

**AN ORDINANCE OF
THE CITY OF EAST ELLIJAY
PURSUANT TO ITS' CHARTER AND OTHER LAWS**

PASSED: 9/18/2024

ORDINANCE NO. 2024-04

AN ORDINANCE BY THE CITY COUNCIL FOR THE CITY OF EAST ELLIJAY TO ADOPT PLAT APPROVAL AND SUBDIVISION REGULATIONS; TO ESTABLISH MINIMUM LOT SIZES FOR DEVELOPMENT; TO AMEND THE SIGN ORDINANCE TO PROVIDE FOR A SAFETY PROVISION RELATING TO RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

WHEREAS, the City has the authority under the City Charter and the general laws of the State of Georgia to enact certain changes to its ordinances; and

WHEREAS, the City will be subject to future development and finds there is a need for sufficient and reasonable regulation of said development; and

WHEREAS, adopting such changes and amendments allows for the planning and guidelines for development that is in the best interests of the public health, safety, welfare and morals;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF EAST ELLIJAY AND ADOPTED;

SECTION I

The following provisions are hereby amended and/or adopted as follows:

Chapter 807 SUBDIVISIONS

IN GENERAL

Sec. 807-1. Purpose.

The public health, safety, morals, and general welfare require the harmonious, orderly, and progressive development of land within the City. In furtherance of this purpose these regulations are adopted to:

- (1) Encourage the development of economically sound and stable communities;
- (2) Ensure the provision of required streets, and where practical, utilities and other facilities and services to new land developments;
- (3) Ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
- (4) Ensure 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) Ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the community as it now exists or may be established.

Sec. 807-2. Authority.

These subdivision regulations are adopted under the authority conferred by the Georgia General Planning Enabling Act of 1957 as amended, the City Charter and other applicable State law.

Sec. 807-3. Jurisdiction.

These regulations will govern all subdivision of land within the limits of the City as now or hereafter established.

Sec. 807-4. Use of plat.

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the planning commission and recorded in the office of the clerk of the superior court of the County is prohibited; and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

Sec. 807-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building line means a line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang and the subsurface projection of footings.

Crosswalk means a right-of-way within a block dedicated to public use, intended primarily for pedestrian use designed to provide access to adjacent roads and lots.

Health department means the Georgia Department of Public Health and/or the Gilmer County Health Department.

Lot means a portion of a subdivision intended as a unit for transfer of ownership or for development or both. The word "lot" includes the words "plot" or "parcel."

Lot width means the width of the lot at the building line measured parallel to the street right-of-way line or in the case of a curvilinear street parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

Planning Commission means the Planning Commission for the City of East Ellijay and it shall also mean the Mayor and City Council for the City of East Ellijay if there is not a current planning commission appointed or serving or if the

Mayor and City Council is sitting as the Planning Commission as provided for in the City's ordinances.

Street means a right-of-way for vehicular whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, alley, or otherwise.

- (1) *Interstate principal arterial* means interstates and other fully controlled access facilities.
- (2) *Urban principal arterial* means streets and highways serving major urban activity centers, the highest traffic volume corridors, the longest trip desires, and a high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass the central city, and normally will carry important intra-urban as well as intercity bus routes.
- (3) *Urban minor arterial* means streets and highways interconnecting with and augmenting the urban principal arterial system and providing service to trips of moderate length at a somewhat lower level of travel mobility. The system places more emphasis on land access and distributes travel to

geographic areas smaller than these identified with the higher system. It includes all arterials not classified as principal.

- (4) *Urban collector street* means streets penetrating neighborhoods, collecting traffic from local streets in the neighborhoods, and channeling it into the arterial systems. A minor amount of through traffic may be carried on collector streets, but the system primarily provides land access service and carries local traffic movements within residential neighborhoods, commercial, and industrial areas. It may also serve local bus routes.
- (5) *Local street* means streets not classified in a higher system, primarily providing direct access to abutting land and access to the higher systems. They offer the lowest level of mobility and usually carry no bus routes. Service to through traffic is deliberately discouraged.
- (6) *Bypass* means a highway designated for fast, continuous movement of all types of traffic between highways and widely separated parts of the urban area. Bypasses generally have limited or controlled access and are usually grade-separated at railroads and major crossings.
- (7) *Alley or service drive* means a minor access way used for service access, or property access under specified circumstances, to the back or side of properties otherwise abutting on a street.

