having a minimum frontage and width of thirty feet (30'). A flag lot shall meet all requirements of these regulations.

## **SECTION IV – PROCEDURE**

Approval for the subdivision of land may be obtained from the Waycross –Ware County Planning Commission by proceeding through these three steps.

**Step 1.** An accurate survey of the property to be subdivided, plus all of the surrounding area to a distance of 100 feet, shall be made by a Registered Land Surveyor. This survey should include all the land which the owner intends to subdivide in the foreseeable future. Prepare a reproducible drawing of the survey and make at least two white prints. The survey shall show the first thirteen

items of those required on a Preliminary Plat (See Section V.A.2.). Add onto the two prints (to scale and in pencil) all additional required items to indicate how the Owner would like to subdivide his land. Call the Planning Director for the Waycross-Ware County Planning Commission (hereinafter called the Planning Commission) to arrange a preliminary discussion and take the two prints to the meeting. After the conference, the Planning Director shall make an investigation and arrange a second meeting, during which agreement shall be reached on how the Preliminary Plat is to be prepared. This will complete Step 1. Between Step 1 and Step 2, the Developer should consult with the Ware County Health Department as well as each public and private utility to be involved in the proposed development. Preparations should be pursued for a Registered Surveyor or Engineer, Landscape Architect or Soil Scientist to prepare a Soil Erosion Sedimentation Control Plan and Stormwater Drainage Plan to be submitted with Preliminary Plat to the Planning Director.

**Step 2.** Prepare a Preliminary Plat, as previously agreed upon, to the specifications described hereinafter and including all required items. Transmit the white prints of the completed drawing to the Planning Director. If the Plat is acceptable and is submitted at least ten days before a regular meeting of the Planning Commission with a Soil Erosion and Sedimentation Control Plan and a Storm Water Drainage Plan, the plat shall be placed on the agenda of that meeting for a consideration. Plats received less than ten days before a regular meeting of the Planning Commission may be carried over to the next succeeding meeting. At the conclusion of the regular meeting, the Planning Commission shall either approve (fully or conditionally) or disapprove the Preliminary Plat as submitted. Approval of the Preliminary Plat completes Step 2.

**Step 3.** Prepare a Final Plat to the specifications described hereinafter and including all required items. It is not required that the Final Plat shall include all the area of the Preliminary Plat. The Final Plat may include only that portion of the subdivision which is needed in the immediate future. Additional portions may be submitted subsequently. Transmit the original tracing and two white prints of the Final Plat to the Planning Director. If the plat is acceptable and is submitted at least ten days before a regular meeting of the Planning Commission with approvals of the Soil Erosion and Sedimentation Control Plan and Stormwater Drainage Plan, the plat shall be placed on the agenda of that meeting. All street, drainage and utilities improvements required to serve the proposed subdivision shall have been completed prior to approval of the Final Plat. Approval of the Final Plat by the Planning Commission shall not constitute acceptance by the County of the dedication of any streets or other public grounds. Upon approval of the Final Plat, the Secretary of the Planning Commission shall submit the plat to the County Commission for action upon the offers of dedication. When the dedications have been accepted, the Secretary shall then file the Final Plat in the office of the Clerk of the Superior Court as prescribed by law.

Before the Final Plat is filed, however, a reproducible positive shall be made from the original signed tracing and transmitted to the Planning Director. A computer disc record of the approved Final Plat shall be submitted to the Planning Director. This completes the subdivision process.

## **SECTION V – REQUIREMENTS**

### **A. PLATS AND OTHER DATA**

#### **1. General**

- a. All plats shall be of uniform size with a trim line enclosing an area 18 inches by 24 inches. Inside the trim line there shall be a margin line one-half inch from the trim line, except on the left end where the margin line shall be two inches from the trim line to provide a binding edge.

