

Madison County Subdivision Regulations

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ARTICLE I: ENACTMENT CLAUSE AND POLICY

Section 1.0 Enactment Clause. In pursuance of authority conferred by the Home Rule Powers of the State of Georgia, and for the purposes of promoting the health, safety, convenience, order, prosperity and general welfare of the county; to encourage economically sound and stable land development; to assure the provision of required streets, utilities, and other facilities and services; to assure the adequate provisions of safe and convenient traffic access in land development; and to insure that land is developed in conformity with the Madison County Comprehensive Plan, the County Commissioners of Madison County Georgia, do ordain and enact into law the following articles and sections.

Section 1.1 Policy.

It is the declared policy of Madison County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of Madison County Government pursuant to the Comprehensive Plan and Zoning Ordinance of the county for the orderly, planned, efficient and economical development of the unincorporated areas of the county.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provisions have been made for drainage, water, sewerage and capital improvements such as schools, recreational facilities and improvements.

Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations

To protect the character of the social and economic stability of all parts of the county and to encourage the orderly and beneficial development of the community through appropriate growth management techniques, to protect environmentally critical and historic areas.

To protect and conserve the value of land throughout the county, and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

To ensure that public facilities and services area available concurrent with development and will have efficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigating measures to ensure the development provides its fair share of capital facilities needs generated by the development.

To prevent the pollution of air, streams, and ponds, to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability and rural beauty of the community and the value of the land.

To preserve the natural beauty and topography of the county, and to ensure appropriate development with regard to these natural features.

To provide for open spaces through the most efficient design and layout of the land.

ARTICLE II: SCOPE

Section 2.0 Short Title. This ordinance shall be known and cited as the “Subdivision Regulations of Madison County, Georgia.”

Section 2.1 Jurisdiction. These Regulations control the subdivision of land within the unincorporated portions of Madison County, Georgia.

Section 2.2 Content. These Regulations require and regulate the preparation of Preliminary Plats, Subdivision Construction Plans and Final Plats for the subdivision of land; establish minimum design and construction standards for subdivisions, lots, streets, drainage and other improvement, set forth the procedures to be followed in applying these Regulations, provide penalties for violations; and set forth other matters pertinent to the development of land. Divisions of land defined herein as: “Minor Subdivisions” are not subject to these Regulations, but must adhere to the provisions of the Madison County Zoning Ordinance and other applicable county land-use regulations.

Section 2.3 Permitted Districts.

Section 2.3.1. Major subdivisions are permitted in A-2, RR, R-1 and R-3 zoning districts only.

Section 2.3.2. Minor subdivisions are permitted in the A-1, A-2, RR, R-1, R-2, and R-3 zoning districts only.

ARTICLE III: DEFINITION OF TERMS

Section 3.0 Definitions. When used in this ordinance, the following words and phrases shall have the meaning given in this Section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future tense.

Accessory Structure - A subordinate building or use customarily incidental to the principal use of the land and located on the same lot with the principal use.

Active Recreation - Includes, but not limited to, golf courses, playing fields, playgrounds, courts and other recreational activity, which do not require or create requiring the use of impervious surfaces.

Alley - A thoroughfare or right-of-way, usually narrower than a street, which provides access to the rear boundary of two or more residential properties and is not intended for general traffic circulation; privately maintained.

Average Daily Traffic (ADT) - The total number of vehicles passing a point or segment of a roadway, in both directions, during a 24-hour period.

Board - The Board of Commissioners of Madison County, Georgia.

Building - Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or tangible property.

Building Envelop – The area formed by the front, side and rear building restriction or setback lines of a lot within which the principal buildings must be located.

Building Footprint – The outline of the total area covered by a building’s perimeter at the ground level.

Building Inspector – An employee of Madison County charged with enforcement of the building code and such other ordinances (zoning, signboard, housing, electrical and plumbing, for example) as may be assigned by his or her department.

Building Line – The line parallel to the street right-of-way, beyond which the foundation wall and roofed porch, vestibule or other such portion of a building shall not extend.

Building Permit – A written permit issued by the Building Inspector authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of

Central Water System – A water distribution system that serves all lots from one or more wells located on a not-residential lot (s) within the subdivision.

Clustering – A subdivision design method, which concentrates development in specific areas on the proposed site, while preserving the rest as permanent open space.

Compatible Agricultural Uses – Agricultural uses such as seed crops (wheat, hay, soybeans, ect.), silviculture, truck farming, beekeeping, nurseries (but not the operation of commercial greenhouses or nursery Christmas tree farms), fruit and nut orchards and small roadside farm stands are most compatible with residential uses. Livestock uses are permitted with constraints of the underlying zone and county animal unit ordinances.

Comprehensive Plan – A 20-year plan providing county and city officials, staff and residents of Madison County a set of goals and policies to help manage future growth and development prepared pursuant to the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Department of Community Affairs in accordance with O.C.G.A. 50-8-7.1(b) and 50-8-7.2

Conceptual Plan – A sketched map of the development site submitted by the sub-divider illustrating the tentative layout of open space, house sites and streets.

Conservation Areas – Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include groundwater recharge areas, watersheds, wetlands and river corridors.

Conservation Easement – A voluntary, legal agreement between a landowner and an easement holder that permanently limits uses of the land to protect agricultural uses, environmentally significant areas or historically significant areas. Each easement is tailored to fit the owner’s personal management objectives and goals for the property.

Conservation Subdivision - A residential development where fifty percent or more of the gross parcel area is designated as open space, thereby permanently protecting agriculturally, environmentally, or historically significant areas within the development. The remaining developable land may subdivide into residential lots.

Construction Envelope – A twenty-foot area adjacent to the building footprint with an additional fifteen-foot wide construction entrance to the site, plus the location of underground utilities.

Construction Plans – A set of plans, details and technical specifications for the construction of roads, drainage systems, utilities, embankments, signage, traffic control devices, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

County – The Board of Commissioners of Madison County.

County Planner – The authorized County Planner for Madison County, Georgia.

County Review Board – A board appointed by the Madison County Board of Commissioners to provide technical assistance in the development of conceptual plans, preliminary and final plats for Conservation Subdivisions, and consists of the County Planner and the County Zoning Administrator.

Critical Wildlife Habitat – Areas containing elements vital to the survival of endangered or threatened species including, but not limited to, food sources and cover.

Cul-de Sac Bulb – The outer arc of the turnaround at the terminal end of a cul-de-sac street.

Density – The number of dwelling units permitted per net acre of land.

Density Neutral – The overall number of dwellings allowed in conservation subdivisions is the same as would be allowed in the underlying zoning district.

Dwelling – Any building or providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement – A grant by a property owner of the use of land for a specific purpose or purposes, by the general public, a corporation, or a certain person or persons.

Engineer – A registered, professional engineer licensed to practice in the State of Georgia.

Existing Features (Site Analysis Plan) – A document identifying: location of water bodies, steep slopes, existing right-of-ways and easements, soil types, environmentally and historically significant areas, topography and existing structures, roads, and trails drawn on a plat of the proposed subdivision.

Eyebrows – A partial bulb located adjacent to the serving road that provided access to the parcels and can serve as a turnaround.

Flag Lot – A lot not fronting or abutting a public roadway, and where access to the public roadway is limited to a narrow private right-of-way.

Finished Grade – Roadway grade as identified on the approved construction plans.

Hammerheads – T-shaped turnaround at the end of a street.

Health Department - The Health Department of Madison County, Georgia

Horticultural Use – Agricultural activities, which include the grown on the property, which may be sold to the public, provided this exception does not extend to allow the operation of a commercial greenhouse or nursery.

Land Disturbing Activity – Any activity which may result in soil erosion and the movement of sediments into state waters or onto lands within the state; including, but not limited to clearing, dredging, grading, excavating transporting or filling of land but not including agricultural practices as described in O.C.G.A. 122-7-17-5.

Land Disturbing Permit – Authorization from the local or state regulatory agency to perform construction activities or land disturbance activities in conformance with an approved soil erosion and sediment control plan and/or minimum standards provided by law.

Landscape Architect – A registered landscape architect licensed to practice in the State of Georgia.

Loop Road – A residential street, which forms a loop and returns to the same street from which it originated.

Lot – A parcel of land occupied or to be occupied by one or more buildings and its accessory buildings with such open and parking spaces as are required by the provisions of these Regulations and having its frontage on a public street or private access drive.

Lot Area – The computed ground area inside the lot lines.

Lot Corner – A lot abutting upon two (2) or more public streets at their intersection.

Lot, Depth of – The mean horizontal distance between the front and rear lot lines measured in the general direction of the sidelines of the lot.

Lot Frontage – The distance between the two points where the side lot lines intersect the street right-of-way, as measured along the right-of-way.

Lot Line – The property lines bounding the lot.

Main – Water pipe used for the purpose of transmission or distribution of water, excluding an owner's service lateral.

Major Subdivision

- a. Any subdivision that requires the construction of new streets, roads, central water system, or the extension of a municipal water or sewer system.
- b. Any subdivision of a parent parcel where five or more lots (initial lot plus four new lots) are created within a three year period.

May – The word “may” means that the directives or requirements are permissive and are imposed at the option of the decision maker. If used within the text, the word “Can” also means, “may”.

Minor Subdivision – Any subdivision where less than five lots, including the initial lot, are created from a parent parcel that does not require the construction of new streets, roads, central water system (s), or the extension of a municipal water or sewer system.

Municipal Water System – A water system owned and operated by a local government or governmental authority.

Natural Vegetative Buffer – Small strips of land in permanent vegetation, designed to intercept pollutants and manage other environmental concerns (e.g. sound, sight, airflow). Buffers include: riparian, wetland, surface water and screening buffers; filter strips; grassed waterways; shelterbelts; wind breaks; contour grass strips; cross-wind trap strips; shallow water areas for wildlife; field borders; herbaceous wind barriers and vegetative barriers.

Open Space – For the purpose of traditional subdivisions open space shall mean a parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Open space shall be substantially free of structures, but may contain such improvements as are in the plans as finally approved and are appropriate to the benefit of residents of the development. For the purpose of conservation subdivisions, open space shall mean an area of land within the subdivision boundary, which shall remain in a permanent undeveloped condition.

Overlay District – A set of zoning requirements that is superimposed upon a base district. Development of land subject to overlay zoning requires compliance with the regulations of both the base and overlay districts.

Owner – Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Owner's Service Lateral – The water pipe that runs between the water meter and the customer's place of consumption.

Parcel – Any legally described piece of land designated by the owner or developer as land to be used or developed as a unit, or that has been developed as a unit.

Parent Parcel – A lot of record existing at the time of this amendment or a lot created by subdivision or recombination subsequent to the adoption of this amendment.

Passive Recreation – Generally encompasses the less intensive range of outdoor activities compatible with preserving natural resource functions such as wildlife habitat and flood plain protection; such as, but not limited to, trails, picnic areas, and community gardens.

Person – An individual, partnership, organization, association, trust or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers and members of such organization, association or corporation.

Planning and Zoning Commission – The Madison County Planning and Zoning Commission.

Plat Final – The plat submitted to the Board of Commissioners for final approval and, subsequently, to be recorded with the Clerk of the Superior Court of Madison County.

Plat Preliminary – The plat of a proposed subdivision submitted to the Board of Commissioners for approval prior to the submission of the final plat.

Primary Conservation Areas – Environmentally or historically significant areas, which are unbuildable and shall include wetlands, water bodies, flood plains, steep slopes and endangered or threatened species habitat. Primary conservation areas are deducted from the total acreage available for possible development.

Private Access Drive – A driveway that provides vehicular access to a public or shared water system and is not located in an R-3 zoned district.

Private Well – Water source for use by not more than one single-family (attached) dwelling or one duplex dwelling on a lot which is not part of a municipal, public or shared water system and is not located in an R-3 zoned district.

Professional Engineer – A professional civil engineer licensed to practice in the State of Georgia.

Public Street – A street under the control of and maintained by state, city or county government, established by regular governmental proceedings, or by prescriptive easement.

Public Utilities – Water, gas, sanitary sewer, storm sewer, electrical, and communication lines and facilities, and natural or improved drainage facilities.

Public Water System - A central water system that serves at least 15 service connections or regularly serves an average of at least 25 year-round residents and regulated by the State of Georgia pursuant to Chapter 391-3-5 of the Georgia Administrative Code, as amended.

Reverse Curves – Consecutive left and right curves of a street in a serpentine fashion without a straight segment separating them.

Right-of-Way - A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities.

Right-of-Way Line – The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.

Road and Street – Considered interchangeable terms for the purpose of these Regulations.

Roadway – That portion of a street improved, designed, or ordinarily used for vehicular traffic.

Sanitarian – The Sanitarian of Madison County, Georgia.

Scenic Natural Areas – Any area which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, mature tree-stands, and/or any other feature as identified in the Comprehensive Plan.

Secondary Conservation Areas – Open and wooded space, other than the primary conservation areas, that contain significant natural features worthy of conservation.

Septic Tank – A watertight receptacle which receives the discharge of sewerage and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited, and the discharged of eh liquid portion into a leeching system.

Sewer System – A system, other than a septic tank, that collects, conveys, treats and disposes of organic waste and wastewater generated by residential, industrial, commercial, institutional or other establishments.

Shall – The word “shall” means that the directives or requirements are mandatory and may not be waived or modified. If used within the text “will” and “must” also mean “shall”.

Shared Water System – A homeowner’s association-owned central water system serving fewer than 15 service connections and 25 year-round residents not regulated by the State of Georgia pursuant to Chapter 3910305 of the Georgia Administrative Code, as amended.