- (8) *Marginal access street* means a residential street parallel and adjacent to major thoroughfares or arterial streets and which provides access to abutting properties with protection from through traffic.
- (9) *Cul-de-sac* means a local street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (10) *Half-street* means a street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

Subdivider means and includes any person, firm or corporation or agent who undertakes the subdivision of land as defined in this section.

Subdivision means the division 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 included re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or areas subdivided; provided, however, that the following are not included within this definition:

- (1) 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 standards set forth in these regulations.
- (2) The division of land into parcels of five acres or more where no new street is involved.
- (3) The transfer of property by the owner to a member of the immediate family to include within the second degree as established by the legal definition.
- (4) The transfer of unsubdivided land or the transfer of a lot of parcel of land established by deed or plat recorded in the office of the clerk of superior court prior to the effective date of these regulations.
- (5) The division of land among heirs by judicial decree.

The planning commission shall have the authority to waive the design criteria of these regulations in cases of subdivisions substantially developed prior to the adoption of these regulations and where notification that the subdivision has been started is made to the planning commission within ten days of the date of adoption.

Sec. 807-6. Violations.

Whenever it shall come to the attention of the City that any provision of this chapter has been or is being violated, the City may immediately institute suit and prosecute the same to final judgment.

Sec. 807-7. Conflict with other laws.

Whenever the provisions of this chapter impose more restrictive standards than are required in or under any other statute, ordinance provision or resolution, the regulations herein contained shall prevail. Whenever the provisions of any other statute, ordinance provision or resolution require more restrictive standards than are required herein the requirements of such regulation shall prevail.

Sec. 807-8. Penalties.

Pursuant to law, any person convicted of violating this chapter or any provision thereof shall be sentenced to a fine of not more than \$1,000.00 or imprisonment for a term of not more than 60 days, or both.

Sec. 807-9. Variance.

Upon analysis by City staff, the Mayor and Council are authorized to grant such variances from the terms of this chapter as will not be contrary to the public interest where owing to physical or environment conditions the strict application of any section of this chapter would result in a practical difficulty or undue hardship

on any owner of a specific property. In granting a variance the mayor and council may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purposes of this section.

Secs. 807-10 to 807-25. Reserved.

PROCEDURE FOR PLAT APPROVAL

Sec. 807-26. Plat approval.

The procedure for formal review and approval of a subdivision plat consists of two separate steps. These are approval of preliminary and final plats.

- (1) Prior to making any street improvements or installing any utilities or selling any lots the developer shall submit to the planning commission a preliminary plat of the proposed subdivision prepared in accordance with the provisions of these regulations.
- (2) After completion of the physical development, or proper arrangements for same, of all or part of the area shown on the preliminary plat as approved by the planning commission a final plat together with the required certificates shall be submitted to the planning commission for approval. This final plat when approved by the planning commission and duly signed becomes the instrument to be recorded in the office of the clerk of the superior court of the County.

If the subdivider plans to secure approval of his subdivision layout by the Federal Housing Administration, it is suggested that such approval be secured prior to the submission of a preliminary plat to the planning commission.

- (3) Subdivisions which do not involve the platting, construction, or opening of new streets, sewer, or water facilities, or improvement to existing streets, shall be accepted by the planning commission in the form of a final plat.

The final plat shall comply in all respects to these regulations.

Sec. 807-27. Preliminary plat.

On or before the 20th day of the month prior to the month in which the subdivider desires planning commission action, five copies of the preliminary plat and supporting data shall be submitted to the office of the planning commission.

- (1) *Generally.* The preliminary plat shall meet the minimum standards of design set forth in these regulations and shall include the following information:
 - a. Proposed name of subdivision.
 - b. Name, address and phone number of person to be notified of action.
 - c. Graphic scale, north point and date. The north point shall be identified as magnetic, true, or grid north.