- b. All plats shall be prepared to a uniform scale of one hundred feet to the inch.
  - c. If an entire plat cannot be placed upon a single standard sheet, then such plat may be prepared upon two or more standard sheets. In such a case, each sheet shall be clearly numbered in sequence and each sheet number shall indicate how many sheets are included in the entire plat; for example: Sheet 1 of 2, Sheet 2 of 2, etc. Sheet No. 1 shall bear all the required certificates and signatures.
2. Preliminary Plats. A Preliminary Plat shall include the following:
- a. All existing property lines (with bearings and distances);
  - b. North point and scale;
  - c. Date of survey;
  - d. Certificate of Registered Land Surveyor with seal;
  - e. Certificate of Land Owner's approval;
  - f. All existing survey markers and monuments (with descriptions);
  - g. All existing structures, fences, and other improvements (with descriptions), except that those which are to be removed need not be shown. Existing boundary line and right-of-way fences, however, shall be shown on the survey plat even though scheduled for removal later. Structures or improvements shall include, but are not limited to, buildings, pavements, curbs and gutters, and drainage structures. The boundaries of special areas such as woods, ponds, seeps and marshes, excavations, and embankments shall be shown. The location of existing improvements upon private property adjacent to the proposed subdivision may be approximated.
  - h. All utilities lines (transmission, distribution, or collection), either underground or above ground, shall be located and described. Invert elevations shall be given for all sewers. If existing public water mains or sewer mains do not fall within the area delineated, but are located within 500 feet of any portion of the proposed subdivision, indicate the direction and distance to and size of the nearest ones, also showing the invert elevation for sewers. All surface features such as poles, hydrants, manholes, etc., which affect access at ground level shall be accurately spotted.
  - i. The location of the centerline of established watercourses and any well defined banks.
  - j. Topographic contour lines on one (1) foot vertical intervals for slopes of 6% or less and on two (2) foot intervals for greater slopes. Spot elevations along existing pavements, drainage flow lines, etc. shall be shown as necessary to determine connection requirements.
  - k. The limits of existing easements and rights-of-way, whether public or private, and a statement of the purposes for which they may be used.



- l. Identification of adjacent subdivisions. Show block and lot numbers. Adjacent unplatted tracts or parcels of land shall be identified by the name of the apparent owner.
- m. A location sketch showing how to find the proposed subdivision from physical features clearly visible at the site and showing the relation between the proposed subdivision and its surrounding neighborhood. Designate principal streets by name as well as important neighborhood facilities such as schools, churches, parks, shopping centers, etc. If it is impracticable to include this sketch on the plat sheet, it may be submitted separately.
- n. The location of proposed streets and alleys, blocks and lots, easements, building setback lines, and other features of the proposed subdivision. Although precise dimensions and bearings will not be required at this step, these features shall be drawn to scale so that approximate dimensions may be determined.
- o. Proposed names of all new streets.
- p. Proposed block letters and lot numbers.
- q. Proposed name of subdivision.
- r. Designation of the proposed subdivision; that is, the type of residential use, location of business or industrial sites, and sites for churches, schools, parks or other special uses.
- s. Gross acreage of the proposed subdivision and net acreage of each type of use proposed. This may be tabulated as in this example:

Single-Family Residential	20 acres (60 lots)
Church	1 acre
Business	2 acres
Streets	<u>4 acres</u>
Total	27 acres
- t. Name and address of the person to whom notice of hearing may be sent.

3. Preliminary Sections, Profiles and Utility Plans. When streets (public or private) or utilities are proposed in the subdivision or when required by the Planning Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions to the centerlines of intersecting streets; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plans of proposed water mains, sanitary sewers, and storm water sewer with the size of each utility line indicated and also the invert elevation of sewer lines. All elevations shall be based on a datum plane approved by the County. Storm Drainage Plans must show basin impact calculations for 10 & 25 year flood events in cubic feet per second for natural terrain and proposed improved state.

4. Final Plats. A Final Plat shall include the following:
  - a. Title, scale, north point and date.
  - b. Identification of adjacent subdivisions, showing block and lot numbers. Adjacent unplatted tracts or parcels of land shall be identified by the name of the apparent owner.
  - c. Sufficient data to determine readily and reproduce on the ground or replat to a different scale in the office, the location, bearing, and length of every street line, lot line or boundary line whether curved or straight. Curve data including radius, angle, length of tangent, and length of curve shall be indicated for the property lines of curved streets and curved property lines that do not abut streets.
  - d. The exact location and bearing of all existing property lines, which are contiguous to the proposed subdivision, shall be indicated on the plat to show if the existing lines are parallel or perpendicular to the proposed property lines of the new subdivision. Existing property corners shall also be located precisely with respect to the nearest known point on the proposed property subdivision plat. All existing property lines shall be shown as broken lines and all proposed lines as continuous (unbroken) lines.
  - e. The direction and distance from an established point of reference to a point on the boundary of the proposed subdivision.
  - f. Location of all monuments, pins, and stakes marking the new subdivision, with descriptions.
  - g. Name of each street and purpose of any easement.
  - h. Purposes for which sites other than residential lots are to be used, dedicated or reserved.
  - i. Minimum building setback lines of all lots and other sites.
  - j. Number to identify each lot or site and letter to identify each block.
  - k. Name and address of the person to whom notice of hearing may be sent.
  - l. Certificates and supporting data:
    - i. These certificates shall appear on the original tracing of the Final Plat:
      - (a) The surveyor's seal and certificate showing the calculated error of closure.
      - (b) Owner's statement certifying ownership of the property with power of conveyance, offering dedication to public use of all streets and easements, and that all to be a free act and deed.
      - (c) Certificate of approval of the Planning Commission.
      - (d) Certificate of acceptance of the dedications by the County Commission.
    - ii. Deed restrictions and use covenants may be included on the original tracing of the final plat at the discretion of the owner.
    - iii. These shall be submitted as separate documents with the Final Plat:
      - (a) Letter from the Ware County Health Department certifying that the proposed subdivision meets all of their requirements.
      - (b) Letter from the County certifying that all required improvements have been completed to their standards.
      - (c) Letters from any public or private utilities involved in

servicing the proposed subdivision may also be required.