Shoulder – That portion of a street within the right-of-way between the back of the curb or edge of the pavement on a street cross section and the beginning of the back slope in a cut or fill section.

Sidewalk – That portion of a street within the right-of-way, which is parallel to the street which is intended for the exclusive use of pedestrians.

Silviculture – Commercial timber harvesting and regeneration under a written management plan prepared by the Georgia Forestry Commission or Registered Forester.

Stormwater Runoff – Overflow from rainfall not absorbed by soil.

Street – For the purpose of these Regulations, a street is a public thoroughfare that affords the principal means of access to abutting property.

Sub-divider – The division of land into two (2) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

Subdivision Lot Line – The property line bounding the subdivision development.

Structure – Any man-made object having an ascertainable stationary location on or in land or water, which or not affixed to the land, including, but not limited to those requiring building permits and excluding fences and walls used as fences.

Surveyor – A registered, practicing surveyor, licensed in the State of Georgia.

Temporarily Stubbed Through Street – A stub street that is connected to another street at one end, but which is intended to ultimately connect with another street at the temporary closed end.

Tract – Same as parcel.

Travel Way – The part of the road made for vehicular travel excluding shoulders and auxiliary lanes.

Variance – A modification in the application of these Regulations to a particular subdivision where, because of special circumstances applicable to the subdivision, strict application of the provisions of these Regulations would cause exceptional or undue hardship.

Water System – A system that provides water to the public for human consumption through pipes or other constructed conveyances, including any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection of pretreatment storage facilities not under such control which are used primarily in connection with such system. The term “water system” specifically includes but is not limited to lands, property, wells, pumps, service meters, mains, hydrants, tanks, rights-of-way, and easements.

Well – A hole or shaft bored, dug or drilled into the earth to tap an underground supply of water.

Wetlands – Lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on

its surface. For regulatory purposes under the Clean Water Act, the term wetlands means “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Woodlands – An area of naturally regenerated, native trees.

Zoning Administrator – The Zoning Administrator for Madison County, Georgia.

Zoning Ordinance – The zoning ordinance of Madison County, Georgia, as adopted and amended by the Board of Commissioners.

ARTICLE IV: CONSERVATION SUBDIVISIONS

Section 4.0 - Introduction

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

The provisions of ARTICLE IV are limited to conservation subdivision development permitted by the Conservation Subdivision Overlay District as defined in the Madison County Zoning Ordinance, unless otherwise specified herein. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

The provisions of ARTICLE IV are approved for conservation subdivisions, as defined in these regulations, and are not applicable to any other type of subdivision development. Where there is a conflict between such provisions and any other Article or Section within these Regulations, ARTICLE IV will take precedence for conservation subdivision development. All other sections of these subdivision regulations not in conflict apply equally to conservation subdivisions.

Section 4.1 - Location Conservation subdivisions, as defined herein, are permitted in the R-1, R-2, R-3, RR, and A-2 Zoning Districts provided that a conservation subdivision concept plan has been approved by the Board of Commissioners at the time of the rezoning of the property. In the case of property, not requiring rezoning, the preliminary plat, accompanied by a conservation subdivision concept plat approved by the Planning and Zoning Commission, shall be forwarded to the Board of Commissioners for review and approval.

Section 4.2 - Purposes The purposes of Conservation Subdivisions are to:

1. preserve the rural character through the permanent preservation of open space, as wetlands, streams and rivers, forests, pastures, farmland, historic features, and other natural and environmentally significant areas;
2. protect scenic vistas from development which would destroy or obstruct such vistas;
3. allow for greater flexibility and creativity in the design of residential development;
4. preserve unique and significant natural, historical and archeological resources; facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
5. protect existing and potential drinking water supplies by increasing infiltration with riparian buffers and natural ground cover and decreasing storm water runoff;
6. encourage a less sprawling form of development;
7. encourage ingenuity and resourcefulness in land planning, provide for open space and passive recreation facilities for the use of the occupants of the development, or the continued use of the open space for agricultural and silvicultural activities;
8. encourage the best possible site plans and building arrangements under a unified development plan rather than under lot-by-by-lot regulation. The sub-divider benefits from better land utilization, economy in the provision of roads and utilities, and flexibility in design. The county gains the advantages of variety in building types, compatibility of uses and optimum community development. Review and approval of the development plan by the Madison County Board of Commissioners provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located;
9. meet demand for housing in a rural setting.

Section 4.3 - General Design Standards for Conservation Subdivisions

1. The landscape must be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Conflicts between development and the rural environment should be minimized. For example, sitting house lots, driveways, and roads at the edge of wooded lots, is recommended when not in conflict with other woodland or silvicultural objectives.
2. The orientation of individual building sites must be such as to maintain maximum natural topography (existing contours) and cover. Topography, tree cover, and natural drainage ways must be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
3. Streets must be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; to minimize stream crossings and to preserve and enhance views and vistas on or off the subject parcel. All streets within the conservation subdivision must be public streets dedicated to Madison County. More than two entrances connected to existing public roads are not permitted unless they would not unnecessarily disrupt traffic flow.
4. The development must maintain or create a buffer of natural vegetation of a least one hundred (100) feet in depth adjacent to surface waters and wetlands.
5. The development must maintain unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads (i.e. existing County Road network) or as designated in the Madison County Comprehensive Plan. For example, a one hundred (100) foot deep no build buffer (designated as part of the primary or secondary conservation areas) is recommended to screen homes from existing public roads and vice versa.
6. The removal or disruption of historic, traditional or significant use, structures, or architectural elements must be minimized insofar as practicable.

7. The sub-divider must protect the habitat areas of species listed as rare or endangered by the Department of Natural Resources, Freshwater Wetlands, and Natural Heritage Inventory.
8. Within the development, the open space must be reasonably contiguous and coherent, and where feasible, adjoin adjacent areas of, open space or other protected lands.

Section 4.4 - Requirements for Residential Lots

1. Construction equipment and storage areas for construction material should be limited to building lots, road right-of-way, the locations for underground utilities, and septic tank field lines, unless approved by the building inspector. Building envelopes must avoid open fields as much as possible and be located on the edges of fields and in wooded areas to minimize the visual impact of development.
2. Minimum Lot Frontage (at the right-of-way): Not less than seventy-five (75) feet. Lots located on the turnaround of a cul-de-sac must have a minimum of forty (40) feet of street frontage (at the right-of-way) providing a front building line is designated on the site plan for such a lot and width of the lot as this building line is at least equal to the minimum frontage requirement of seventy-five (75) feet.
3. Easements may be granted for utilities including: water, natural gas, sewer lines, septic tank fields, electricity and telecommunications lines; construction, drainage; maintenance, pedestrians trails and other public purposes; not for the purpose of creating landlocked lots.
4. "Flag" lots may be permitted to provide more efficient utilization of space consistent with conservation design standards and objectives.
5. The front or rear face of a dwelling unit must be not less than fifty (50) feet from the front or rear face of another dwelling unit. The side face of a residential structure must be not less than twenty (20) feet from the side face of another such building and not less than forty (40) feet from the front or rear face of another such building. This standard does not preclude the use of zero lot lines for single family and duplex residential dwellings. If the dwelling unit is set on the side lot line (i.e. zero lot line), a five-foot maintenance easement must be provided on the adjacent property along the lot line, for necessary maintenance of the building wall.
6. No dwelling unit must be situated so as to face the rear of another dwelling unit within the subdivision unless terrain differences or screening will provide effective visual separation. Preservation of natural woodland is the preferred method of screening. If a woodland buffer strip is preserved, all diseased, dangerous or decayed growth shall be removed. If the natural growth is too dense for preferred growth, the natural growth may be thinned. However, if there is no natural woodland said screening shall be a solid wall or solid opaque fence or tight evergreen hedge not less than eight (8) ft. in height. The tight evergreen hedge shall grow to at least eight (8) ft. in height within five (5) years.
7. The front, side and rear setback lines must be shown on the Final Plat.
8. All residential structures and accessory structures must be located a minimum distance of fifty (50) feet from side lot line of adjacent tracts of land (tracts not within the proposed conservation subdivision).
9. Pedestrian access to primary or secondary open space must provide a minimum width of 20'.
10. All accessory structures must be located to the rear of the front building line but no closer than ten (10) feet to the rear and side lot lines and ten (10) feet from any other structure.
11. Ingress and egress for lots within a conservation subdivision are limited to abutting streets developed in conjunction with the subdivision, including cul-de-sacs and private drives.

Section 4.5 - Location of Open Space The location of open space conserved through compact residential development must be consistent with the policies contained in the Comprehensive Plan and with the requirements of these regulations. The open space, to the greatest extent feasible should adjoin neighboring areas of open space, other protected areas, and non-protected areas that would be candidates for inclusion as part of a future area of open space.

Section 4.6 - General Location Standards

1. All conservation subdivisions must be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step.
2. Where possible, both Primary and Secondary Conservation Areas as defined below should be contiguous.
 - a. Primary Conservation Areas consists of significant natural areas including;
 1. wetlands, streams and rivers;
 2. all of the floodway and floodway fringes within the 100-year floodplain, as shown on official Federal Emergency Management Maps;
 3. land with slopes exceeding 25%;
 4. natural areas of endangered or threatened species
 - b. Secondary Conservation Areas include;
 1. forest, pastures, and farm fields;
 2. prim farmland;
 3. water quality protection areas;
 4. natural areas significant for wildlife habitat;
 5. areas of highly permeable soils;
 6. sites listed on the Natural Heritage Inventory;
 7. sites of historic, cultural or archaeological significance
3. Open space must be directly accessible to the largest practicable number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space must be provided (except in the case of farmland or other resource areas vulnerable to trampling damage or human disturbance). Where the open space is designated as separate, noncontiguous parcels, no parcel may consist of fewer than three acres in area nor have a length-to-width ratio in excess of 4 to 1, except such areas that are specifically designed as, natural vegetative buffers to wetlands, water bodies or watercourses, or trail links.

Section 4.7 - Permitted Uses of the Open Space For all permitted uses within the open space where government, industry or professional organizations have established Best Management Practices (BMP's), such BMP's must be adhered to. The following are permitted uses of open space:

1. Conservation of natural, archeological or historical resources;
2. Woodlands, wetlands, wildlife corridors, or similar conservation-oriented area(s);
3. Walking or bicycle trails surfaced with permeable materials;
4. Passive recreation and community gardens;
5. Active recreation in secondary conservation areas;
6. Agriculture including hay and other crops under a minimum tillage program;
7. Wholesale, non-green house horticulture, wholesale container nurseries;

8. Cattle & horse pasture with water facilities and perimeter and cross fencing as required; Cattle operations may include provisions for group sales;
9. Silviculture; hardwoods and natural pine or pine-hardwoods managed under single tree or group selection; planted pine may be managed under clear cutting regime, however clear-cut stands must not exceed 20% of open space or 20 acres whichever is less; for all silvicultural operations, stream buffers must be a minimum of 100' from the high felling or salvage of trees necessary to prevent the spread of an insect or disease infestations (e.g. Southern Pine Beetle) and the maintenance of a buffer of healthy trees; felling of trees that pose imminent hazard to persons or structures;
10. Easement for drainage, sewer lines and septic tank drain fields or water lines, or other similar public purposes that is maintained with a healthy grass cover; if accepted by the easement holder,
11. Underground utility right-of-way including underground pipelines that are maintained with a healthy grass cover, if accepted by the easement holder;
12. Community and shared well lots.

Section 4.8 - Protection of Open Space All lands within Primary and Secondary Conservation Areas devoted to open space in conservation subdivision are required to be protected by a permanent conservation easement that:

1. Meets the provisions of Treasury Regulation 1.170A-14, with any conservation values expressed in language consistent with IRS 170 (h)(4)(A);
2. prohibits further development or subdivision;
3. sets standards safe guarding the special resources from negative changes; and
4. limits the granting of the easement to a governmental unit or agency or a nonprofit organization holding 501 (c) (3) status with the Internal Revenue Service, and i either event the easement holder must be approved by the Board of Commissioners as an independent, responsible entity to hold the right and duty to enforce the easement restrictions. Any violation of the easement terms may, but is not required to be, enforced by the County in any manner available to the easement holder. Furthermore, any violation of the easement terms may , but is not required to be, considered a violation of the Madison County Zoning Ordinance and enforced by the County as such.

Section 4.9 - Recorded Easement The recorded conservation easement must accompany the final plat submission, and contain the following sections:

1. A caption that identifies the parties and dates.
2. Title representation and a legal description of the property.
3. Baselines inventory that quantifies/describes the present condition of the land to be included in the easement.
4. The grant or transfer of property interest.
5. Rights of the grantee, which must include:
 - a. Protection of conservation values
 - b. Annual inspection requirement
 - c. Enforcement (including restoration of damage not consistent with the easement)
 - d. Prohibited Uses with the following minimum language:
 1. "Any activity on or use of the property inconsistent with this easement or the Madison County Zoning Ordinance or Subdivision Regulations, which authorized the conservation subdivision development of which this easement is a part."

2. A list of prohibited uses with the qualification, “ Without limiting the generality of the forgoing, the following activities and uses are expressly prohibited: further development or subdivision of the property, any use or activity that negatively affects the site’s special resources in perpetuity.”
- e. Reserved Rights (i.e. Permitted Uses) with the following minimum language:
 1. All activities or uses specifically identified in Section 5.8 above with the qualification, “Without limiting the generality of he foregoing, the following rights are expressly reserved.”
 2. The requirement that “government, industry or professional organizations established Best Management Practices are mandatory for all open space uses.”
6. A notice of intention to undertake certain permitted actions.
7. Successors (a “Run with the Land” provision)
8. Provisions for the assignment or transfer of the easement to a qualified organization that meets the Madison County Zoning Ordinance and Subdivision Regulations requirements for easement holders.