- d. Location of sketch map showing the relationship of the subdivision to the surrounding area.
- e. Acreage to be subdivided.
- f. The subdivider may, and is encouraged to, submit a preliminary plat of his entire tract even though his present plans call for the actual development of only a small part of the property.
- g. The plat shall be drawn to a scale of not less than one inch equals 100 feet.

(2) *Existing conditions.*

- a. Topography by contours at vertical intervals of not more than five feet; provided, however, the requirement shall not be mandatory in the case of subdivisions of less than 20 lots.
- b. Zoning district classification of land to be subdivided and adjoining lands.
- c. Deed record names of adjoining property owners or subdivisions.
- d. In case of re-subdivision, a copy of existing plat with proposed re-subdivision superimposed thereon.

- e. Location of streams, lakes, swamps, and land subject to flood as determined from past history of flooding or hydraulic engineering calculations of existing conditions.
- f. Location of existing adjoining property lines and buildings on the property to be subdivided.
- g. Location, and right-of-way of streets, roads, railroads, and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or rights-of-way and show location of poles or towers.
- h. Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
- i. The acreage of each drainage area affecting the proposed subdivision.
- j. All elevations shall refer to the mean sea level datum where public water and/or public sewers are to be installed.

(3) *Proposed conditions.*

- a. Layout of streets, roads, alleys, public crosswalks, with widths, road names or designations, grades and cross sections.

- b. Profile of proposed streets showing natural and finished grades.
 - c. Layout of all lots, including building setback lines; scaled dimensions on lots; utility easements with width and use.
 - d. Preliminary plan of sanitary sewers if applicable with grade, pipe size, and points of discharge or percolation tests as specified by the health department.
 - e. Preliminary plan of storm sewer system with grade, pipe sizes, and location of outlet. Installation of reinforced concrete box culverts that meet the current design standards set by the Georgia Department of Transportation shall be required for all storm sewer systems. If the City has adopted design standards, the City's design standards shall govern.
 - f. Preliminary plan of water supply system if applicable with pipe sizes and location of hydrants.
 - g. Designation of all land to be reserved or dedicated for public use.
- (4) *Review.* Within 90 days after the submission of the preliminary plat, the planning commission shall review and approve or disapprove the plat.
- (5) *Approval.* Failure of the planning commission to act within 90 days shall be deemed approval of such plat and a certificate to that effect shall be

issued by the planning commission on demand; provided, however, that the applicant for the planning commission's approval may waive this requirement and consent in writing to the extension of such period. The ground of disapproval of any plat shall be stated in writing upon the records of the planning commission and a copy of such ground provided to the subdivider. Approval of the preliminary plat shall lapse unless a final plat of all or part of the area shown on the preliminary plat is submitted within five years from the date of such approval, unless an extension of time is requested by the subdivider.

Sec. 807-28. Final plat.

On or before the 20th day of the month prior to the month in which the developer desires planning commission action, the original and three copies of the final plat and supporting data shall be submitted to the office of the planning commission.

- (1) The final plat shall conform substantially to the preliminary plat as approved and shall meet all requirements set forth in these regulations. The final plat shall be drawn lightly in permanent ink or reproducible material (tracing cloth) to a scale of not less than one inch equals 100 feet

on a sheet or sheets not exceeding 17 by 22 inches and shall include the following information:

- a. Name of subdivision.
- b. Name, address and telephone number of person to be notified of action.
- c. Graphic scale, north point and date. The north point shall be identified as magnetic, true, or grid north.
- d. Location sketch map showing relationship of the subdivision to the surrounding area.
- e. Total number lots, total acreage, total length of streets.
- f. Street names.
- g. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every road line, boundary line, block line and building line whether curved or straight. This shall include the radius, central angle, and tangent distance for the centerlines of curved streets. Curved property lines shall show arc or chord distance and radii.
- h. All dimensions to the nearest 100th of a foot and angles to the nearest minute.