- iv. Bond or Security in lieu of installation or completion of improvements as required in Section V. B. 2.
  - v. A Homeowners Association/agreement shall be submitted with all final plats that have private streets as part of the subdivision. The Homeowners Association/Agreement shall address the maintenance of all streets and common areas.
5. When a plat is prepared electronically by developer, engineer, or surveyor a computer disc shall be submitted to Ware County for record as part of the Final Plat process. The disc shall be prepared to meet specifications approved by the County.

## B. STREETS AND ALLEYS

### 1. Right-of-Way Widths

- a. The proposed street layout of any new subdivision shall conform to the Adopted Major Street and Highway Plan in which a major street exists or is proposed within or near the land being subdivided.
- b. Dedication of Right-of-Way – New Streets
  - i. Where the adopted Major Street and Highway Plan requires a right-of-way greater than sixty (60) feet within a proposed land subdivision, the developer shall be required to dedicate sixty (60) feet and the additional right-of-way shall be offered by developer for acquisition by County Commission for a period of one hundred (100) days after approval of Preliminary Plat by the Planning Commission. If the County Commission fails to purchase additional right-of-way within 100 days, the County and applicant may enter into a contract with option to purchase by a given date.
  - ii. The dedication of right-of-way, measured from lot line to lot line, for new streets (public or private), shall meet the following standards:

<u>Street Type</u>	<u>Right-Of-Way Width</u>
Arterial	60 feet
Collector	60 feet
Rural Minor Arterial (See Street Design B)	60 feet
Access, Minor (See Street Design A)	50 feet
Alley (Not permitted in Residential Subdivision)	20 feet

- c. Reserved for future use.
- d. Subdivision Name Sign – Subdivision Name Sign located in pavement at entrance to subdivision shall require a widened right-of-way, adjusted drainage and paving as approved by County. The maintenance of sign will be the responsibility of the developer/homeowners.

2. Improvements to all public streets and alleys, including paving, grading, curb and gutter and street signs, are required and they shall be installed in accordance with the following design standards:

- a. Required Paving:

- i. Pavement widths and bases shall conform to the following:

<u>Type of Street</u>	<u>Minimum Paving Width</u>	<u>Types of Base Required</u>
Collector (Connector)	As required by County Commission	soil cement, or GAB (All 8")

<u>Type of Street</u>	<u>Minimum Paving Width</u>	<u>Types of Base Required</u>
Access, Minor (Residential) or Service with 50 feet of right-of-way (See Street Design A)	24 feet from lip of curb to lip of curb plus 2-2 foot wide curbs and gutter. Total 28 feet from back of curb to back of curb. 2 – 1'6" (18") curb and gutter if adequate to meet drainage requirements (carrying capacity, percent grade, topology, surface runoff, etc.) 1'16" (18") curb and gutter must be approved by designee of Ware County Commission.	soil cement, or GAB (All 6")
or		
Access, Minor (Residential) or Service with 60 feet of right-of-way (See Street Design B)	24 feet from inside shoulder to inside shoulder	soil cement or GAB (All 6")
or		

<u>Type of Street</u>	<u>Minimum Paving Width</u>	<u>Types of Base Required</u>
Interior, Minor (Residential) or Service with 50 feet of right-of-way (See Street Design C)	20 feet from lip of curb to lip of curb plus 2-2 foot wide curbs and gutter. Total 24 feet from back of curb to back of curb. (24' at entrance and transition to 20' at 100 linear feet from entrance)	soil cement, or GAB (All 6")
or		

<u>Type of Street</u>	<u>Minimum Paving Width</u>	<u>Types of Base Required</u>
Interior, Minor (Residential) or Service with 60 feet of right-of-way (See Street Design C)	20 feet from edge of pavement to edge of pavement. (24' at entrance and transition to 20' at 100 linear feet from entrance)	soil cement, or GAB (All 6")

- ii. Paving shall be required for all **public** streets within a subdivision or area and shall conform to the following requirements:

- (a) All streets within areas of primarily residential use shall be properly graded and provided with properly mixed compacted and approved base

meeting one of the following minimum requirements:

- (1) Six (6) inches of GAB; or
- (2) Six (6) inches of soil-cement; or
- (3) Other County Commission approved higher type base material.