Section 4.10 – Ownership The designated open space and common facilities may be owned and managed by one or a combination of the following who will use the land for open space purposes as required in these regulations and as provided for by a conservation easement held by a governmental unit or agency or a nonprofit organization holding 501 (c) (3) status with the Internal Revenue Service.

1. A homeowners’ association.
2. A nonprofit 501 c (3) conservation organization.
3. Madison County, or another governmental body or agency empowered to hold an interest in real property.
4. An individual.

Section 4.11 – Homeowners’ Association A homeowners association shall be established if the common open space is to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and heir successors. The homeowners’ association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners’ association shall be submitted for approval to the Board of Commissioners as part of the information required for the preliminary plat. The homeowners’ association by laws or the declaration of covenants, conditions and restrictions of he homeowners’ association shall contain the following information:

1. The legal description of the common land;
2. A description of common facilities;
3. The restrictions placed upon the use and enjoyment of the lands or facilities;
4. Persons or entities entitled to enforce the restrictions;
5. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
6. A mechanism for resolving disputes among the owners or association members;
7. The conditions and timing of the transfer of ownership and control of land facilities to the association;
8. Any other matter the developer deems appropriate.

Section 4.12 – Nonprofit 501c (3) Conservation Organization Fee title for the open space in conservation subdivisions may be held by a nonprofit conservation organization, but such organization shall not be permitted to simultaneously hold the easement for the same open space.

Section 4.13 – Individual Ownership An individual may hold fee title to the open space in conservation subdivisions, but Madison County, or another governmental body or agency, or a nonprofit organization holding 501c (3) status with the Internal Revenue Service must hold the conservation easement for such open space.

Section 4.14 – Public Dedication of Open Space Madison County, or another governmental body or agency may accept the dedication of fee title or dedication of a conservation easement to the common open space provided:

1. The common open space is accessible to the residents of Madison County;
2. Madison County, or another governmental body or agency agrees to and has access to maintain the common open space.

Section 4.15 – Design Standards for Public Roads It is the intent of this section to minimize the amount of site disruption caused by roadways and the associated grading required for their construction.

1. Streets must follow existing contours to minimize the extent of cuts and fills.
2. Reverse curves may be used in conjunction with relatively long horizontal curve radii of at least 250 feet, on streets where traffic speed will not generally exceed 30 mph. However, where topography or aesthetic design concerns necessarily require smaller radii, and intervening straight street segment (or tangent) of at least 100 feet must be employed between the reverse curves.
3. In order to stimulate intra-neighborhood accessibility, all streets within the subdivision must interconnect as much as possible and minimize creation of cul-de-sacs.
4. Where the interconnection of a street would not promote the purpose of the Open Space Conservation Subdivision Design, non-interconnected streets (cul-de-sacs) are permissible. A cul-de-sac must not serve more than ten (10) residential structures and must not exceed five hundred (500) feet in length. Should a cul-de-sac be permitted, cul-de-sac streets must be terminated by turn-arounds with an internal turning radius of a maximum of 38 feet; pavement width for street type applies. On-street parking in cul-de-sacs is prohibited.
5. “Eyebrow” are treated the same as cul-de-sacs for minimum lot width.
6. Curbs and gutters installed in accordance with Section 8.15 are mandatory in all subdivisions with any lots of 3 or less acres in size.
7. The paved width of each street must be determined by street category and traffic volume according to the following table:

	Interior Access	Interior Local	Interior Collector
Daily Traffic (ADT¹)	0 to 100	101 to 500	>500
Pavement Width	18 ft.	20 ft.	24 ft.
Single-Side on-Street Parking	Emergency Shoulder	Emergency Shoulder	Emergency Shoulder
Design Speed	25 mph	30 mph	Varies
Sidewalks	Optional	Optional	Optional
Cul-de-sacs	Where permitted	Where permitted	Where permitted
Right-of-way²	60 ft.	60 ft.	60 ft.

1. In calculation Average Daily Traffic (ADT), traffic engineers assume that a single-family detached house generates about 10(one-way) vehicle trips per day with lower numbers for attached and multi-family dwellings.
2. In order to preserve the Tree Canopy, cleared sections shall extend no farther than 2 ft. from the edge of curbed roadways and 10 ft. from the edge of travel lanes without curbs. The cleared area for uncurbed areas may be increase if necessary to contain storm water runoff.

Section 4.16 – Evaluation Criteria Diversity and originality in lot layout must be encouraged to achieve the best possible relationship between development and conservation areas. In evaluating Conceptual Plans and Preliminary Plats for the layout of lots and open space, the following criteria must be considered by the Planning commission and the Madison County Board of Commissioners as indicating designs appropriate to the site’s natural, historic, and cultural features, and meeting the purposes of this ordinance.

1. Protects all floodplains, wetlands, and steep slopes from clearing, grading, filing, or construction.
2. Preserves and maintains mature woodlands, existing fields, pastures, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
3. Preserves visual buffers from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers. If development must be located on open fields or pastures because of greater constraints in all other part of the site, dwellings should be sited on the poorest agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.
4. Maintains or creates a buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds.
5. Designs around existing hedgerows and tree lines between fields and minimizes impacts on large woodlands (greater than 5 acres), especially those containing many mature trees or a significant wildlife habitat, and those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 25% should be avoided. However, woodlands in poor condition with limited management potential can

- provide suitable locations for residential development. When any woodland is developed, great care must be taken to design all disturbed areas (for buildings, road, yards, septic disposal fields, etc.) in locations where there are no large trees (24' DBH) or obvious wildlife areas, to the fullest extent that is practicable.
6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. For example, in open agrarian landscapes, a deep “no-build, no-plant” buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. In wood areas where the sense of enclosure is a feature that should be maintained, a buffer of existing vegetation should be provided.
 7. Avoids sitting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
 8. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.s. Environmental Protection Agency or the Georgia Department of Natural Resources.
 9. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds.
 10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the corridor of rural roads with historic buildings, stone walls, hedgerows, etc.
 11. Protects landscaped common areas, cul-de-sac islands, and both sides of new streets with native species of shade trees, appropriate shade tree cultivars, and native flowering shrubs with high wildlife conservation value. Along streets where trees have not been preserved, tree plantings should equal 200 per mile of street (i.e. trees along both sides of the street). These trees must generally be located between the side walk (if required) and the edge of the street, within a planting strip not less than eight feet in width or within the street right-of-way. Linear plantings are not required; tree groupings are encouraged.
 12. Provides passive recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots in the conservation subdivision.
 13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the development’s open space system . All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
 14. Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land must be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land must be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space, where feasible, should abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land conservation organizations).

Section 4.17 – General Procedural Requirements The sequence of actions prescribed in this Section must be followed sequentially and may be combined only at the discretion of the County Review Board:

1. Pre-Application Discussion A pre-application discussion is required between the applicant, the site designer(s), and a member of the County Review Board. The purpose

of this informal meeting is to discuss the applicant's objectives in relation to the County's official policies and ordinance requirements. The County may designate a consultant experienced in development design and in the protection of natural features and open lands to meet with the applicant and to attend or conduct meetings required under this ordinance.

2. Existing Features (Site Analysis) Plan A plan submitted by the applicant to the County Review Board prior to the on-site walkabout, that analyzes the site's special features, and forms the basis for the design process for greenway lands, house locations, street alignments, and lot lines. Existing Features Plans must include the following:
 - a. a contour map based upon topographical maps published by the U. S. Geological Survey;
 - b. the location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easement(s); (3) soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps;
 - c. the location of significant features such as woodlands; tree lines, open fields or scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, track and trails, and any sites listed on the Georgia Natural Heritage Inventory or National, State or Local Historic Register.
3. On-Site Walkabout After the Existing Features Plan has been submitted for review, the County Review Board must schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize County officials with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the Secondary Conservation Areas and potential house locations and street alignments. At the conclusion of the on-site walkabout a member of the County Review Board should discuss with the applicant how the following four-step approach to designing conservation subdivisions could be applied to the subject property.
4. Designation the Open Space. During the first step, all potential conservation areas (both primary and secondary) are identified, using the Existing Features Plan. Primary Conservation Areas shall consist of wetlands, floodplains and slopes over 25%. All primary conservation areas on the site shall be included in calculating the site's 50% minimum open space set-aside. Secondary Conservation Areas shall consist of any remaining sensitive and noteworthy natural, scenic and cultural resources on the parcel, provided that the sum total of primary and secondary areas constitute 50% or greater of the Gross Parcel Area. Guidance on which parts of the remaining land to classify as Secondary Conservation Areas shall be upon, but not limited to:
 - a. On-site visits or "walkabouts";
 - b. The open space location criteria contained in Section 4.7;
 - c. The evaluation criteria listed in Section 4.17;
 - d. Information from published data and reports; and
 - e. Conversations with existing or recent owners of the property, members of the Madison County Board of Commissioners, the Planning and Zoning Commission and the County Review Board.
5. Location of House Sites. During the second step, potential house sites are tentatively located. The proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the 14 evaluation criteria contained in Section 4.17. House sites should generally be located not closer than 100 feet from Primary Conservation Areas, but may be situated within 50 feet of Secondary

Conservation Areas, in order to enjoy view of the latter without negatively impacting the former. The building “footprint” of proposed residences may be changed by more than fifty feet in any direction with approval from the Planning Commission. Changes involving fifty feet or less do not require approval.

6. **Street and Lot Layout.** The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access street are laid out, they must be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. Wetland crossings and streets traversing existing slopes over minimize the number of new cul-de-sacs to be maintained by the County and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with “hammerheads” to facilitate three point turns. Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted).
7. **Lot Lines.** The fourth step is simply to draw in the tentative lot lines.

Section 4.18 - Conceptual Plan. After the on-site walkabout a Conceptual Plan must be prepared for the Proposed subdivision. The sub-divider should consider securing preliminary acceptance by a potential easement holder prior to requesting approval of the Conceptual Plan.

1. The Conceptual Plan is a sketch plan drawn to illustrate initial thoughts about a conceptual layout for open space, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed conservation subdivision layout. When the Conceptual Plan is submitted, applicants shall be prepared to demonstrate to the Planning and Zoning Commission and the Board of Commissioners that the four-step design process described in Section 5.17.3 was followed by their site designers in determining the layout of the proposed streets, house lots and open space. The Conceptual Plan must be submitted by the applicant to the County Review board for preliminary review and completeness. A letter from the applicant, with the required fee, should accompany the Conceptual Plan requesting that it be placed on the Planning and Zoning Commission’s business meeting agenda for review and approval. The purpose for the review is to secure early agreement on the overall pattern of streets, house lots, Primary and Secondary Conservation Areas, and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, storm water management, or the delineation of internal lot boundaries. Where a rezoning of the property is not required, the Planning and Zoning Commission shall approve, disapprove or approve the plan with conditions, stating such reasons in writing. Should the applicant disagree with the Planning and Zoning Commission’s decision an appeal may be made to the Board of Commissioners. Where a rezoning of the property is required, the Planning and Zoning Commission shall review the plan and forward their written recommendation(s) to the Board of Commissioners for review and approval. A copy of the approved Conceptual Plan must accompany the submission of conservation subdivision preliminary plats.

Section 4.19 - Management Plan. The sub-divider must submit a management plan for the open space areas to accompany the preliminary plat for approval by the Board of Commissioners. such plan must include the following:

1. Ownership;
2. Specific uses and any limitation of such uses;
3. Conservation easement holder;
4. Maintenance responsibility.

Section 4.20 - Recorded Covenants. The underlying zoning classification's permitted uses may be incompatible with cluster-type lot configurations therefore, covenants must be recorded for all conservation subdivisions specifying permitted uses, exclusions, or limitations including, but not limited to; housing types, business or agricultural activities, home occupations, accessory buildings, etc., for all residential lots. Such covenants must be submitted in conjunction with the Preliminary Plat submission to the Planning and Zoning Commission for their review and recommendation to the Board of Commissioners for their approval. The approved covenants must be attached to the final plat with the following inscribed on such plat; "Restrictive covenants have been recorded for all residential lots in this subdivision."

Section 4.21 - Preliminary Plat. Following approval of the Conceptual Plan the applicant must submit a Preliminary Plat in a manner and containing all the information required by the Article VI of the subdivision regulations before proceeding with the development. Accompanying the Preliminary Plat, the applicant must submit an "Engineering Certification" that the approximate layout of proposed streets, house lots, and open space lands comply with the County's zoning ordinance, subdivision regulations and storm water management regulations, particularly those sections governing the design of subdivision streets and storm water management facilities. This certification requirement is meant to provide the County with assurance that he proposed plan can be accomplished within the current regulations of the County. The certification shall also note any variances needed to implement the plan as drawn.

Section 4.22 - Preliminary Construction Plans. Following approval of the Preliminary Plat, Preliminary Construction Plans must be submitted to the Zoning Administrator for approval. Such plans must provide information on one or more sheets.