- i. Location and description of monuments.
- j. Computations showing closure of tract boundary which closure shall be one foot in 2,500 feet or better.
- k. Final plan of sanitary sewers, if applicable, with grade, pipe sizes, and points of discharge.
- l. Final plan of storm sewer system with grade, pipe sizes and location of outlets.
- m. Final plan of water supply system, if applicable, with pipe sizes and location of hydrants and valves.
- n. Certification by a registered engineer or surveyor attesting to the accuracy of survey, plat, and placement of monuments.
- o. Certification showing the land owner dedicates roads, rights-of-way and designated sites for public use.
- p. Certification by the City that the water supply and sewage systems installed or proposed to be installed fully meet the requirements of the City.
- q. Certification by the public works director that all improvements have been installed in accordance with the specifications of the City or certification by the fire department that the fire protection system

design complies with the Code requirements, that surety in an amount sufficient to assure the completion of all required improvements has been received.

r. Certification of approval for recording to be signed by the secretary of the planning commission.

(2) *Review.* Within 90 days after the submission of the final plat together with all required supporting data and certifications the planning commission shall review and approve or disapprove the plat.

(3) *Approval.* Failure of the planning commission to act within 90 days after the submission of the final plat shall be deemed approval of such plat and a certificate to that effect shall be issued by the planning commission on demand; provided, however, that the applicant for the planning commission's approval may waive these requirements and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the planning commission and a copy of such grounds provided to the subdivider. Approval of the final plat by the planning commission shall not be deemed to constitute or effect an acceptance by the City or the public of the dedication of any street or other ground shown upon the plat.

- (4) *Status of platted street and other public spaces and utilities.* After final approval by the planning commission and the completion of all improvements required by these regulations, the subdivider may request the City to accept such streets and other public spaces.

Secs. 807-29 to 807-54. Reserved.

ARTICLE III. MINIMUM DESIGN STANDARDS

Sec. 807-55. Comprehensive plan generally.

In considering any preliminary plat or final plat, the planning commission shall give consideration to any comprehensive plan, or segments thereof, affecting the area in which the subdivision is located.

Sec. 807-56. Streets.

All streets which shall hereafter be established in connection with the development of a subdivision shall be curbed and guttered and comply with the following design standards and street criteria:

- (1) *Continuation of existing street pattern.* Wherever topography will permit, the arrangement of streets in a subdivision shall provide for the alignment and continuation or projection of existing streets in adjoining areas.

- (2) *Temporary dead-end streets.* Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turnaround having a diameter of 80 feet, or other suitable turnaround.
- (3) *Half streets.* Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.
- (4) *Intersections.* The centerlines of no more than two streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than 60 degrees. The angle of intersection to be measured at the intersection of the street centerlines. Curved streets shall have a minimum tangent of 100 feet at intersections.
- (5) *Reverse curves.* A tangent of at least 100 feet shall be provided between reverse curves.
- (6) *Street access.* Where, in the opinion of the planning commission it is essential to provide for street access to an adjoining tract, street, rights-of-way shall be extended to the boundary of such property.

- (7) *Street jogs.* Street jogs at intersections shall have a centerline offset of not less than 150 feet.
- (8) *Street names.* Streets or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that name. The names of new streets and roads shall be subject to the approval of the planning commission and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, or court.
- (9) *Additional right-of-way.* Subdivisions which include an existing platted street or road that does not conform to the minimum right-of-way requirements of these regulations shall provide additional width along one or both sides of such street or road so that the minimum right-of-way required by these regulations is established. Subdivisions abutting only one side of such a street or road shall provide a minimum of one-half, measured from the center of the existing right-of-way, of the right-of-way required by these regulations.
- (10) *Residential subdivision street standards.* The following criteria are applicable:

STREET CRITERIA

Street Classification						
				Local Streets Servicing:		
See footnote 1 below.	Principal Arterial (feet)	Minor Arterial (feet)	Collector (feet)	More than 50 Dwelling Units (feet)	50 or less Dwelling Units (feet)	Commercial Industrial (feet)
Right-of-way ²	Variable	Variable	60	48	46	50
Construction width ³	Variable	Variable	36	28	26	30
Cul-de-sac turnaround						
Right-of-way	N.A.	N.A.	N.A.	100	100	120
Pavement				80	80	100
Maximum grade	8%	10%	15%	18%	18%	18%
Minimum vertical ⁴ sight distance	500	300	300	200	200	500
Minimum horizontal ⁵ sight distance	400	300	300	200	200	400