In addition, all such streets shall be paved or covered with a topping meeting one of the following requirements:

- (1) One and one-half (1 ½) inches of plant mix asphalt (meeting Georgia Department of Transportation Type 9.5mm or 12.5mm (size of aggregate) specifications) or
- (2) Other mix designs approved by Ware County.

(b) All streets serving industrial and commercial areas shall be properly graded and provided with a properly mixed, compacted and approved base meeting one of the following minimum requirements:

- (1) Eight (8) inches of GAB; or
- (2) Eight (8) inches of soil cement, mix design approved by geotechnical laboratory; or
- (3) Other higher type base material approved by Ware County. In addition, all such streets shall be paved or covered with a topping and meeting the following requirements:

- 1) Two (2) inches of plant mix asphalt meeting Georgia Department of Transportation Type 12.5mm (size of aggregate) super pave specifications.

iii. All base and asphalt applications shall be installed in accordance with Georgia Department of Transportation specifications (latest edition) and shall be inspected by Ware County prior to installing asphalt applications. Failure to have the base inspected may result in removing all asphalt or certification from geotechnical laboratory at the discretion of the Ware County Commission. All soil cement base shall have mixed design report from a Geotechnical Laboratory.

- b. Grading. All such streets covered by these Subdivision Regulations shall be graded and such grading shall be carried out in accordance with the plans and data specified in Section V.A.3. All subgrades shall be compacted to 98% standard proctor or higher and proof rolled prior to installing base.

Also, all subgrades shall be approved by Ware County prior to base installation. If deemed necessary by Ware County, the developer will have to supply geotechnical reports certifying all compaction requirements have been met.

- c. Curb and Gutter. Curb and gutter, when provided, shall not be limited to any specific type, but shall meet the requirements of the Georgia Department of Transportation. "Roll" type design should be provided if possible. One foot-six inch (18") curb and gutter may be permitted for interior streets if adequate to meet drainage requirements. One foot-six inch (18") curb and gutter must be approved by the Civil Construction Coordinator before installation.
- d. Street Marker Signs. Street name signs, of the design and material specified by

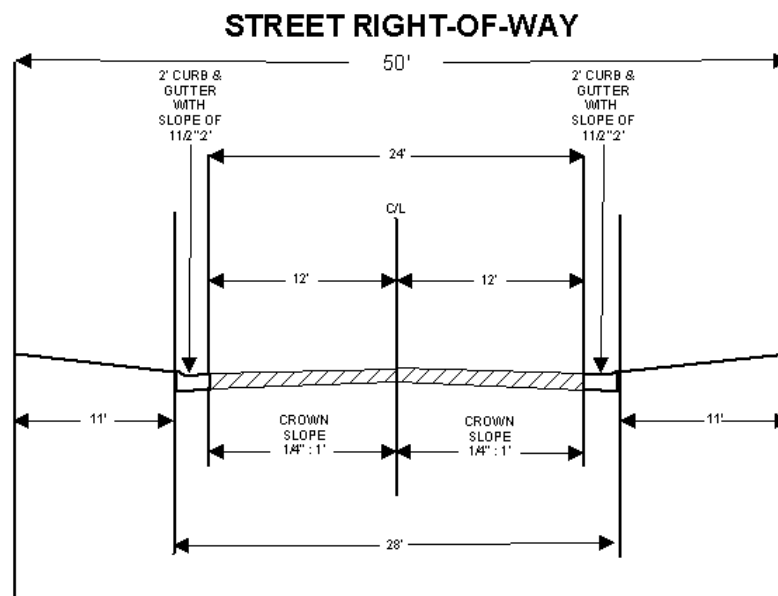
County Standards, shall be installed at all intersections of the subdivision. Ware County Street Naming and Property Numbering Ordinance shall be met.

- e. Storm Water Drainage. All proposed subdivisions shall be required to have a storm water drainage plan showing on and off-site facilities with elevations, sizes, and a report of the condition of existing facilities submitted with the Preliminary Plat application. If the subdivision is within a drainage basin wherein a system of storm sewers is deemed necessary by the County, storm sewers, catch basins and manholes, all built to Georgia Department of Transportation standards (Latest Addition), shall be provided. In accordance with such standards, the County shall approve the size and material of the sewers and shall determine the method of their connection with the overall system for the basin. For every subdivision, a system of drainage, including on-site and off-site facilities, shall be subject to approval by the County; and if storm sewers are impracticable, the subdivider shall provide all ditches and culverts necessary to connect with existing drainage, where the easements are provided by the County. All storm drainage pipe shall be Georgia Department of Transportation approved class 3 (Reinforced Concrete Pipe). Such storm water drainage improvements shall be carried out in accordance with the plans and data specified in Section V. A. 3.
- f. Illustrations of Street Designs: See following pages.

