

Madison County Subdivision Regulations

Amended March 4, 2019

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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 are 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 activities, 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.

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.

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” mean 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.

Storm water 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 five (5) 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 abject 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: GENERAL DESIGN SUBDIVISION REQUIREMENTS

Section 4.0 – 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 4.1 - 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 existing subdivision.

Section 4.2 – Access. Subdivision shall be located so as to be accessible from a public street.

Section 4.3 – 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 4.4 – 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 4.5 - Conservation Deleted July 10, 2017

Section 4.6 – Building Sites. The creation of building sites through mass pad grading and successive padding or terracing of building sites is prohibited. Buildings, structures and other improvements shall not be located within any 100 year flood plain.

Section 4.7 – Lot Requirements. Amended July 10, 2017

- 4.7.1 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 greater than the appropriate distance specified in Article VIII of the zoning ordinance under the table heading “ Area, Yard and Height Requirements”.
- 4.7.2 The following land areas are not considered as part of a lot when calculating the required minimum lot size for subdivision of one and a half (1.5) acre lots: 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.
- 4.7.3 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.

- 4.7.4 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.
- 4.7.5 Easements may be granted for utilities including: water, natural gas, sewer lines, Septic tank fields, electricity and telecommunications lines; construction, drainage; maintenance, pedestrian's trails and other public purposes.
- 4.7.6 "Flag" lots may be permitted to provide more efficient utilization of space consistent with traditional design standards and objectives.
- 4.7.7 The front or rear face of a dwelling unit must be not less than forty (40) feet from the front or rear face of another dwelling unit. The side face of a residential structure must be not less than thirty (30) 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.
- 4.7.8 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.
- 4.7.9 The front, side and rear setback lines must be shown on the Final Plat.

Section 4.8 – 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 4.9 – Easements.

- 4.9.1 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.
- 4.9.2 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 Storm water Control Ordinance.

Section 4.10 – Paving. All streets within subdivisions covered by these ordinances must be constructed and paved in accordance Article VIII of these Regulations.

Section 4.11 – 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. Trees should reach forty (40) feet in height or a variety to reach forty (40) feet at maturity.

4.11.1 Tree Re-Placement Requirement. If adequate trees do not exist, trees should be planted of variety to reach forth (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:

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

4.11.2 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:

- a. 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.
- b. 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.
- c. Utilities should be placed outside tree protection zones wherever possible. Where not possible, boring is permissible.
- d. Construction site activities such as parking, material storage, concrete washouts, burn pit placement, and vehicle and equipment maintenance shall be located outside tree protection zones and arranged so as to prevent disturbances within tree protection zones.

- e. No land disturbance (cut, fill or trenching) or other construction site activities shall occur within the tree protection zone.
- f. To avoid soil compaction, vehicular traffic shall not be permitted in the tree protection zone.
- g. 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 Storm water Control Ordinance.

4.11.3 Tree Specifications.

- a. Street trees shall be at least 2 inches caliper and meet the American National Standard Institute (ANSI) Z60.1 requirements.
- b. 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.
- c. Street trees shall be limited to those species listed in Appendix 1.

Section 4.12 - Landscape Buffers.

- 4.12.1 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.
- 4.12.2 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 4.13 – Sidewalks.

4.13.1 – Where required.

- a. 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.
- b. 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).

- c. 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
- d. Pedestrian circulation system that is equal to or superior to the circulation system required by this Section.
- e. 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.

4.13.2 - Placement and Construction.

- a. 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.
- b. 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.
- c. 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.
- d. Where the sidewalks were not completed by the sub-divider, it shall than 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.

4.13.3- Construction Requirements.

- a. Sidewalks shall be constructed according to the Accessibility Guidelines of the Americans with Disabilities Act.
- b. 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.
- c. Sidewalks shall be constructed with Portland Cement Concrete having minimum 28 day strength of 3000 psi. Sidewalks may also be constructed of porous pavement when specified in a certified storm water runoff control plan for the development.
- d. All sidewalks shall have a minimum width of forty-two (42) inches.

- e. 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.
- f. 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.
- g. 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.
- h. 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 4.14 – 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 4.15 – 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 4.16 – Conformance With Regulations, Plans, and Ordinances.

- 4.16.1 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.
- 4.16.2 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.
- 4.16.3 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 4.17 – Construction Schedule.

4.17.1 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.

4.17.2. Grading.

Grading and land disturbance operations shall not begin until approval of the Preliminary plat, subdivision construction plans, soil erosion and sedimentation control plans, storm water 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.

4.17.3 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 Storm water Control Measures) and County Road Superintendent (Road Construction) when each phase of the installation is completed and ready for inspection.

4.17.4 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.

4.17.5 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 V: STREET CLASSIFICATION, DESIGN AND CONSTRUCTION STANDARDS

Section 5.0 – Classification of Streets.

5.0.1 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.

5.0.2 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 5.1 – Through Streets.

5.1.1 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. For Zones RR & R1: 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. All driveways must exit on a subdivision street. **Amended June 25, 2018**
- 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.

- 5.1.2. 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.
- 5.1.3 The sub-divider bears the burden of submitting sufficient evidence to reasonably support the findings in subparagraphs (a) and (b) above.
- 5.1.4 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.
- 5.1.5 Temporarily Stubbed Through Streets.
- a. 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.
 - b. Temporarily stubbed through streets are not permitted unless required by section 5.1.1d of these Regulations.
- 5.1.6 Temporarily stubbed through streets must display a county-approved "dead end" sign posted at the intersecting street.
- 5.1.7 Temporarily stubbed through streets shall terminate in a temporary cul-de-sac bulb with dimension as specified in Section 5.2 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.
- 5.1.8 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.
- 5.1.9 Temporarily stubbed through streets must be indicated as such on both preliminary and final plats.