Footnotes:

¹	All streets must be curbed and guttered meeting the City's specifications.
²	Right of Way is measured from the back of curb or [in the absence of curb] asphalt. A ten-foot easement on each side of the constructed street width may be substituted for rights-of-way on local streets only. In such cases, the right-of-way is equal to the construction width from back-of-curb and set back distances are measured from the easement line. Such easements must meet the

	requirements of the City. Parking is allowed within such easements, but not on public rights-of-way.
³	Measured from back-of-curb to back-of-curb. Street construction widths are constant from intersection to intersection or from intersection to the cul-de-sac turnaround.
⁴	Measured distance is between points four feet above the centerline of the street.
⁵	Measured distance is to the centerline of the street.
⁶	Cul-de-sac streets with 12 or less dwellings may reduce rights-of-way to 44 feet and construction width to 24 feet.

(11)*Alleys.* Alleys with a minimum right-of-way of 20 feet shall be provided in the rear of all lots to be used for business purposes. Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys. Where alleys are permitted they shall be graded and surfaced to specifications approved by the City engineer or staff.

(12)*Split-level streets.* Streets which are constructed so as to have two traffic ways, each at a different level within the same right-of-way shall provide a paved traffic surface of at least 20 feet on each level and a slope between the two traffic ways not less than 3:1.

Sec. 807-57. Blocks.

The planning commission shall examine every proposed subdivision as to its compliance with the following provisions:

- (1) *Nonresidential blocks.* Blocks for other than residential use shall be of such length and width as may be suitable for their prospective use.
- (2) *Residential block length.* In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas; and in order to help prevent traffic congestion and undue inconvenience; the length of blocks hereafter established shall not exceed 1,800 feet or be less than 600 feet. Provided, however, such length requirements may be modified when such shall be appropriate due to the topography or physical shape of the property being subdivided.
- (3) *Residential block width.* The width of any residential block shall be sufficient to permit two tiers of lots, where topography and land ownership permits, except as otherwise provided in these regulations.
- (4) *Crosswalks.* Rights-of-way for pedestrian crosswalks shall be provided when in the opinion of the planning commission crosswalks are necessary for the convenience of pedestrians. Such rights-of-way shall be not less than ten feet wide.

Sec. 807-58. Lots.

All lots which shall hereafter be established in connection with the development of a subdivision shall comply with the following design standards:

- (1) *Authority of health department* Nothing contained in these regulations 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.
- (2) *Building lines.* All building setback lines shall be in compliance with this Ordinance.
- (3) *City limit and lot lines.* Lots shall not be divided by corporate boundary lines.
- (4) *Corner lots.* Corner lots shall be sufficiently large to permit the location of building so as to conform with the building lines on both streets.
- (5) *Double frontage.* Double frontage lots (i.e., lots having street frontage both in front and rear) shall be avoided except where essential to provide separation of residential development from railroad or major street rights-of-way or where necessary due to topography. Where a railroad of major arterial right-of-way, as shown on the major thoroughfare plan, abuts or runs through any portion of the subdivision, the subdivision plan shall

provide for either a marginal access or lots backing onto said right-of-way having a minimum depth of 200 feet.

- (6) *Lot lines.* Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- (7) *Minimum lot dimensions and area.* The minimum lot width at the front building line and minimum lot area shall be as required by the City's ordinances. Any lot requiring a septic tank shall be governed by the regulations of the County health department. No plat shall be approved for property zoned residential unless the minimum lot size is $\frac{3}{4}$ of an acre.
- (8) *Street access.* Every lot hereafter established shall front or abut on a street which is to be dedicated to the public or has been approved as a private street by the Mayor and City Council and conforms to the requirements of these regulations.
- (9) *Lot depth.* Except in instances of extreme topography or other unusual physical conditions, lot depth shall not be more than four times the lot width at the building line.
- (10) *Common Area and Open Space.* Any residential subdivision that has more than ten total lots shall be required to provide no less than twenty percent (20%) of the total land area of the development being submitted as

common area for the residents. For this calculation, the applicant may include buffers, greenspace and amenity areas.

Sec. 807-59. Easements.