# ILLUSTRATION - 1

## WARE COUNTY

### PROPOSED STREET DESIGN - A



## PROPOSED STREET DESIGN - B



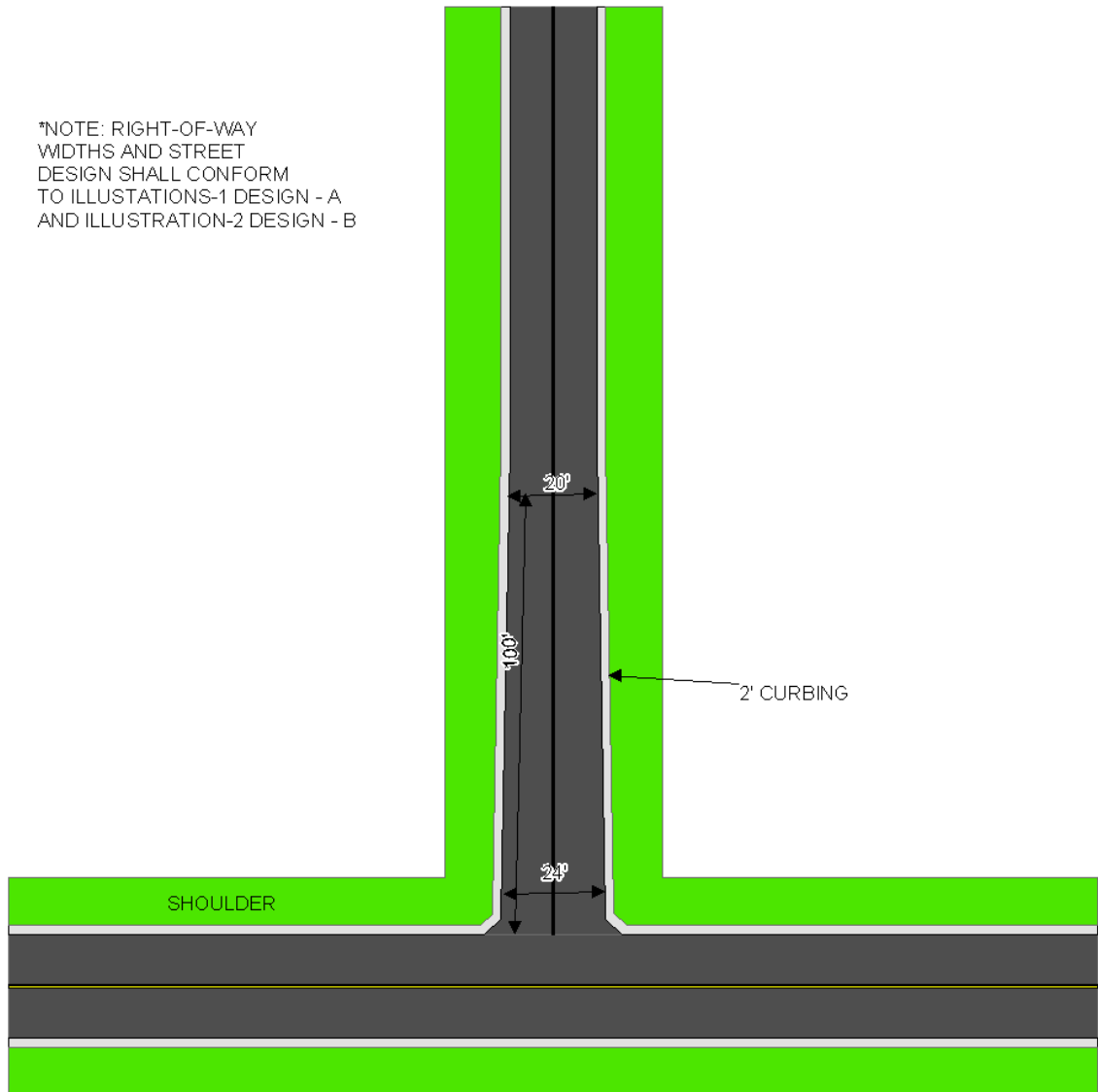


## ILLUSTRATION - 3

### WARE COUNTY

#### PROPOSED STREET PAVING WIDTH - C

\*NOTE: RIGHT-OF-WAY  
WIDTHS AND STREET  
DESIGN SHALL CONFORM  
TO ILLUSTRATIONS-1 DESIGN - A  
AND ILLUSTRATION-2 DESIGN - B



3. All dead-end streets, which abut more than four (4) lots, shall terminate in a cul-de-sac or turn-around with a minimum right-of-way radius of fifty (50) feet. If there is any possibility of the dead end street being extended in the future, the full street width shall be dedicated to the subdivision boundary and right-of-way for a temporary turn-around shall be indicated on the plat as an easement which terminates automatically upon extension of the street. Dead-end streets generally shall be no more than one-half the length of open-ended blocks in the same neighborhood and it is desirable that the dead-end be visible from the last intersection.