1. Plan and Profile. Proposed street centerline profile grades, showing the existing and proposed profile grade lines.
2. Grading and Erosion Control Plan. A plan showing existing and proposed grades, drainage patterns, and storm water facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the site in acres, total impervious surface area of project, total pervious area, stockpile locations, (Construction equipment and construction material are excluded from conservation areas except where required to construct and maintain storm water runoff facilities, sewer lines and septic tank drain fields, wells, water lines and erosion and sediments control facilities.) erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. Major trees to be preserved, with a diameter of 24 inches DBH or more, shall be shown on the preliminary grading and erosion control plan. Adequate measures for protecting such trees shall be shown on the plan.
3. Provisions for sewage disposal, water supply, storm water management, and flood control.

Section 4.23 - Final Plat. Following approval of the Preliminary Plat by the Board of Commissioners, the applicant must submit a Final Plat in a manner and containing all the information required by Article III and Article VII of these Regulations. If the development is to be built in phases the open space for all phases must be detailed on the Final Plat. Simultaneously with the filing of the Final Plat, the sub-divider shall file with the Zoning Administrator four copies of the Final Construction Plans, specifications of public improvements required by the Board of Commissioners and a certified copy of the recorded conservation easement applicable to the entire tract.

ARTICLE V: PROCEDURES FOR SUBMISSION AND SPECIFICATIONS FOR PRELIMINARY PLATS

Section 5.0 - Platting Authority.. The Board of Commissioners of Madison County shall be the official platting authority for major subdivisions and no final subdivision plat shall be entitled to be recorded in the office of the Clerk of the Superior Court of Madison County unless it shall have the approval of the Board of Commissioners. The Zoning Administrator is authorized to approve all land subdivision plats not subject to these Regulations.

Section 5.1 - Refusal of Dedicated Land. Whenever a plat proposes the dedication of land to public use that the Board of Commissioners finds not required or suitable for such public use, the Board shall refuse to approve the plat, and shall notify the dedicating authority of the reasons for such action.

Section 5.2 – Pre-Application Consultation. Whenever the subdivision of a tract of land is proposed, the sub-divider is urged to consult early and informally with the Planning and Zoning Department. The sub-divider should provide a plat or sketch of the entire tract proposed for development showing existing conditions within the site and the proposed development layout for all phases of the subdivision. The purpose of the pre-application consultation is to save time and expense by discussing with the Planning and Zoning Department the process and procedures required for subdivision development in Madison County, the form and content of the Preliminary and Final Plats, the submission of required documentation and the objectives of these Regulations. No fees will be charged for this consultation.

Section 5.3 – Development Standards Program. Subdivision developments must comply with the Madison County Development Standards Program before becoming eligible for preliminary plat approval. The Development Standards Program is a “points for performance” system that gives development proposals points for including certain features or amenities in the project’s plan. Proposals receive points by meeting the developer’s choice of the conditions identified in the table below. Some conditions are worth more points because they do more to add to the quality of life in the county than others. One requirement on this list is mandatory and is written in italics. Both preliminary and final plats must contain a table listing the standards that will be incorporated into the project.

Projects must receive 180 points to be eligible for approval.

	DEVELOPMENT STANDARD	POINT VALUE
	Mandatory	
1	<i>Development proposal meets all requirements of the county's Subdivision Regulations, Zoning Ordinance, Erosion and Sedimentation Control Ordinance and Stormwater Ordinance</i>	50
	Landscape/ Site	
2	Development is a conservation subdivision	70
3	Development blocked from view of road in all seasons by berms, evergreens, or equivalent landscaping	20
4a.*	Development establishes new tree cover on parcel (See attached tree list, coverage definition, and procedural requirements). Trees must be planted in topsoil and mulched. This option is primarily intended for land that was recently in pasture, or for other reasons is essentially devoid of trees. 10 points for every 5% of the parent parcel that is planted with new trees. Proposals can receive a maximum of 50 points for this item.	10-50
4b.	Development maintains parcel's existing tree cover. 10 points for every 10% of original tree cover that is left standing, starting with a minimum of 60%. For example, if 60% of the existing tree cover is left standing, the proposal will receive 10 points. If 70% of the original tree cover is left standing, the proposal will receive 20 points, if 80% is left standing, the proposal will receive 30 points. 90% will receive 40 points, and anything over 90% will receive 50 points. (This option may only be used for parcels with at least 50% of the parcel originally covered by trees.	10-50
5	Development contains a mix of land uses (preferably integrated mixed uses, which might include commercial space at street level and residential space above, or the creation of a small shopping district)	30
6	Development bordered by pre-existing residential property (20 points for every 10% of the property that is bordered by pre-existing high or medium density residential property)	20-100
7	All lots in development have sodded front yards with sprinklers equipped with rain sensors, or are Xeriscaped	20
8	All lots in development, including front and back yards, are sodded and watered by sprinklers equipped with rain sensors, or are Xeriscaped	30
9	Development is built with street trees along lot frontages	10
	Building/ Infrastructure	
10	Development is built to LEED for homes standards	70
11	Houses are built to Right Choice standards (Jackson EMC) or to Earth Craft House standards (Greater Atlanta Home Builders Association/ Southface)	50

12	Houses are built using brick or cement-fiber (Hardiplank, etc...)siding	50
13	Houses built on crawl spaces or basements	30
14	Development is built with houses oriented to take advantage of passive solar heat	10
15	Development is built with street and house lights that project light downward rather than upward	10
16	Houses built with covered front porches	10
17	Houses built with covered back porches	10
18	Subdivision built with all utility cables underground	20
19	Subdivision built with a range of house sizes, with 10-40% below 1400 sq. ft, 10-50% between 1500 and 2400 sq. ft., and 10-40% above 2400 sq. ft	40
20	Houses built with detached garages at rear of house, or with attached garages with entry at rear of building	30
	Recreation	
21	Development includes a level, sodded, open area large enough for a small football/ soccer or athletic field (min.50 yards x100 yards, could be a park with additional landscaping, picnic tables, etc... to compliment open area)	30
22	Development is built with sidewalks	20
23	Development includes a basketball court, jungle gym or other small recreational facility	10
24	Development includes walking trails through wooded or undeveloped areas	20
	Other	
25	Builder/developer propose other alternative amenities	0-100

* The purpose of creating this option is to give the developer credit for establishing new areas. Clear cutting to create a parcel devoid of trees will not allow anyone to take advantage of 4 a.

Section 5.4 - Preparation of Preliminary Plat and Distribution of Copies.

1. The sub-divider shall have a registered Landscape Architect, Registered Civil Engineer or Registered Land Surveyor prepare a preliminary plat and shall submit such plat to the Planning and Zoning Department.
2. A letter requesting review shall accompany the preliminary plat and contain the name, address, phone number and e-mail address of the sub-divider.
3. Fifteen (15) copies of the Preliminary Plat and all other related documents shall be submitted to the Planning and Zoning Department to be distributed as follows:
 - a. One copy stamped "ORIGINAL" and one copy stamped "File Copy" both of which contain the signed certifications required by Section 5.31.15 a, b, and c, of these Regulations. Following review by the Board of Commissioners both the original and file copies will be endorsed indicating the action taken: approval, disapproval or approval with conditions. The original will be returned to the sub-divider and the file copy will be retained by the Planning and Zoning Department.

- b. Seven (7) copies to the Planning and Zoning Commission.
 - c. Six (6) copies to the Board of Commissioners.
 - d. One (1) digital copy to the County Planner.
4. A vicinity map showing the location, the surrounding area and the present road system within ½ mile of the proposed subdivision.
 5. For subdivisions having public wells, a Permission to Drill Letter from the Georgia Environmental Protection Division.

Section 5.5 – Content of Preliminary Plat.

The preliminary Plat shall contain the following information:

1. Name and street address of the recorded owner of the land proposed to be subdivided and the owner or proprietor of the subdivision and the Engineer or Landscape Architect.
2. Proposed name of subdivision and its acreage.
3. North point and graphic scale and date.
4. Vicinity map showing location of the subdivision.
5. Exact bearings and distances of the boundary lines of the tract.
6. Location and names of adjoining subdivisions or names of owners of adjoining lands, not separated by a road right-of-way.
7. The location, pavement width and names of all existing or platted streets, utilities and easements within or adjacent to the proposed subdivision.
8. Proposed layout of streets and alleys for all phases of subdivision development to be prepared by a State of Georgia licensed Landscape Architect, Licensed Engineer or registered Surveyor; with USGS topographic contours, lot lines (with approximate dimensions) easements, and land to be reserved or dedicated for public uses and the conditions of such dedication.
9. Location of any stream buffers.
10. Level 3 Soil Survey.
11. Land to be used for purposes other than single-family dwellings.
12. Block letters, lot numbers and lot sizes.
13. A statement of the proposed major drainage provisions, and proposed sewerage disposal plans to be reviewed by the County Health Department or, where required, by other representatives of the Georgia Environmental Protection Division.
14. Cross-section and centerline profile of each street. Cross section shall show utility placement within right-of-way as illustrated in Appendix 2.
15. Location of natural watercourses, flood hazard areas and other important features.
16. Statement for maintenance of open space amenities and storm water detention areas.
17. Inscription stating “NOT FOR FINAL RECORDING.”
18. Signed certifications as follows:
 - a. Certificate of review by the Planning and Zoning Department as follows:
 “I hereby certify that this plat meets all the requirements of the Madison County Subdivision Regulations, Madison County Zoning Ordinance and the Madison County Soil Erosion Sedimentation and Stormwater Control Ordinance.”

By _____ (Date) _____

b. An Engineer’s, Landscape Architect’s or a registered Georgia land surveyor’s certification as follows:

“It is hereby certified that this Plat is true and correct and was prepared from an actual survey of the property by a registered Georgia land surveyor, and that all engineering requirements of the Subdivision Regulations of Madison County, Georgia, have been fully complied with.”

By: _____ Registered Civil Engineer, C.E. No. _____

By: _____ Registered Georgia Land Surveyor, No. _____

By: _____ Registered Landscape Architect, License No. _____

c. Certificate by the Madison County Board of Health.

18. Certificate of approval by the Board of Commissioners as follows:

“Pursuant to the Subdivision Regulations of Madison County, Georgia, all the requirements of Preliminary Approval having been fulfilled, this Preliminary Plat was given Preliminary Approval by the Madison County Board of Commissioners on _____, 20_____.

This preliminary Approval does not constitute approval of a Final Plat . This certificate of Preliminary Approval shall expire and be null and void on

_____, 20_____ (one year from Preliminary Approval):

_____, 20_____.

Chairman, Madison County Board of
Commissioners

Section 5.6 – Preliminary Plat Review

Section 5.6.0 Planning and Zoning Department. The Planning and Zoning Department shall review the Preliminary Plat and all required documentation for completeness and compliance with these Regulations and the Zoning Ordinance. When the Preliminary Plat and all documentation are complete and in compliance, a certification to that effect shall be so inscribed on the Preliminary Plat by the Planning and Zoning Department. Within fifteen (15) days following receipt of the Preliminary Plat the Planning and Zoning Department shall cause to have placed on the Planning and Zoning Commission’s business meeting agenda a review of the Preliminary Plat.

Section 5.6.1 Planning and Zoning Commission. The Planning and Zoning Commission shall review the Preliminary Plat and associated documentation and , within thirty (30) days of their review recommend approval, disapproval or approval with conditions to the Board of Commissioners. If the Planning and Zoning Commission fails to take action within the prescribed time period, the Preliminary Plat will be considered to bear the Planning and Zoning commission’s recommendation for approval and certified as such upon demand. However, the sub-divider may waive this requirement.

Section 5.7 Use of Preliminary Plat for Land Sales. An agreement to sell or negotiation to sell land for a subdivision may be entered into provided it is stipulated that the proposed sale is subject to approval of the final plat by the Board of Commissioners.

ARTICLE VI: PROCEDURES FOR SUBMISSION AND SPECIFICATION FOR FINAL PLATS

Section 6.0 - Application for Final Plat Approval. After the Preliminary Plat of a proposed subdivision has been given approval by the Board of Commissioners, the sub-divider shall have one year from the date of such approval to submit the Final Plat with all required documentation. Should the sub-divider fail to submit the final plat within the one-year period, approval of the Preliminary Plat will be considered null and void. To apply for a Final Plat, the sub-divider must provide the Zoning Administrator with the following:

1. A letter requesting review and approval of the Final Plat containing the name, address, phone number and e-mail address of the person to whom the notice of the hearing by the Planning and Zoning commission shall be sent.
2. For subdivisions having public wells, a source approval letter from the Georgia Department of Natural Resources, Environmental Protection Division.
3. Written notification that all required bonds are in place.
4. Seven (7) signed prints and one digital copy of the Final Plat and all documentation required by these Regulations.

Section 6.1 – Traffic Impacts. New subdivisions expected to generate more than 990 vehicle trips per day (assuming 10 trips per household per day) shall conduct a traffic impact study. A registered traffic engineer to determine the extent of the impact and specify appropriate traffic control devices to mitigate the traffic impacts shall do the study. The study and recommendations must be submitted to the County Road Superintendent before road construction begins with a copy containing the County Road Superintendent's acceptance attached to all copies of the Final Plat. Following review by the Planning and Zoning Commissions and approval by the Board of Commission, the County Road Superintendent's acceptance shall be removed from the Final Plat, used for recording. The developer must completely install all of the control devices recommend by the Board of Commissioners prior to the issuance of any certificate of occupancy.