Easements shall be required in subdivisions for the following purpose:

- (1) *Utility easements.* When it is found to be necessary and desirable to locate public utility lines in other than street rights-of-way, easements shall be shown on the plat for such purposes. Such easements shall not be less than 12 feet in width and where possible, shall be centered on rear or side lot lines.
- (2) *Watercourse and drainage easements.* Where a proposed subdivision is traversed by a watercourse, drainage way, or stream, appropriate provisions shall be made to accommodate stormwater and drainage through and from the proposed subdivision. Such easement shall conform substantially with the lines of the watercourse and be of sufficient width or construction, or both, as to be adequate for the purpose.

Sec. 807-60. Variances.

When, due to the peculiar shape, or the topography of a tract of land or other unusual condition, it is impractical for a developer to comply with the literal interpretations of the design requirements of these regulations, the planning

commission shall be authorized to vary such requirements provided the intent and purposes of these regulations are not violated.

Secs. 807-61 to 807-86. Reserved.

REQUIRED IMPROVEMENTS

Sec. 807-87. Findings; duty of subdivider.

A well-designed subdivision means little to a prospective lot buyer until they can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise a well-designed subdivision is not an asset to the community until the necessary improvements have been installed. In order that prospective lot purchasers may get usable products and new subdivisions may be an asset rather than a liability to the community, the subdivider shall install and/or pay for the improvements required by these regulations necessary to serve the subdivision.

Sec. 807-88. Monuments.

Concrete monuments at least four inches in diameter or square, three feet long, shall be set at all street corners, at all points where street lines intersect the exterior boundaries of the subdivision, at angle points and points of curve in each street, and at points of change of direction in the exterior boundaries of the subdivision. The top of the monument shall have an indented cross to identify the location or

other type monuments approved by the planning commission and shall be set flush or up to six inches above the finished grade. All other lot corners shall be marked with an iron pipe at least 24 inches long and driven flush or up to six inches above the finished grade.

Sec. 807-89. Natural gas.

When gas lines are located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street.

Sec. 807-90. Water supply.

Where public water is available adjacent to the property being subdivided, the subdivider shall install water mains and fire hydrants according to plans and specifications approved by the appropriate City official and approved by the health department. When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

Sec. 807-91. Sanitary sewerage.

Where public sewerage is available adjacent to the property being subdivided and the topography is such that extension is feasible, the subdivider shall install public sanitary sewers to plans and specifications approved by the City. When the

sewer is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street.

Sec. 807-92. Sewage disposal systems.

Prior to the construction of any community sewage disposal system, such facility shall be approved by the City as well as the County Health department.

Sec. 807-93. Curbs and gutters.

Curbs and gutters shall be installed on all streets by the developer in accordance with the City policy and current AASHTO standards.

Sec. 807-94. AASHTO standards.

Street design shall conform to the current AASHTO (American Association of State Highway and Transportation Officials) requirements for the that classification of street, unless otherwise noted.

Sec. 807-95. Storm drainage.

All development shall be subject to the provisions of Georgia law and the Ordinances of the City of East Ellijay. The design professional should consult the current issue of the Georgia Stormwater Management Manual as published by the Atlanta Regional Commission.

Sec. 807-96. Street name signs, traffic signs.

Street name signs shall be installed at all intersections within a subdivision. The location and design of such signs shall be approved by the appropriate City official. The developer shall install all required traffic signs. Unless otherwise noted, the location and design of traffic signs shall conform to the manual on uniform traffic control devices.

Sec. 807-97. Utility strips.

The street right-of-way shall include an additional ten feet at a minimum, measured from the back of the curb on both sides of the street which shall be graded to provide space for installation of utilities, to prevent the encroachment of driveways into the street surface, to provide walkway off the paved vehicular surface, and to provide space for the installation of sidewalks; provided, however, the planning commission may waive this requirement in cases where the subdivider can demonstrate that the topography of the land being subdivided is such that compliance with this provision would be impractical.

Sec. 807-98. Sidewalks.