#### C. EASEMENTS

Easements for drainage, utilities, or other purposes shall be provided as deemed necessary by the Planning Commission.

#### D. BLOCKS

Block lengths in excess of 1,700 linear feet shall be unacceptable generally; however, a minimum number of intersections and cross streets consistent with adequate internal circulation is desirable. The intersections should be utilized wherever practicable to increase traffic safety. Opposite intersections offset less than 100 feet shall be avoided as a traffic safety hazard.

#### E. LOTS

The following land areas are not considered as a part of a lot when calculating the required minimum lot size: right-of-way of roads, easements (such as power lines or pipe line) that exclude installation of an on-site-sewage management system, bodies of water, and land within 50 feet of a lake, river, stream, wetland or other bodies of water and similar limiting factors.

Lots for which public water and public sewer are unavailable shall be at least 150 feet in width at the building setback line and contain not less than 43,560 square feet of area. Lots served by a public water system, but no sewer shall be not less than 100 feet in width at the building setback line and contain not less than 21,780 square feet of area. Lots served by both a public water system and public sewer system shall be not less than 60 feet in width at the building setback line and contain not less than 6,000 square feet in area unless minimum zoning requirements apply. Lots with depths of more than twice the frontage width shall be unacceptable generally as an uneconomic division of land. "Flag"-shaped lots are undesirable. There shall be a minimum residential building line not less than 30 feet from the right-of-way line of any abutting street, therefore a corner lot shall have a greater width to provide for the 30' side setback. Lots with double frontage (front and rear) shall be unacceptable generally. Lots within a zoned area must also conform to all minimum zoning requirements currently applicable.

1. FLAG LOTS – Flag lots shall be permitted under the following conditions:
  - a. When located in Simple Subdivisions, the total number of Flag Lots shall not exceed fifty percent (50%) of the total number of created lots.
  - b. When located in other subdivisions, the total number of Flag Lots shall not exceed ten percent (10%) of the total number of lots created.
  - c. Where the flag lot makes it possible to better utilize irregularly shaped properties or areas with resource limitations.
  - d. Access strips have minimum frontage of 30 feet (30') on an approved public or private right-of-way.

- e. Minimum lot size, excluding the area of the access strip shall meet the minimum lot size established in Section V.E. of these regulations or the minimum lot size requirement for the zoning district in which the property is located.
- f. No building shall be permitted in the access strip.

#### F. UTILITIES.

Private water and sewage disposal facilities shall be provided in accordance with all requirements of the Ware County Health Department. Connections to public water and sewer systems shall be in accordance with the requirements of the serving agency.

#### G. MONUMENTS.

Monuments shall be placed at all block corners, angle points, points of tangency, and as otherwise required by Ware County. Monuments shall be of reinforced concrete (4" X 4" X 24") with 1/4" X 4" metal center pins. All other corners shall be marked with iron pins, 5/8" X 24".

#### H. SURVEYING.

The acceptable error of closure for subdivision surveying shall be no more than one foot in three thousand. Dimensions shall be indicated to the nearest tenth of a foot and bearings to the nearest minute.

#### I. BOND OR SECURITY IN LIEU OF INSTALLATION OR COMPLETION OF IMPROVEMENTS.

Prior to approval of the final plat by the Planning Commission, the subdivider must have completed installation of required improvements or else the subdivider may, in lieu of actual installation, select one of the following alternatives:

1. Post a Completion Bond or make an Escrow Deposit in an amount equal to the portion of the cost of improvements to be borne by the subdivider.
2. Present evidence that the owner specified on the final plat has satisfactory title, and an Executed Loan Commitment from a lending institution which provides that the site improvements will be installed within specified time limits and other requirements of this resolution that the agreement will be subject to the usual standard lending procedures, and that the release of the loan proceeds to the subdivider to be used in making the improvements will be contingent upon approval of the installed facilities by the County.
3. Present a Performance Bond wherein the contractor(s) for the site improvements guarantees their installation to the subdivider, in accordance with a contract which is not subject to termination with specified time limits and the other requirements of this resolution, and an assignment to the County of any proceeds resulting from payment of the bond, which assignment has the written approval of the surety company given as security on the bond.