Section 6.2 – Content of Final Plat. The final plat shall be clearly and legibly drawn in permanent ink or blue line on material recommended by the Clerk of Superior Court. Sheet sizes shall be 17 by 20 inches and where more than one sheet is required, an index shall be required on the same size sheet. The Final Plat shall conform to and meet the specifications of the Preliminary Plat with the following additions:

1. Bearings and distances to the nearest existing street lines or benchmarks or other permanent monuments (not less than three) shall be accurately described on the plat.
2. Municipal, County and land lot lines accurately tied to the lines of the subdivision by distances and angles when such lines traverse or are reasonably close to the subdivision.
3. Exact bearings and distances of the boundary lines of the tract.
4. Name of subdivision, exact locations, widths and names of all streets and alleys within and immediately adjoining the Plat.
5. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
6. Lot lines with dimensions to the nearest one-tenth foot and bearings to the nearest minutes.
7. Lots numbered in numerical order and lettered alphabetically.
8. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.

9. Permanent reference monuments shall be placed at property corners and other points such as points of curvature and tangent points and shall be marked with solid iron rods or an iron pipe not less than one-half (1/2) inch in diameter, at least two (2) feet long, driven flush with the ground. Monuments shall be indicated on all plats.
10. A statement, either directly on the Plat or in an identified attached document, of any private covenants.
11. Notice of Agricultural Adjacency Waiver: Agricultural districts include uses of land primarily for active farming activities and may result in odors, noise, dust, and other effects which may not be compatible with adjacent single family development. The owner/developer of this development executes his signature as signed below that he is waiving any objection to those effects and understands that he is required to notify the landowners of said development that no action that the adjacent uses in agricultural district constitute a nuisance.
12. Signed certifications as follows:
 - a. Certificate of review by the Planning and Zoning Department follows:
 "I hereby certify that this plat meets all the requirements of the Madison County Subdivision Regulations, Madison County Zoning Ordinance and the Madison County Soil Erosion Sedimentation and Stormwater Control Ordinance."

By: _____ (Date) _____

- b. An Engineer's Landscape Architect's or Registered Georgia land surveyor follows:
 "It is hereby certified that this Plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments show hereon actually exist or are marked as "future", and their location, size, type and material are correctly shown; and that all engineering requirements of the Subdivision Regulations of Madison County, Georgia, have been fully complied with."

By: _____ Registered Civil Engineer, C.E. No. _____

By: _____ Registered Georgia Land Surveyor, No. _____

By: _____ Registered Landscape Architect, License No. _____

- c. Health Department Certificate by the Madison County Health Department.
- d. An Owner's Certification, as follows:

"State of Georgia, County of Madison."

"The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, county and city taxes or other assessments now due on this land have been paid."

Agent _____

Owner _____

Date _____

Date _____

- e. Certification of Dedication. A certification by the owner setting forth the description of the areas and improvements he/she dedicates to the public and the extent of the title that he/she is dedicating should be attached to the Final Plat.

“I (we) hereby certify that I (we) adopt this plan of subdivision and dedicate all streets, and open space (s) to public use as noted.

Date _____
Owner

- f. Certificate of Approval for Recording.

“I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Subdivision Regulations of Madison County, Georgia, and that it has been approved by the Madison County Board of Commissioners for recording in the Office of the Clerk of Superior Court of Madison County.

Date _____
Chairman, Madison County Board of Commissioners

Section 6.3 - Review of Final Plat

Section 6.3.0 - Planning and Zoning Department. Within fifteen (15) days following receipt the Planning and Zoning Department shall review the Final Plat for conformation with the approved Preliminary Plat and these Regulations. When the plat and all required documentation meet the requirements of these Regulations, the Planning and Zoning Department shall cause to have placed on the Planning and Zoning Commission’s next business meeting agenda a review of the Final Plat.

Section 6.3.1. - Planning and Zoning Commission. The Planning and Zoning Commission shall review the plat and accompanying documentation and forward its recommendations to the Board of Commissioners. If action is not taken by the Planning and Zoning Commission within thirty (30) days the Final Plat will be considered to bear the Planning and Zoning Commission’s recommendation for approval and certified as such upon demand. However, the sub-divider may waive this requirement.

Section 6.3.2 - Board of Commissioners. Within thirty (30) days following receipt of the Final Plat from the Planning and Zoning Commission, the Board of Commissioners shall take action to either approve or disapprove the Final Plat. Such action shall be noted on all prints of the plat, including a statement of the reason(s) if the plat is disapproved. Failure of the Board of Commissioners to take action within the prescribed time period the Final Plat shall be considered approved and certified as such upon demand. The sub-divider may waive this requirement.

Section 6.4 - Dedication of Rights-of Way and Easements. The sub-divider shall provide clear title opinion, satisfactory to the Madison County Board of Commissioners, from the developer’s attorney for all dedicated rights-of-way and easements associated with the development.

Section 6.5 – Provisions for Open Space. The sub-divider shall show appropriate provisions for and dedication to a property owner’s association or other entity that will, to the satisfaction of Madison County, own and maintain the common areas and/or lakes, dams, stormwater detention areas, and access to the same, including the stormwater management of said lakes and dams.

Section 6.6 - Distribution of Final Plat. Copies of the Final Plat shall be distributed as follows:

1. Sub-divider or agent, two (2) prints.
2. Zoning Administrator, one (1) print.
3. Clerk of Superior Court, two (2) prints.
4. Tax Assessor, one (1) print.
5. County Clerk, one (1) print.
6. County Planner, one (1) digital copy.

Section 6.7 - Recording of Final Plat. Upon approval of the Final Plat, it shall be recorded in the office of the Clerk of Superior Court of Madison County. The applicant shall be responsible for the recording of such final plat in the office of the Clerk of the Superior Court.

Section 6.8 – Revisions. Prior to the recording of the final plat in the Clerk of Superior Court of Madison County, no change, erasure, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the Board of Commissioners has been endorsed in writing on the plat or sheets, unless authorization for such change has been granted in writing by the Board of Commissioners. In no case shall the Board of Commissioners approve a revision thereof unless the fact that it is a revised plat is clearly stated thereon.

Section 6.9 – Resubdividing. Following the recording of a final plat in the office of the Clerk of Superior Court of Madison County, the number of recorded lots in the subdivision development shall not be increased either by lot subdivision or by incorporation for tracts, lots, or parcels adjoining the subdivision development without first being considered in public hearings before the Planning and Zoning Commission and the Board of Commissioners. Any increase at any time in the number of lots in a major subdivision created after January 1, 1978 shall itself be considered a major subdivision, and shall follow all rules and procedures required therefore.

ARTICLE VII: GENERAL DESIGN REQUIREMENTS

Section 7.0 – Suitability of Land. Land subject to flooding improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected or surety bond deposited guaranteeing correction prior to final plat approval.

Section 7.1 - Naming of Subdivision. The name of the subdivision must have the approval of the Board of Commissioners. The name shall not duplicate nor closely approximate the names of an exiting subdivision.

Section 7.2 – Access. Subdivision shall be located so as to be accessible from a public street.

Section 7.3 – Large-Scale Developments. The requirement of this ordinance may be modified in the case of a large-scale community or neighborhood unit, such as a housing project or shopping center which is not subdivided into customary lots, blocks and streets, if the development is approved by the Board of Commissioners, and if it is in conformity with the purpose and intent of these Regulations and the Madison County Zoning Ordinance.

Section 7.4 – Appearance. Subdivisions shall be planned, designed, constructed and maintained to provide open space and to create a man-made environment for human use or occupancy compatible and harmonious with the natural environment and specific consideration shall be given to preservation of natural topography, to preservation of existing vegetation, retention of major land forms and to preservation of important vistas.

Section 7.5 – Conservation. Subdivisions shall be planned, designed, constructed and maintained to avoid substantial probabilities of:

1. accelerated erosion;
2. pollution, contamination, or siltation of lakes, rivers, streams and other water bodies;
3. damage to vegetation; and
4. injury to wildlife and fish habitats.

Section 7.7 – Lot Requirements.

1. Except as provided for in Article V of these regulations, the minimum road frontage for lots abutting a cul-de-sac turn around (including “eyebrows”) maybe reduced to a minimum of sixty (60) feet provided the lot width at the building line is the same or grater than the appropriate distance specified in Article VIII of the zoning ordinance under the table heading “ Area, Yard and Height Requirements”.
2. The following land areas are not considered as part of a lot when calculating the required minimum lot size for subdivision of one (1) acre lots or less: rights of way, easements, (such as power lines, pipe lines, or other utilities) bodies of water, flood plains, land within fifty (50) feet of a lake, river stream, wetland or other bodies of water, and similar limiting factors. Subdivision lots greater that calculating the minimum lot size for development.

Section 7.8 – Reserve Strips. Reserving strips, which control access to streets, alleys and public grounds shall not be permitted unless their control is placed in the hands of the County. This control shall be clearly noted on the subdivision construction plans, preliminary and final plats.

Section 7.9 – Easements.

1. Easements for electric and telephone service lines, sewer lines, water lines, or other such utilities shall comply with following:
 - a. Easements along the front of the lot shall have a minimum of width of ten (10) feet. No structure shall be built or placed on such easement.
 - b. Easements along rear lot line or side lot lines or passing through a lot shall be at least fifteen (15) feet wide and seven and one-half (7 ½) feet on each lot. No structure shall be built or placed on such easement.
2. Drainage Easements.
 - a. Drainage easements for improved ditches, pipe construction and detention facilities shall be cleared, opened and stabilized with erosion control measures at the time of development to control surface runoff.

- b. Drainage easement shall be provided where a development is traversed by or contains a natural or manmade watercourse, impoundment, detention pond, floodplain, natural stream or channel. It shall conform substantially to the limits of such natural drainage feature, but shall be not less than twenty (20) feet in width.
- c. Drainage easements outside of the street right-of-way shall be clearly defined on the Final Plat. The property owner will be required to keep the easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner shall not alter any drainage improvements without the prior written approval from the County.
- d. Drainage easements for storm drain pipes and improved ditches shall adhere to the provisions of the Soil Erosion, Sedimentation and Stormwater Control Ordinance.

Section 7.10 – Paving. All streets within subdivisions covered by these ordinances must be constructed and paved in accordance Article VIII of these Regulations.

Section 7.11 – Landscape Preservation. The landscape shall be preserved in its natural state by minimizing tree and soil removal. Streets must be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize stream crossings and to preserve and enhance views and vistas on or off the subject parcel. A minimum of six (6) trees shall remain on each individual lot in all new Subdivisions Lots where lots of ½ acre (21,780) or less, are permitted. Trees should reach forty (40) feet in height or a variety to reach forty (40) feet at maturity.

Section 7.11.1 – Tree Re-Placement Requirement. If adequate trees do not exist, trees should be planted of variety to reach forty (40) feet in height and maturity. A minimum of six (6) trees shall be placed on each individual lot located within the Subdivision development. Trees must be planted prior to the issuance of a Certificate of Occupancy for that lot. Trees shall meet the following requirements:

1. each tree shall be planted on private property
2. not be placed in or within (10) feet of a drainage ditch
3. not be located under or within thirty (30) feet of overhead utility lines.

Section 7.11.2 – Root Protection. The critical root zone; a circular area with a radius in feet equal to the diameter of a tree in inches and is measured four and one-half feet from the ground is hereby defined as the tree protection zone. To protect critical root zones the following shall apply:

1. A barricade safety fence to prevent the inadvertent destruction of trees and soil compaction within the critical root zone areas shall surround the tree protection zone.

2. Where two or more trees requiring protection are clustered together, the tree protection zone of the trees shall include no less than the total critical root zone area of all the trees within the group.
3. Utilities should be placed outside tree protection zones wherever possible. Where not possible, boring is permissible.
4. Construction site activities such as parking, material storage, concrete washouts, burn pit placement, vehicle and equipment maintenance shall be located outside tree protection zones and arranged so as to prevent disturbances within tree protection zones.
5. No land disturbance (cut, fill or trenching) or other construction site activities shall occur within the tree protection zone.
6. To avoid soil compaction, vehicular traffic shall not be permitted in the tree protection zone.
7. All trees or stands of trees, in the designated tree protection zones must be protected from the construction processes that cause sedimentation, erosion or flooding. All erosion control must comply with Madison County's Soil Erosion, Sedimentation and Stormwater Control Ordinance.

Section 7.11.3 – Tree Specifications.

1. Street trees shall be at least 2 inches caliper and meet the American National Standard Institute (ANSI) Z60.1 requirements.
2. The relationship between caliper, height and root ball size shall meet the ANSI z60.1 standard or the Florida grades and standards for nursery stock.
3. Street trees shall be limited to those species listed in Appendix 1.

Section 7.12 - Landscape Buffers.

1. Where a new subdivision is not located in an area designated high-density residential development on Madison County's Future Land Use Map, the development must maintain unblocked or uninterrupted scenic views and vistas, particularly as seen from existing public roads.
2. New subdivisions developed in A-2 and RR zoning districts where the houses area visible from the existing county road must contain a landscaped fifty (50) foot no-build screening buffer.
 - a. Such buffers shall consist of trees, a tall evergreen hedge, or tall shrubs or landscaped earth berms. Planted buffers should consist of low maintenance native species (see appendix 1).
 - b. Existing trees may satisfy the buffer requirements if they are at least two (2) inch caliper and are protected during construction as required under Section 17.11.2 of these Regulations.
 - c. All trees must be planted and in healthy condition before the performance bond shall be released.

Section 7.13 – Sidewalks.

Section 7.13.0 – Where required.

1. All new residential subdivisions where there are residential lots ½ acre (21,780 sf.) or less are permitted shall have a forth-two (42) inch wide sidewalk along one side of all

the subdivision streets (alleys and private access drives are excluded). A four-foot (42) inch wide sidewalk shall also be constructed along the entire road frontage of existing County maintained roads or State maintained roads, where approved by the Georgia Department of Transportation.