Sidewalks shall be required in all subdivisions along both sides of the proposed streets. Sidewalks shall be located within the street right-of-way and not less than one foot from the property line to prevent encroachment by fencing,

plantings or other structures placed upon the property line at a later date. Sidewalks shall be constructed of concrete and shall be a minimum of five feet wide and four inches thick and shall be compliant with the American's with Disability Act ("ADA").

Secs. 807-99 to 124. Reserved.

SURETY FOR COMPLETION OF IMPROVEMENTS

Sec. 807-125. Letter of credit or bond.

In lieu of the completing of the required improvements and utilities previous to the final approval of a plat, the City may accept a letter of credit or a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the City the actual construction and installation of such improvements and utilities within a period specified by the planning commission and expressed in the letter of credit or bond.

Secs. 807-126 to 807-151. Reserved.

STREET TESTS; WARRANTY; AND ACCEPTANCE

Sec. 807-152. Tests.

(1) *Responsibility.* The developer's contractor shall be responsible for the quality, accuracy and workmanship of his completed work.

(2) *Access.* The public works director or his designee shall have access to the site for inspection and/or testing at any time.

(3) *Test Standard.* All tests shall comply with Standard Specifications Construction of Roads and Bridges by the Georgia Department of Transportation (GDOT), most current edition.

(4) *Tests.* The developer's contractor shall conduct and record the results of the following tests and shall make the same available to the public works director or his designee on demand:

(a) *Subgrade and graded aggregate base.* Sub grade and graded aggregate base tests shall be conducted at random intervals not exceeding 300 feet apart. Any areas failing such testing shall be reworked until proper compaction is achieved. Test rolling with a loaded dump truck will also be required for all streets.

(b) *Asphalt pavement.* The asphalt shall be cored for thickness at random locations not exceeding 500 feet apart. All asphalt paving mixes must come from a GDOT approved asphalt plant. Areas with failing asphalt tests shall be corrected by a method approved by the City.

(c) *Concrete*. Testing for concrete shall be done where concrete is used on the project for retaining walls, culverts and headwalls and bridges. Testing shall comply with GDOT testing standards for concrete.

Sec. 807-153. Warranty and acceptance.

The developer's [design] professional responsible for inspection of construction will provide the City with an affidavit after he completes his inspection, testing and submittal of as-built drawings and easements. This affidavit must certify that all specified inspections and tests have been made and successfully passed and that the work has been completed in substantial accordance with the approved plans and specifications. After receipt of this affidavit, the City will schedule an inspection of the work within the right-of-way. A representative of the developer's design professional and the contractor will be present during this inspection.

After all discrepancies are corrected, the City will issue a letter certifying conditional acceptance of the streets subject to the developer's maintenance of the streets to City specifications for a period of 12 months following the dedication request and a final acceptance. This letter shall commence the start of the 12-month warranty period. At the end of 12 months, the City will re-inspect the work. When all discrepancies have been corrected, the City, upon approval by the mayor

and council, will issue a final acceptance letter and will begin perpetual maintenance and operation of the streets within the right-of-way. The City shall have the right to deny the dedication at any time prior to final acceptance.

Sec. 807-154. Right-of-way dedication required.

Land shall be dedicated by a property owner for the construction of a transportation corridor or corridors as required by the planning commission and according to the procedures outlined in this article when:

- (1) A development requiring a planning action, partition, or subdivision takes place on the owner's property; and
- (2) The development will result in increases in the traffic generated (pedestrian, bicycle, auto) in the area, by some measure.

SIGN ORDINANCE AMENDMENT

Section 60-4 of the Sign Ordinance (Ord. 2023-03) is hereby amended to include subsection (t) and recast as follows:

Sec. 60-4 Signs prohibited.