In addition to the preceding alternative devices to secure installation of site improvements (completion bond, escrow deposit, loan commitment from a lending institution, or assigned contractor's performance bond), the subdivider shall post a Maintenance Bond or make an Escrow Deposit in the amount of 10% of the total cost of all improvements other than those to be installed by the County, in the event deficiencies in improvements are revealed within a period of one year from the date of installation.

Where installation of water and sewer services or other facility improvements is performed by an authority or other non-public entity, such entity shall provide to the county/planning commission a certification stating that the service installed was installed according to standard construction requirements and that the entity/authority is responsible for maintenance of the services.

## J. MOBILE HOME PARKS

### 1. Streets

- (a) Privately owned streets shall be permitted within mobile home parks.
- (b) All streets, whether public or privately owned, shall service all lots and parcels within mobile home parks.
- (c) All streets shall meet improvements and standards specified in Section V.B. with the following exceptions:
  - (1) Street design B is not permitted
- (d) Curved Streets shall have a minimum centerline radius of 80 feet
- (e) The street(s) within a mobile home park shall provide direct access to areas to be occupied by transient mobile homes, so that it is not necessary to pass through areas of nontransient homes in order to reach them.
- (f) All driveways and walkways within the park shall be lighted at night with electric lamps of not less than 100 watts each, spaced at intervals of not more than 100 feet. Distance may be proportionally increased for higher wattage lamps.

### 2. Easements

Drainage and utility easements (Section V.C.) shall be required in a mobile home park.

### 3. Blocks

Limitation on the length of block shall not apply to mobile home parks.

### 4. Lots

- (a) Each mobile home lot designed for “Single Wide” mobile homes within a mobile home park shall have a minimum area of 4,140 square feet and a minimum width of 40 feet except for a corner lot adjoining a public road; then the minimum area shall be 5,865 square feet and the minimum lot width shall be 51 feet. Each mobile home lot designed for “Double Wide” mobile homes within a mobile home park shall have a minimum area of 5,980 square feet and a minimum width of 52 feet except for a corner lot adjoining a public road, then the minimum area shall be 7,705 square feet and the minimum lot width shall be 67 feet. Mobile home lots designed for “Single Wide” mobile homes may be used for “Double Wide” mobile homes provided two such lots are utilized for the structure.

Lots without public water and sewer within a mobile home park are required to have a minimum area of 43,560 square feet and a minimum lot width of 150 feet. Lots with public water and on-site sewage management systems (septic tanks) are required to have a minimum area of 21,780 square feet and a minimum lot width of 100 feet.

Mobile home parks established along a county maintained road shall meet the required setbacks of the zoning district in which the mobile home park is located.

If no zoning exists, the minimum setback is 35 feet adjoining a minor street and 40 feet; adjoining a major street.

Recreation areas provided for the common use of residents of the mobile home park shall be permitted to reduce the minimum area of the mobile home lot by an area equal to the total area of the recreation areas divided by the total number of lots in the park of subdivision, such reduction not to exceed 300 square feet.

- (b) Mobile home parks shall have not less than 12 clearly defined mobile home lots.
- (c) Mobile homes shall be so located on each space that there shall be at least 20 feet clearance between mobile homes. Mobile homes parked end-to-end, may have end-to-end clearance not less than 20 feet. No mobile home shall be located closer than 20 feet from any other building within the park 10 feet from any property line bounding the park.
- (d) Mobile home parks in existence on the effective date of this ordinance which provide mobile home spaces having a width or area less than that hereinabove prescribed may continue to operate with spaces of the existing width and area.
- (e) Mobile home lots shall have concrete pads/stands appropriately spaced for mobile home support and a hard-surface driveway of 14 feet in width, and one automobile parking space.
- (f) Minimum setback line shall be located 35 feet from centerline of street.
- (g) The minimum building setback provision shall not apply to mobile home parks.
- (h) An electrical outlet supplying at least 110 volts shall be provided for each mobile home space.
- (i) Mobile homes shall be anchored.

#### 5. Buffer

Surrounding the park (excepting only egress and ingress points) there shall be a planting easement of at least 10 feet upon which buildings shall not be permitted and which shall be planted and permanently maintained in trees and shrubbery that will within five years after planting, be six feet in height and obscure objects behind the easement at a distance of 50 feet.

Such plant/buffer shall be maintained in viable condition.

#### K. FLOOD DAMAGE PROTECTION STANDARDS FOR SUBDIVISIONS.

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage.
- 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas electrical and water systems located and constructed to minimize flood damage.
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty lots or five acres.