2. All residential subdivisions, regardless of location, that abut commercial, civic, educational, residential, religious, recreational facilities, trails or other uses that generate pedestrian traffic shall provide a direct off-street pedestrian connection which shall include a sidewalk or pathway meeting the Accessibility Guidelines of the Americans with Disabilities Act (ADA) with a pedestrian access easement to include the ADA required width, plus an additional four (4) feet (two (2) feet on both sides the entire length of the pedestrian connection).
3. The subdivision developer may propose an alternative sidewalk plan altering the paving materials and location. The Board of Commissioners may accept the alternative sidewalk plan provided such plan provides a pedestrian circulation system that is equal to or superior to the circulation system required by this Section.
4. Pedestrian access easements are required to be shown on all plats where a sidewalk or connection is not located within a road right-of-way.

Section 7.13.1 - Placement and Construction.

1. Sidewalk should be placed at the outer edge of the street's right-of-way. When curbs are not present, sidewalks shall be setback at least ten (10) feet from the edge of the travel way and be separated from the travel way by a drainage ditch or swale, curb and gutter and/or street trees. Where curb and gutters are present along the travel way edge, the sidewalks shall be setback at least six (6) feet from the curb.
2. Sidewalks may encroach upon the minimum setbacks listed above in order to meet a street crosswalk. The Board of Commissioners may also grant exceptions to sidewalk setbacks when the sidewalk is buffered from the street by on-street parking or when part of an alternative plan. Sidewalks placed along a high-speed road (design speed 45 MPH and above) shall be setback at least ten (10) ft. and buffered. Acceptable buffers include a street tree planting strip, a landscaped or, a drainage ditch or swale, or an on-street parking lane.
3. Sidewalks should be constructed after all major construction work has been completed on each individual building site to prevent damage to the sidewalk heavy vehicles accessing the construction site. Where this is not possible the sub-divider shall complete all sections of the sidewalks not likely to be damaged by the remaining construction activity before the performance bond shall be released.
4. Where the sidewalks were not completed by the sub-divider, it shall then be the concurrent responsibility of the contractor in charge of construction of any residence or improvement upon any lot or parcel of land abutting a subdivision street to maintain in good condition an existing sidewalk or to complete the construction of a sidewalk section serving the lot as herein provided. Completion of the sidewalk section serving the individual building lot must be completed before a Certificate of Occupancy may be issued for any dwelling located on the building lot.

Section 7.13.2 - Construction Requirements.

1. Sidewalks shall be constructed according to the Accessibility Guidelines of the Americans with Disabilities Act.

2. The subgrade shall be shaped and compacted to a firm, even surface in reasonably close conformity with the grade and section on the subdivision plans. All soft and yielding material shall be removed and replaced with acceptable material which has been compacted as directed.
3. Sidewalks shall be constructed with Portland Cement Concrete having a minimum 28 day strength of 3000psi. Sidewalks may also be constructed of porous pavement when specified in a certified stormwater runoff control plan for the development.
4. All sidewalks shall have a minimum width of forty-two (42) inches.
5. The minimum thickness for concrete shall be six (6) inches in depth across all driveways and four (4) inches in depth at all other locations. Cross slopes shall be ¼ inch vertical to twelve (12) inches horizontal and slope toward the street.
6. Vehicular curb cuts should be kept to a minimum. Whenever possible, vehicular curb cuts should be constructed to leave the pedestrian travel zone free of grade changes and curbs. In the event that a vehicular curb cut is necessary, there shall be a minimum of 3 feet sidewalk width maintained at the same grade across the curb cut as the sidewalk on either side of the curb cut.
7. Contraction joints shall be spaced every five (50) feet and expansion joints every fifty (50) feet, and at the intersection of curbs, ramps, driveways and other structures.
8. Unless specified herein, all sidewalk and walkway construction shall be in accordance with the most recent edition of Section 430 of the State of Georgia Standard Specifications Construction of Transportation Systems, as amended.

Section 7.14 – Planting Islands. Planting islands in cul-de-sacs or other public streets are only permitted when a neighborhood association or other private organization assumes responsibility for maintenance and replacement of vegetation; where the applicant submits and the Board of commissioners approves legal documentation specifying the private party maintenance responsibility; and where such planting islands are specifically approved by the Board of Commissioners.

Section 7.15 – Zoning. Nothing herein shall be construed to mean that any land may be set aside for commercial purposes in a residential district without the land so required for commercial uses being zoned appropriately in accordance with the Madison County Zoning Ordinance.

Section 7.16 – Conformance With Regulations, Plans, and Ordinances.

1. Approval of proposed subdivisions shall be considered in the context of conformity with these Regulations, the Comprehensive Plan, the Zoning Ordinance, and other County development policies in effect at the time of submission of the preliminary plat.
2. All highways, streets, capital improvement projects, infrastructure improvements and other features of the Comprehensive Plan shall be considered and incorporated into the subdivision design. Where State and/or Federal roads or rights-of-way are affected, the review and approval of the Georgia Department of Transportation may be required by Madison County.
3. Whenever the plat proposed the dedication of land to public use and the Board finds that such land is not required or suitable for public use, the Board may either refuse to approve said plat or it may require the rearrangement of lot to include such land.

Section 7.17 – Construction Schedule.

Section 7.17.0 – Prior Approval. With the exception of municipal or public wells, no construction activity of any kind including grading, installation of improvements and building shall begin on any land subject to these Regulations without prior approval of the preliminary plat by the Board of Commissioners.

Section 7.17.1 – Grading. Grading and land disturbance operations shall not begin until approval of the preliminary plat, subdivision construction plans, soil erosion and sedimentation control plans, stormwater management plans and until a pre-construction conference has been conducted with the zoning administrator, the county planner, the developer and the developer's consultant.

Section 7.17.2 – Inspections. Periodic inspection during the installation of the physical improvements in subdivisions shall be made by duly authorized officials of Madison County to insure conformity with the approved plans and specifications. The sub-divider shall notify the Building Inspector (Buildings), Code Enforcement Officer (Soil Erosion, Sedimentation and Stormwater Control Measures) and County Road Superintendent (Road Construction) when each phase of the installation is completed and ready for inspection.

Section 7.17.3 Building Permits. The Building Inspector shall not issue any permit for the erection of any building or structure to be located in any subdivision, where a plat is required to be recorded pursuant to the provisions of these Regulations, until such plat has been recorded.

Section 7.17.4 – Occupancy. No dwelling within the county may be occupied for dwelling purposes until all required utility installations, including the water supply and sanitary sewer systems, have been completed to the satisfaction of the County Health Department and the Building Inspector.

ARTICLE VIII: STREET CLASSIFICATION, DESIGN AND CONSTRUCTION STANDARDS

Section 8.0 – Classification of Streets.

1. Street design standards for other than cul-de-sac streets shall be based on road function and projected average daily traffic (ADT), calculated with trip generation rates for each residential dwelling unit equal to ten (10) trips per day. Trip generation rates from other sources may be used if the applicant demonstrates that these better reflect local conditions at the sole discretion of the Board of Commissioners. Street classes and their corresponding ADT thresholds are:
 - a. Local Streets are designed to carry residential traffic between collector or other streets or highways and abutting properties. Local streets have an ADT of less than 201.
 - b. Collector streets are designed to carry traffic from local streets to the major system of arterial streets and highways, including the principal entrance streets to a residential development and principal streets for circulation within a development. Collector streets have an ADT of 201 or more, but less than 9,999.

- c. Arterial streets are designed primarily for fast or heavy through traffic. Arterial streets have an ADT of 10,000 or more.
 - d. Cul-de-sac streets are local streets having one end open to vehicular traffic and the other end permanently closed with a vehicular turnaround. Cul-de-sac streets have an ADT of less than 200.
2. Each street shall be classified and designed to that classification for its entire length. The applicant shall demonstrate that the distribution of traffic to the proposed street system shall not exceed the ADT thresholds for any of the proposed street classifications.

Section 8.1 – Through Streets.

1. It is the intent of these Regulations that proposed subdivision development include the following:
- a. Planned street layouts that are compatible with existing or proposed streets and their classifications and adjoining or nearby tracts.
 - b. at least one through street to provide for a more efficient traffic flow and to accommodate emergency fire and medical service vehicles or to provide alternate circulation at congested or critical intersections.
 - c. Through street connections to any existing public streets that abut or terminate at the development site.
 - d. Temporarily stubbed streets termination at the boundary of the subdivision will be required where there are planned or existing roadways within ½ mile of the boundary, and topographical conditions, development patterns, existing and planned future land uses in the area and other relevant factors are such that current planning for eventual connection of those roads would promote safe and convenient traffic flow.
2. The requirements of subparagraph 8.1.b of these Regulations do not apply if the Board of Commissioners determines that such public through street(s) will serve no purpose due to the existing or proposed street patterns, traffic flow, traffic volume, or
- a. It is demonstrated that physical or other conditions preclude development of the connecting street. Such conditions may include, but are not limited to, steep slopes, or likely impact to natural resource areas such as wetlands, ponds, streams, rivers, lakes or wildlife habitat area; or a resource on the National Wetland Inventory or under protection by state or federal law; buildings or other existing development on adjacent lands; or parcels that physically preclude a connection now or in the future or
 - b. The extension of a local residential street would encourage the use of such street by through traffic, increasing the street’s Average Daily Traffic count to 750 or more.
3. The sub-divider bears the burden of submitting sufficient evidence to reasonably support the findings in subparagraphs (a) and (b) above.
4. In cases where a required street connection would result in the extension of existing street that is not improved to county standards and the street has an inadequate driving surface, the developer shall construct a temporary barrier at the entrance to the unimproved street section with the provision for bicycle, pedestrian and emergency vehicle access. The barrier shall be moved by the county at the time the existing street is improved to county standards.

Section 8.1.1 - Temporarily Stubbed Through Streets.

1. The length of a temporarily stubbed through street is measured from the centerline of the intersecting street to the terminal end at the subdivision's lot line.
2. Temporarily stubbed through streets are not permitted unless required by section 8.1.d of these Regulations.
3. Temporarily stubbed through streets must display a county-approved "dead end" sign posted at the intersecting street.
4. Temporarily stubbed through streets shall terminate in a temporary cul-de-sac bulb with dimension as specified in Section 8.2.1.6 of these Regulations; or by the construction of a temporary "T" intersection being thirty-three (33) feet in width and sixty-six (66) feet in length abutting the right-of-way lines of the street on each side with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutters whenever the street is continued.
5. Temporarily stubbed through street turnarounds shall be provided with provisions for adequate grading, drainage and 6" thick gravel surface, and so indicated on the preliminary plat, final plat and construction plans.
6. Temporarily stubbed through streets must be indicated as such on both preliminary and final plats.

Section 8.2 - Cul-de-Sacs.

Section 8.2.1 - Cul-de-Sac Standards.

1. Cul-de-sac design standards shall be based on road function, type of housing units and traffic.
 - a. In single-family residential zoning districts, cul-de-sac streets shall have a maximum length of one thousand five hundred (1,500) feet or have no more than twenty (20) single-family dwellings or lots fronting thereon, whichever is more restrictive. In duplex residential zoning districts, cul-de-sac streets shall have a maximum length of one thousand five hundred (1,500) feet or have no more than ten (10) duplex structures or lots fronting on the street, whichever is more restrictive.
 - b. In the case of cul-de-sac streets serving any multiple-family development, the developer shall be required, prior to approval, to present data to show that the length of the cul-de-sac shall be such that it would not generate more than two hundred (200) vehicles trips per day. The maximum length shall not exceed one thousand five hundred (1,500) feet, except where otherwise permitted by these Regulations.
 - c. Where a residential subdivision contains more than 99 dwelling units, such subdivision shall provide connectors to existing public roads at (2) or more locations. Such connectors may be either a through street or a loop street. Where loop streets connect to the main access road, the distance between each leg shall be not less than two hundred fifty (250) feet between collector streets rights-of-way.
 - d. The cul-de-sac length limit may be increased to provide the maximum housing units permitted for the cul-de-sac if the Board of Commissioners finds it is impracticable to provide the area proposed to be served by the cul-de-sac a current or potential second means of access that would avoid the cul-de-sac or allow the cul-de-sac to meet the cul-de-sac length limit because:

1. The area is so separated from other parts of the subdivision by flood plains, wetlands, or steep slopes whose extent or degree makes it impracticable to provide the area a second means of access that would avoid the cul-de-sac or allow the cul-de-sac to meet the cul-de-sac length limit (e.g., by providing a loop road into the area instead of the cul-de-sac, or extending the cul-de-sac to connect to another road in the subdivision), and
 2. Other properties adjoining the area have already been subdivided or developed in a manner that precludes connecting the cul-de-sac to a surrounding existing or potential access by floodplains, wetlands, or steep slopes whose extend or connect the cul-de-sac to the adjoining properties.
2. Cul-de-sac streets greater than one thousand five hundred (1,500) feet shall:
 - a. contain at least one turnaround (with a radius equal to that of a cul-de-sac bulb) in addition to the cul-de-sac terminus bulb; and
 - b. be designed with turnarounds, such that the distance between the subdivision entrance and a turnaround, the distance between two turnarounds, or the distance between a turnaround and the center of cul-de-sac terminus bulb shall be no greater than one thousand two hundred (1,200) feet.
 - c. have a minimum distance between the subdivision entrance and a turnaround, between two turnarounds or the distance between a turnaround and the center of the cul-de-sac terminus bulb of eight hundred (800) feet.
 3. The length of a cul-de-sac street shall be measured from the centerline of the nearest collector street to the center of the cul-de-sac terminus bulb.
 4. Where there is an approved temporarily stubbed through street, the length of the cul-de-sac street shall be measured from the centerline of the nearest intersecting street to the center of the cul-de-sac terminus bulb.
 5. Where there are two (2) or more separate connectors to existing public streets, the length of a cul-de-sac street shall be measured from the centerline of the nearest connector street to the center of the cul-de-sac terminus bulb.
 6. Cul-de-sac turnarounds shall have a minimum property line radius of fifty-five (55) feet, an outside pavement radius of forty-five (45) feet---measured to the edge of the pavement in uncurbed cul-de-sacs and to the back of the curb in curb and gutter cul-de-sacs and a minimum pavement width of twenty (20) feet.
 7. Cul-de-sac streets shall have the same right-of-way and pavement widths as required for local streets.
 8. A landscaped planting island may be placed in the center of a cul-de-sac turnaround if such planting island meets the requirements of these Regulations and it approved by the Board of Commissioners.
 9. Cul-de-sacs within conservation subdivisions shall conform to the requirements of Article IV of these Regulations as amended.