The following signs **are prohibited**:

- (a) Oversized signs, as defined above based only on their size or height, except in accordance with this Ordinance;

- (b) Signs on the public right-of-way, to include medians, sidewalks, curbs, and all other public land except in accordance with this Ordinance;
- (c) Any sign larger than 12 square feet on property that is currently vacant or zoned as or in use for residential purposes;
- (d) Signs located within recorded and/or prescriptive utility service easements unless a variance is granted by the board of zoning appeals, City Council, or the easement holder provides a written waiver for the proposed sign;
- (e) Signs located within recorded and/or prescriptive water, sanitary sewer, drainage easements or their setbacks. A variance may be granted by the director of the City water system [or its governmental water provider] only within a setback and only if the owner of the sign provides a written waiver or hold harmless agreement to the City and its governmental water provider;
- (f) Any sign, the erection of which would increase the total aggregate area of all sign faces on property that is currently vacant or zoned as or in use for residential purposes to more than 20 square feet;
- (g) Any sign, the erection of which would increase the total aggregate area of all sign faces on a property that is currently primarily used for commercial

or industrial purposes to more than 80 square feet, except in accordance with this Ordinance;

- (h) Signs attached to the roof of a building or structure;
- (i) Portable signs;
- (j) Any sign that is taller than 19 feet in sign height, except in accordance with this Ordinance;
- (k) Wall signs projecting more than 24 inches from the building surface on which it is attached, except blade signs may project up to 48 inches from the building surface on which it is attached;
- (l) Electronic signs used as canopy, wall, or awning signs;
- (m) More than four freestanding signs on any platted, recorded, or deeded lot of record;
- (n) Signs posted without the permission of the owner of the property or their authorized tenant or agent;
- (o) Permanent or temporary window signs which cover more than 50 percent of the window glass surface of each pane of glass.
- (p) Signs which are erected or maintained upon trees, utility poles, or painted or drawn upon rocks or other natural features;

- (q) Pennants and streamers;
- (r) Mechanical fan and wind activated devices;
- (s) Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has internal lighting exposed to view.
- (t) Any ground-based monument sign that is located on property zoned residential and is not located at least thirty feet (30') from the right-of-way.

LOT SIZE AMENDMENT

The zoning ordinance of the City of East Ellijay is hereby amended so as to provide the following:

- (a) The minimum lot size for any residential property to be developed, platted or re-zoned within the City of East Ellijay shall be $\frac{3}{4}$ of an acre [32,670 square feet].
- (b) Table 6.2 of the City of East Ellijay's zoning ordinance is hereby amended to reflect the minimum lot area [size] for property zoned R-1, R-2, R-3 and R-4 is 32,670 square feet and to change the minimum setbacks for all zoning districts to be 25 feet front setback, 15 feet side setbacks and 15 feet rear setback.

(c) Any residential lots that exist on the date of enactment of this Ordinance and that do not meet the minimum lot size requirement shall be grandfathered and considered a legal, non-conforming lot. However, applications for rezoning or subdivision of legal non-conforming lots shall not be permitted without meeting the minimum lot size requirements.

(d) The Mayor and City Council shall have the authority to grant variances from the minimum lot size requirements in the same manner as other variances.

SECTION II **SEVERABILITY AND REPEAL**

If any portion of this Ordinance is found to be unconstitutional or in violation of the law by a Court having jurisdiction, it is the intent of the Mayor and Council that the provisions which are not found to be in unconstitutional or in violation of the law shall remain in full force and effect. Any other provisions or ordinances which conflict with this Ordinance are hereby expressly repealed.

SECTION III. **EFFECTIVE DATE**

The effective date of this Ordinance shall be immediately upon its passage by the City Council and return of this Ordinance with the approval of the Mayor as provided for in Section 2.31 of the Charter or ten days after adoption, whichever is sooner. Upon this Ordinance being adopted and being deemed effective, the current Moratorium adopted/extended by Resolution 2024-05 is hereby repealed.

SO ORDAINED, this 18th day of September, 2024.

CITY OF EAST ELLIJAY

Attest as to this Ordinance having passed by
majority vote:

Petina Pritchett

City Clerk

APPROVED:

This 18th day of September, 2024

Don Callihan

Mayor Don Callihan

VETOED:

This ____ day of _____, 2024

Mayor Don Callihan

Attest as to this Ordinance having become law due having not been approved or vetoed by noon on the 10th Calendar day after said Ordinance's adoption:

This _____ day of _____, 2024.

City Clerk

Attest as to this Ordinance having been vetoed and presented to the City Council for consideration and said vetoed was _____ or was not _____ overridden by three councilmember votes.

This _____ day of _____, 2025.

City Clerk