- L. RECREATIONAL SUBDIVISIONS – A recreational subdivision shall be allowed to have a private street system on minimum of 30’ wide right-of-way with a twenty feet improved road way when the following procedures, safety measures and standards are present:
1. Sufficient exits from property are in place in case of emergency.
  2. Submission to the planning department of a site plan showing plat of lot division meeting requirements of Sections IV and V, the location of the attraction, the types and location of infrastructure including water lines, sewer lines, and other utilities.
  3. Subdivision shall adhere to all requirements of the Ware County Subdivision Regulations. Variances of the Regulations shall be requested in writing, be referenced to the Regulations and be approved by the Planning Commission prior to submission of the subdivision plat.
  4. A staff report on the requested variances shall be prepared for consideration by the Planning Commission prior to approval of the subdivision. Variances shall be justified by facts not created by the developer.
  5. All radii must be approved by the Ware County Fire Chief for access by fire trucks and other emergency and public service vehicles.
  6. The subdivision shall have an attraction such as a lake or other manmade or natural geographic feature upon which the justification for reduced street width or other variance is based and meet the following requirements:
    - b. The attraction shall occupy/cover at least 35% of the property within the site.
      - i. The attraction shall be available to all owners within the subdivision.
      - ii. If the attraction will not be available to non-owners of property within the subdivision, appropriate language shall be placed in the homeowner’s agreement to not have access to the attraction and subdivision.
      - iii. If the attraction will be available to non-owners of the property within the subdivision, appropriate language shall be placed in the homeowner’s agreement to handle their access to the attraction and subdivision. Facilities and personnel shall be earmarked in the proposal to accomplish that objective.
      - iv. The attraction shall support recreational activities.
    - c. The subdivision shall have a homeowner’s agreement for all community property.
    - d. The attraction shall be supported by fiscally relevant data and background analysis documenting its viability.
  7. The subdivision shall also meet the following requirement of Ware County Zoning Resolution Section 904 group development:
    - a. A written report explaining the type, nature, intent of the development. The report shall include a general description of the property; proposed standards for development including uses of property, density and yard requirements, covenants of permitted uses, landscaping, open space, utility services, off-street parking and maintenance of buildings and grounds; proposed dedications of public use, streets, easements, parks, school sites; plans for utilities including water, sewer and storm drainage; plans for buffers; tables showing number of acres and percentage of proposed land uses; plans for open space, courts, walks and common areas.

## **SECTION VI – FEES**

A subdivision filing and inspection fee of \$100.00 plus \$2.00 per residential lot or other parcel shall be paid to the Planning Director when the Preliminary Plat and Final Plat are submitted and prior to any action thereon by the Planning Commission. Make checks payable to “Ware County.” The Developer shall also pay for filing the Final Plat in the office of the Clerk of the Superior Court with a separate check payable to “Ware County Superior Court.”

## **SECTION VII – ENFORCEMENT/PENALTIES**

The owner or agent of the owner of any land to be subdivided within the county who transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land creating one or more new lots before such plat has been approved by the planning commission or planning director and recorded in the office of the Clerk of the Superior Court in Ware County, shall be guilty of violation of the Ware County Code of Ordinances, Appendix B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from such penalties. The county, through its attorney may enjoin such transfer of sale or agreement by appropriate action.

- i. Any person, firm, corporation or agent violating any provision hereinabove designated, or failing to comply with any requirements of any such Code, shall, upon conviction before the magistrate of Ware County, be fined in an amount not less than three-hundred dollars (\$300.00) and not exceeding one-thousand dollars (\$1,000.00), or imprisonment for a term not exceeding sixty (60) days, or any combination of such fine or imprisonment as may be determined by said magistrate.
- ii. Any such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued.

## **SECTION VIII – EXCEPTIONS**

- A. In the case of very simple subdivision of land, (no new street) the requirements of Steps 1 and 2 of Section IV may be abbreviated, combined, or waived at the discretion of the Planning Commission.
- B. Private Streets are exempt from paving.

AFTER A RECOMMENDATION FROM THE WAYCROSS-WARE COUNTY PLANNING COMMISSION AND A DULY ADVERTISED (15 DAY NOTICE IN NEWSPAPER) PUBLIC HEARING, THE FOREGOING RESOLUTION WAS ADOPTED BY THE BOARD OF COMMISSIONERS OF WARE COUNTY, GEORGIA, IN A REGULAR MEETING ON DECEMBER 13, 2004, AND THAT RESOLUTION PREVIOUSLY ADOPTED ON THE NOVEMBER 4, 1970 AND OCTOBER 30, 1973 IS HEREWITH SUPERSEDED.

Attested:

**Ralph Tyson**  
Chairman

**Pam Gibson**, Clerk