Section 8.3 - Development Along Major Streets, Limited Access Highways or Railroad

Right-of-Way. Where a subdivision abuts or contains a major street, a limited access highway, or a railroad right-of-way, the Board of Commissioners may require a street approximately parallel to and on each side of such right-of-way either as a marginal access street, or at a distance suitable for an appropriate use of the intervening land, with a non-access reservation. Due regard should be given to requirements for approach grades and future grade separations in determining distances. Such lots shall have no access to a Major Street or limited access highway, but only to the access street.

Section 8.4 – Alleys.

1. Alleys serving primarily residential lots are not required, but may be permitted if the sub-divider provides evidence satisfactory to the Board of Commissioners of the need for alleys
2. Permitted alleys shall be owned and maintained by the property owners they serve and shall have sufficient width to adequately serve the anticipated vehicular traffic (not less than twenty (20) feet).

Section 8.5 - Private Access Drives.

Each major subdivision development shall contain no more than one (1) private access drive. Major subdivision (other than Conservation Subdivisions) Private Access Drives must meet the following requirements:

1. Be paved or unpaved.
2. Serve a maximum of four (4) lot.
3. Have a minimum right-of-way width of thirty (30) feet.
4. Paved Private Access Drives must have a minimum continuous paved surface of fourteen (14) feet in width and paved with triple surface treatment or better with stabilized shoulders three (3) feet wide on both sides, (compacted and grassed or graveled or paved). Maximum centerline slope of seventeen percent (17%) and crossed sloped or crowned for drainage.
5. Have a maximum centerline length of one thousand five hundred (1,500) feet as measured from the intersection with the public right-of-way line to the end of drive.
6. Be deeded to the lot (s) it serves.
7. Be clearly marked or noted as such on the Preliminary and Final Plats and the lot(s) survey plat(s) filed for recording and used in the description of said property.

Section 8.6 – Street Right-of-Way Widths. The right-of-way width shall be the distance across a street from property line to property line. Minimum street right-of-way widths shall be as follows:

1. Arterial – 100 feet
2. Collector streets, 60 feet
3. Local and cul-de-sac streets, 60 feet.
4. Alleys should have sufficient right-of-way to adequately serve the anticipated vehicular traffic, but not less than twenty (20) feet.

Section 8.7 – Street Intersections. Streets shall intersect as nearly at right angles as possible. No street intersection shall be at an angle of less than eighty (80) degrees.

Section 8.8 - Street Grades. Maximum and minimum street grades shall be as follows:

1. Collector streets, not in excess of twelve (12) percent.
2. Local streets and dead-end streets and alleys, not in excess of fifteen (15) percent.
3. No street grade shall be less than one (1) percent.

Section 8.9 – Street Curvatures. Where a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a curvature on the centerline of not less than the following:

1. Arterial – 500 feet
2. Collector – 300 feet
3. Local – 100 feet

Section 8.10 – Street Tangents. Tangents between reverse curves for collector and local streets shall be not less than one hundred (100) feet.

Section 8.11 – Alignment. The vertical alignment shall be such that the sight distance for collector streets is at least two hundred (200) feet at six (6) feet above ground level.

Section 8.12 – Street Names. All streets shall be named and marked with signs. Street names shall require the approval of the 911 Director.

MINIMUM STREET DESIGN STANDARDS

	Arterial	Collector	Local Residential
Average Daily Trips (ADT)	10,000 or more	201 to 9999	200 or less
Min. Right-of-Way, in Feet	100	60	60
Minimum Pavement Width, in feet	48	24	20
Maximum Grade	6%	12%	15%
Minimum Stopping Sight Distance, in Feet	550	200	155
Design Speed in MPH	55	30	25
Minimum Centerline Radius, in Feet	500	300	100
Minimum Length of Tangent Between Reverse Curves, in Feet	300	100	100
Minimum Pavement Radius at Intersections, in Feet	30	25	25
Minimum Finished Grade	1%	1%	1%

These standards apply to traditional subdivisions only. Street design standards for conservation subdivisions are included under Article IV of these Regulations.

Section 8.13 – Street Improvements and Deed Conveyance. Subject to the provisions of these Regulations, the following street improvements shall be installed and provided by the sub-divider. The improvements shall be conveyed by deed to Madison County upon acceptance by the Board Commissioners.

Section 8.14 – Street Construction Specifications. Specifications for the construction of roads in Madison County shall be in accordance with the Georgia Department of Transportation “Standard Specifications Construction of Transportation Systems manual, 2001 Edition” as amended.

<u>Title</u>	<u>Section</u>
Embankments	208
Subgrade Construction	209
Specifications for Base and Sub-base Courses	300
Graded Aggregate Construction	310
Hot Mix Asphaltic Construction	400
Bituminous Prime	412
Bituminous Tack Coat	413
Bituminous Surface Treatment	424
Portland Cement Concrete Pavement	430
Striping	652

Section 8.14.0 – Source of Materials. All materials shall be secured from Georgia Department of Transportation approved sources.

Section 8.14.1 – Fills. All suitable material from roadway cuts maybe used in the construction of fills approaches, or any other places as needed. The fills shall be spread in layers not to exceed twelve (12) inches loose and compacted with a sheeps foot roller. Fill slopes shall not exceed a 2 to 1 slope.

Section 8.14.2 – Base and Paving. Base and Paving shall be one of the following types:

1. Type 1. Eight (8) inches of crusher run stone base applied upon a properly prepared subgrade compacted to six (6) inches and brought to a ninety-five (95) percent compaction. After priming and proper curing, two (2) inches of plant mix asphalt type “E” or “F” topping shall be applied for the wearing surface.
2. Type 1. Six (6) inches of Portland cement concrete pavement shall be constructed in accordance with Section 430 of DOT Standard Specifications Construction of Transportation systems, 2001 Edition, as amended.
3. When directed by the County Road Superintendent, 153 pounds per square yard of subgrade stabilizer Type 1, meeting D.O.T. specifications shall be applied to obtain a uniform subgrade.
4. No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather.

Section 8.14.4 – Grade and Subgrade

1. Grade. A minimum of roadway to be graded shall be thirty (30) feet for (20) foot pavement, and (34) feet for (24) foot pavement.
2. Sub-grade. Subgrade Construction shall be twenty-one (21) feet in width for twenty (20) foot pavement and twenty-five (25) feet in width for twenty-four (24) foot pavement, with ninety-five (95) percent compaction and approved by the county road superintendent, (per typical section as per Appendix 2 of the Regulations).
3. At the completion of rough grading activities the sub-divider’s Engineer, Landscape Architect or Land Surveyor shall certify to the County Road Superintendent that grading has been completed and conforms to the plans submitted.
4. No base shall be applied until the County Road Superintendent inspects subgrade.

Section 8.14.5 – Road Profiles. See appendix 2 for miscellaneous road details and profiles.

Section 8.14.6 – Compaction Test. All compaction tests and proof rolling shall be conducted in accordance with State of Georgia Standard Specifications or as directed by the County Road Superintendent. All costs associated with said tests shall be borne by the sub-divider or contractor.

Section 8.14.7 – Notification by Contractor. The road contractor shall notify the County Road Superintendent at each phase of the road construction process as described in the foregoing paragraphs, when ready to prime and before beginning any paving. Failure to notify said Superintendent and receive his approval before proceeding on to the next phase could result in the refusal by the Board to accept the road upon its completion.

Section 8.14.8 – Inspections. The County Road Superintendent will periodically inspect road construction, as he deems necessary. However, he shall be required to:

1. Approve the initial grade design; and
2. Inspect and approve subgrade compaction; and
3. Ensure the depth of base material meets required specifications; and
4. Approve base compaction.

Section 8.15 – Curb and Gutters. Any new road constructed as part of a major subdivision where any lot is 3 acres in size or less shall include curbs and gutters. The curb and gutter shall meet all current Georgia Department of Transportation Standards regarding placement and compressive strength. Concrete curb and gutter shall be so constructed as to present a smooth, even line both vertically and horizontally, in accordance with the Georgia D.O.T. Standards. Maximum grade tolerance is +/- 0.10 feet from grades and cross sections shown on the construction plans. There shall be ½ inch expansion joints every ten (10) feet along the curb and gutter.

ARTICLE IX: DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 9.0 – Block Lengths and Widths. Blocks shall be not greater than 1200 feet nor less than 400 feet in length, except in unusual circumstances and when approved by the Board of Commissioners.

Section 9.1 – Lot Lines. All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topography or other limiting features.

Section 9.2 – Double and Reserve Frontage Lots. Double frontage and reserve frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

ARTICLE X: REQUIRED IMPROVEMENTS

Section 10.0 – Sanitary Sewer Systems. The sub-divider must provide a sanitary sewer system by installation and/or payment prior to the approval of the Final Plat, as follow:

1. Where a municipal or public sewerage system is available to serve the development, the sub-divider shall install sewer mains and sewer laterals, extended to the property line of each lot development, in accordance with accepted engineering practices and the approved subdivision construction plans.

2. Where a municipal or public sewage system is not available, septic tanks or other disposal system shall be furnished and installed for each residential lot provided such system is approved by the Madison County Health Department.

Section 10.1 – Utilities. Facilities for underground utilities such as sewer, water, and gas, including sewer and water laterals to each lot when laid in streets, shall be in place prior to final surfacing of streets. All facilities for utilities shall be placed in easements in the order and location diagrammed in Appendix 2.

Section 10.2 – Storm Drainage Facilities. Design criteria for storm drain facilities shall conform to accepted engineering practices.

1. If a municipal storm drain system is available the sub-divider shall furnish and install all necessary materials to connect to the existing system in accordance with accepted engineering practices. The location of the system shall be shown on the Final Plat.
2. If a storm drain system is not available, adequate surface drainage facilities, as certified by an engineer, shall be included in the subdivision and shown on the Final Plat.
3. Where a proposed subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way along each side of the channel or course for the purpose of widening, deepening, relocating, improving or protecting such drainage easement.

Section 10.3 – Required Water Systems. Municipal water systems must be used where available (Where available means the municipality has provided the sub-divider documentation agreeing to accept the subdivision as a water customer. A copy of such documentation must be attached to the preliminary plat.), and shall be extended to all platted lots within a subdivision. Where a municipal water system is not available the sub-divider must provide either a public water system, shared water system, or indicate on the preliminary and final plats that water will be supplied by private wells, the construction and maintenance of which are the responsibility of the lot purchasers. Private wells are not permitted in a Conservation Subdivisions.

1. For subdivisions involving the construction of a new street or a change in an existing street and not connected to a municipal water system that has sufficient capacity – volume and pressure to support fire hydrants, the sub-divider must install a 6” main from the access road’s right-of-way to all locations within the subdivision where fire hydrants are required. Such main must be stubbed for fire hydrants and capped at both ends if not used to distribute water for house hold use.
2. Where a 6” main is dedicated for fire hydrant use only, the sub-divider must install a water distribution system using 4” main(s) from the water source to the subdivision’s access road’s right-of-way and to all lots within a subdivision.
3. Fire hydrant specifications, supply lines and spacing must meet the requirements of the Madison County Industrial Development and Building Authority Construction Standards and Water System Distribution Infrastructure Specifications.
4. The location of all mains, fire hydrants (including stubbed connections) and type and diameter of pipe used throughout the system must be clearly indicated on the subdivision’s final plat.
5. Wells supporting shared water systems must meet all of the requirements of the Georgia Environmental Protection Division (EPD).
6. Water systems must be tested and fully operational prior to the submission of the final plat.

7. Construction and installation of subdivision water systems, excluding individually owned private wells, must meet the requirements of eh Madison County Industrial Development and Building Authority Construction Standards and Water System Distribution Infrastructure Specifications.
8. A homeowners' association must be established for subdivisions where shared water systems are installed. Membership in the association is mandatory for all purchasers of homes in the subdivision and their successors. The homeowners' association bylaws, guaranteeing continuing operation and maintenance of the shared water system must accompany the final plat for approval.
9. The well and distribution system used in shared water systems must be tested and approved by a State of Georgia licensed Class 4 "Water System" operator prior to submission of the final plat. A copy of the signed certification document must accompany the final plat.

Section 10.4 – Well and Well Lots. All municipal and public potable water wells must:

1. meet the Georgia Environmental Protection Division's wellhead protection requirements; and
2. be separately platted and so identified on preliminary and final plats; and
3. have no structure closer than twenty (20) feet to a common property line or right – of-way.

Section 10.4.0 – Physical locations of well(s) and well lot(s). When approved by Madison County, well(s) and well lot(s) may be located at a location that is in close proximity to a subdivision rather than being physically within the subdivision to be served, provided the requirements set forth by these Regulations and the Georgia Environmental Protection Division are met. Madison County reserves the right to approve or disapprove the physical location of well(s) and/or well lot(s) based on well head protection requirements, system demands, topography, geology, surrounding land use or zoning, drainage patterns or any other factors that may, in the opinion of Madison County, adversely effect the construction, operation, maintenance, water quality, and continuous long term serviceability of said well(s) or well lot(s).

Section 10.4.1 - Dedication of well(s) and well lot(s). Subdivision with ten (10) or more lots may be required to dedicate suitable well(s) complete with permits, pumps, piping, power service, well house and all necessary appurtenances to Madison County. The well(s) shall be capable of supplying the projected demands of the subdivision as determined by Georgia Environmental Protection Division. Madison County will not accept any well that is not capable or producing, as a minimum, fifty (50) gallons per minute or more under peak demand. The well production capability shall be determined and certified by a licensed well driller or other as determined by Madison County.

ARTICLE XI: SURETY FOR COMPLETION OF IMPROVEMENTS

Section 11.0 – General. In lieu of completion of the required improvements in a subdivision, the sub-divider may deposit surety for the completion of such improvements.

Section 11.1 – Requirements. To assure the construction and installation of required improvements the sub-divider shall deliver to the Board of Commissioners of Madison County, Georgia, a certified check, surety bond or other acceptable security in such aggregate amount as is estimated by the governing authority to be the total cost of the construction and installation of all public improvements to include roads which are the responsibility of the sub-divider.

Section 11.2 – Conditions. Bonds or other surety posted shall run to Madison County, Georgia, and provide that the sub-divider, his heirs or successors and assigns, and their agents and servants, will comply with all applicable terms, conditions, provisions, and requirements of these Regulations and any other applicable requirements; will faithfully perform and complete the work of constructing and installing said facilities or improvements in accordance with these Regulations and any other applicable requirements; and that the sub-divider shall be responsible to Madison County, Georgia, for any unnecessary expense incurred through the failure of the sub-divider, his heirs, successors and assigns, or their agents or servants, to complete the work of said construction in an acceptable manner, and from any damages growing out of negligence in performing or failing to perform said construction and installation. Before acceptance, any surety shall be approved by Madison County. If a bond is offered it shall be executed by a surety or guaranty company qualified to transact business in the State of Georgia.

Section 11.3 – Duration and Release. Bonds and/or other surety posted pursuant to this Ordinance shall be released or returned, as the case may be, at such time as the facilities guaranteed thereby have been installed and accepted. Acceptance shall be in writing accurately identifying the improvements covered. Facilities shall not be accepted unless they conform to the applicable county specifications and requirements.

Section 11.4 – Default. If the construction or installation of any improvements or facilities for which a bond or other surety is posted is not completed within three (3) months after substantial completion of any buildings or structures which said improvements or facilities are designed to serve, or within two (2) years after the date of recording of the Final Plat, whichever is sooner, or if said construction or installation is not in accordance with the applicable specifications and requirements using the proceeds from such surety deposits to pay for such work, such work may be done under contract or by county personnel. To the extent that any portion of a cash deposit is not required or used, said excess cash shall be repaid to the person making the deposit.

Section 11.5 – Certification of Receipt of Surety for Required Improvements. The following form shall be printed directly on the Final Plat as follows, where a Preliminary Plat is not used:

“I hereby certify that a security bond or certified check in the amount of \$_____ has been received to assure completion of all required improvements in the subdivision plat attached hereto in the event of default by the developer.”

_____, 20_____

Signature, Chairman of the Board of Commissioners,
Madison County

ARTICLE XII: VARIANCES

Section 12.0 – Authority. Where, in the judgment of the Board of Commissioners of Madison County it would be inappropriate to apply literally the provisions of these Regulations because exceptional or undue hardship would result, the Board may waive or modify (herein referred to as a variance) any requirements to the extent deemed just and proper.

Section 12.1 – Application. A request for a variance of these Regulations shall be made in writing by the sub-divider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data that may assist the Board in rendering a decision on the application.

Section 12.2 – Approval Requirements. The Board shall not grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship, or self-imposed hardship, if the strict letter of these Regulations were carried out.
4. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.
5. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of these Regulations or the desirable general development of Madison County consistent with the county's Comprehensive Plan.
6. Any variance granted shall only provide the minimum relief needed to alleviate the unnecessary hardship or to obtain reasonable use of the property.

Section 12.3 – Notification by the Board of Commissioners. The Board if it approves a variance of these Regulations, shall do so by motion and shall notify the sub-divider in writing the reason(s) for such variance.

ARTICLE XIII: AMENDMENTS

Section 13.0 – Public Hearings Required. Before enacting an amendment to this ordinance, two (2) public hearings must be held. The first is conducted by the Planning and Zoning Commission for review and recommendation. The second hearing is held by the Board of Commissioners.

Section 13.0.1 – Planning Commission Public Hearing. At least fifteen (15) and not more than forty-five (45) days prior to the date of the Planning and Zoning Commission's public hearing, the Zoning Administrator shall cause a notice of the hearing to be published in a newspaper in a newspaper of general circulation in Madison County. The notice shall state the time, place and purpose of the hearing. The Planning and Zoning Commission has thirty (30) days following the public hearing within which to submit a report of its recommendation(s) to

the Board of Commissioners. Should the Planning and Zoning Commission fail to submit a report within the thirty (30) day period, it is deemed to have approved the proposed amendment(s).

Section 13.0.2 - Board of Commissioner's Public Hearing. Following receipt of the Planning and Zoning Commission's recommendation(s) the Board of Commissioners shall schedule a public hearing. The County Clerk shall cause a notice of the hearing to be published in a newspaper of general circulation in Madison County. The notice shall state the time, place and purpose of the hearing. The Board of Commissioners shall have thirty (30) days following the public hearing within which to render a decision on the amendment. Should the Board of Commissioners fail to act on the amendment within the thirty (30) day period, it is deemed to have approved the proposed amendments(s).

Section 13.0.3 – Conducting Public Hearings. Public hearings shall be conducted as specified in the Zoning Ordinance under “Procedures for Public Hearings”

ARTICLE XIV: LEGAL STATUS PROVISIONS

Section 14.0 – Repeal. All Resolutions, Regulations or Ordinances and parts of Resolutions, Regulations or Ordinances in conflict with these Regulations are hereby repealed.

Section 14.1 – Conflict with Other Regulations or Ordinances. Whenever the provisions of these Regulations and those of other Regulations, Ordinances or Statutes apply to the same subject matter, that Regulation, Ordinance or Statute requiring the strictest standard shall govern.

Section 14.2 – Separability. If any portion or provision of this ordinance is found to be unconstitutional, such invalidity shall not affect any other portion of this ordinance.\

Section 14.3 – Enforcement. It shall be the duty of Madison County to enforce this ordinance. The Zoning Administrator shall have the authority to revoke, suspend, or void any Development Permit and shall have the authority to suspend all work on site or portion thereof, and issue citations.

Section 14.4 – Violations and Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor. Each day's continuance of a violation shall be considered a separate offense. The owner of any property wherein a violation exists, and any builder, contractor or agent who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

Section 14.5 – Court of Jurisdiction. The Magistrate Court of Madison County shall have jurisdiction to try offenses of these Regulations.

Section 14.6 – Appeals.

Section 14.6.1 – Appeal to the Planning and Zoning Commission. Any person or persons, jointly or severally aggrieved by any decision (including the failure to decide within thirty (30) days upon submission of all documents required by this ordinance) of the Planning and Zoning Department, has the right of appeal to the Madison County Planning and Zoning Commission within thirty (30) days of the rendering of the decision by the Zoning Administrator.

Section 14.6.2 – Appeal to the Board of Commissioners. Any person or persons, jointly or severally aggrieved by any decision (including failure to decide within thirty (30) days upon submission of all documents required by this ordinance) of the Madison County Planning and Zoning Commission has the right of appeal to the Madison County Board of Commissioners, if such appeal is filed in writing with the County Clerk within thirty (30) days of the rendering of the decision by the Planning and Zoning Commission.

Section 14.6.3 – Appeal to the Court of Jurisdiction. Any person or persons, jointly or severally aggrieved by any decision of the Madison County Board of Commissioners has the right of appeal to court of law if such appeal is filed in writing with the Clerk of the Superior Court of Madison County within thirty (30) days of the rendering of the decision by the Madison County Board of Commissioners.

Section 14.7 – Stay of Proceedings. An appeal to the Court of Record stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the County Attorney, after the notice of appeal has been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property.

ARTICLE XV: ENACTMENT

These amendments shall take effect and be in force from and after their adoption by the Madison County Board of Commissioners, the public welfare demanding it.

Adopted by the Madison County Board of Commissioners effective _____2007.

Wesley J. Nash, Chairman

C. Morris Fortson, County Clerk

Appendix 1.

Madison County Tree List

A. Canopy Tree List (40 to 80 feet in height at maturity).

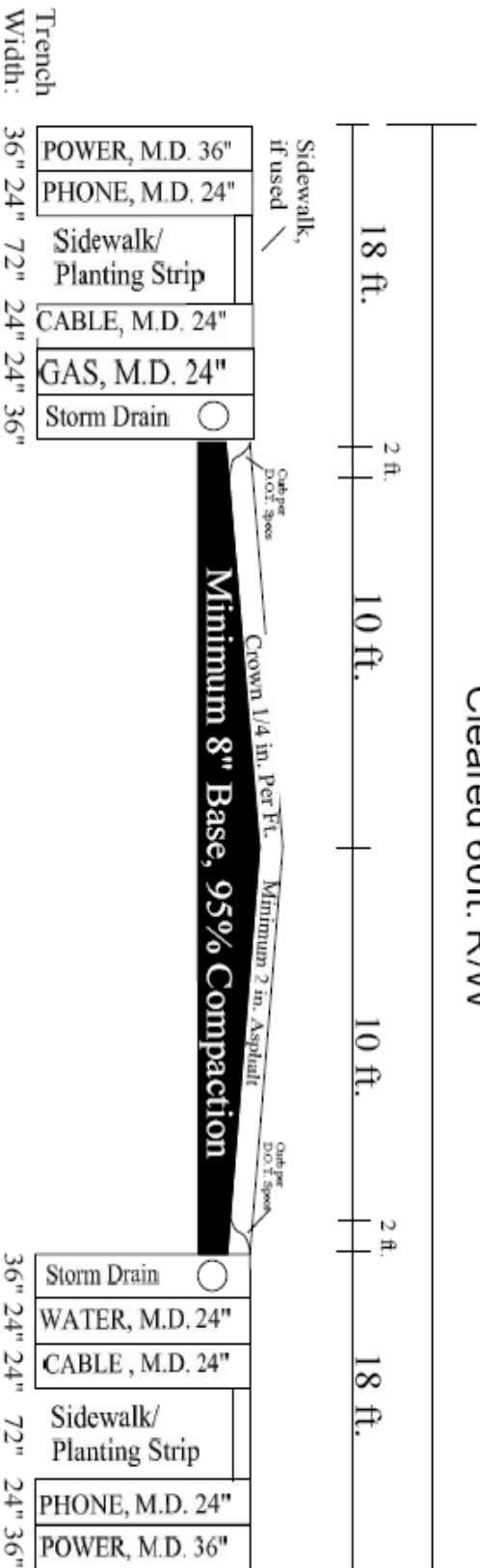
Article I. Botanical Name	Article II. Common Name	<i>Native Tree List</i> ¹	Drought Tolerant	Ozone Remover
Acer rubrum cultivars	Red Maple	•	•	•
Acer buergeranum	Trident Maple	•	•	•
Acer saccharum cultivars	Sugar Maple		•	•
Betula nigra	<i>River Birch</i>		•	•
Ginkgo biloba	Ginkgo (Male Only)		•	•
Ilex opaca	American Holly			•
Metasequoia glyptostroboides	Dawn Redwood			•
Nyssa sylvatica	Black Gum	•		
Oxydendron arboreum	Sourwood			•
Pistacia chinensis	Chinese Pistache	•		
Quercus alba	White Oak	•		
Querus bicolor	Swamp White Oak			
Quercus coccinea	Scarlet Oak	•	•	
Quercus falcata	Southern Red Oak	•	•	
Quercus lyrata	Overcup Oak	•	•	
Quercus nutallii	Nuttall Oak	•	•	
Quercus prinus	Chestnut Oak	•	•	
Quercus shumardi	Shumard Oak	•	•	
Taxodium disticum	Bald Cypress	•		
Ulmus parvifolia	Lace Bark Elm		•	•

¹ Native to the State of Georgia

Appendix 2 Madison County, Georgia; Street Design Standards and Required Utility Layout

Local Streets With Curb, Gutter and Sidewalks

Cleared 60ft. RW



- Notes:**
- M.D. = Minimum Depth
 - Water main is to be located on opposite side of road from gas main
 - Improperly installed utilities are subject to relocation at the utility owner's expense
 - In some situations, sidewalks are mandatory. Check with Planning and Zoning Dept.
 - All disturbed areas shall be regraded, stabilized and grassed
 - Slopes within R/W shall be no greater than 3:1
 - ROAD PROFILE NOT DRAWN TO SCALE**