Section 5.2 - Cul-de-Sacs.

5.2.1 - Cul-de-Sac Standards.

5.2.1.1 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 street 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 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.

5.2.1.2 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.

5.2.1.3 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.

- a. 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.
- b. 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.
- c. 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.
- d. Cul-de-sac streets shall have the same right-of-way and pavement widths as required for local streets.
- e. 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.
- f. Cul-de-sacs within conservation subdivisions shall conform to the requirements of Article IV of these Regulations as amended.

Section 5.3 - Development Along Major Streets, Limited Access Highways or Railroad Right-of-Way. Amended June 25, 2018

Where a subdivision abuts a county or state highway, 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 5.4 – Alleys.

5.4.1 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

5.4.2. 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 5.5 - Private Access Drives. **Amended June 25, 2018**

No lot may be created which can be accessed only by private access drive and/or easement. All lots must have public road access, with a minimum road frontage as required by section 4.7 hereof.

Section 5.6 – 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:

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

Section 5.7 – 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 5.8 - Street Grades. Maximum and minimum street grades shall be as follows:

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

Section 5.9 – 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:

- a. Arterial – 500 feet
- b. Collector – 300 feet
- c. Local – 100 feet

Section 5.10 – Street Tangents. Tangents between reverse curves for collector and local streets shall be not less than one hundred (100) feet.

Section 5.11 – 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 5.12 – 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 5.13 – 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 5.14 – 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

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

5.14.2 – 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 sheep’s foot roller. Fill slope shall not exceed a 2 to 1 slope.

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

- a. 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.
- b. 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.
- c. 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.
- d. No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather.

5.14.4– Grade and Subgrade

- a. Grade. A minimum of roadway to be graded shall be thirty (30) feet for (20) foot pavement, and (34) feet for (24) foot pavement.
- b. 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).
- c. 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.
- d. No base shall be applied until the County Road Superintendent inspects subgrade.

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

5.14.6 – 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.

5.14.7 – 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.

- 5.14.8 – Inspections. The County Road Superintendent will periodically inspect road construction, as he deems necessary. However, he shall be required to:
- a. Approve the initial grade design; and
 - b. Inspect and approve subgrade compaction; and
 - c. Ensure the depth of base material meets required specifications; and
 - d. Approve base compaction.

Section 5.15 – 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 VI: DESIGN STANDARDS FOR BLOCKS AND LOTS

Section 6.0 – Block Lengths and Widths. Blocks shall not be greater than 1200 feet nor less than 400 feet in length, except in unusual circumstances and when approved by the Board of Commissioners.

Section 6.1 – Lot Lines. All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topography or other limiting features.

Section 6.2 – 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 VII: REQUIRED IMPROVEMENTS

Section 7.0 – 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:

- a. 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.
- b. 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 7.1 – 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 7.2 – Storm Drainage Facilities. Design criteria for storm drain facilities shall conform to accepted engineering practices.

- a. 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.
- b. 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.
- c. 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 7.3 – 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.

- a. 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.

- b. 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.
- c. 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.
- d. 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.
- e. Wells supporting shared water systems must meet all of the requirements of the Georgia Environmental Protection Division (EPD).
- f. Water systems must be tested and fully operational prior to the submission of the final plat.
- g. Construction and installation of subdivision water systems, excluding individually owned private wells, must meet the requirements of the Madison County Industrial Development and Building Authority Construction Standards and Water System Distribution Infrastructure Specifications.
- h. 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.
- i. 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 7.4 – Well and Well Lots. All municipal and public potable water wells must:

- a. meet the Georgia Environmental Protection Division’s wellhead protection requirements; and
- b. be separately platted and so identified on preliminary and final plats; and
- c. have no structure closer than twenty (20) feet to a common property line or right –of-way; and
- d. have no structure closer than one thousand (1000) feet to an oil or gas pipeline unless one of the following two conditions is met;
 - 1). the development is served by a public water system; or
 - 2). monitoring wells drilled on the property prior to preliminary plat approval shows no contamination of the site by liquid petroleum or natural gas products. Water samples from monitoring wells shall be collected routinely at permit-specified time intervals, and analyzed by the Georgia Environmental Protection Division (EPD) or state approved independent laboratories.

7.4.1 – 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 is 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 affect the construction, operation, maintenance, water quality, and continuous long term serviceability of said well(s) or well lot(s).

7.4.2 - 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.

Section 7.5 – Residential Structures. Amended July 10, 2017

All homes are to be site built and must be built on concrete foundation, (slab or crawl space.)

ARTICLE VIII: PROCEDURES FOR SUBMISSION AND SPECIFICATIONS FOR PRELIMINARY PLATS

Section 8.0 - 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 8.1 - 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 8.2 – 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 Building 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 Building 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 8.3 – Development Standards Program Deleted July 10, 2017

Section 8.4 - 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 Building 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 Building 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 8.6 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 Building 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 Building and Zoning Department.
 - e. A vicinity map showing the location, the surrounding area and the present road system within ½ mile of the proposed subdivision.
 - f. For subdivisions having public wells, a Permission to Drill Letter from the Georgia Environmental Protection Division.

Section 8.5 – Content of Preliminary Plat.

The preliminary Plat shall contain the following information:

- a. 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.
- b. Proposed name of subdivision and its acreage.
- c. North point and graphic scale and date.
- d. Vicinity map showing location of the subdivision.
- e. Exact bearings and distances of the boundary lines of the tract.
- f. Location and names of adjoining subdivisions or names of owners of adjoining lands, not separated by a road right-of-way.
- g. The location, pavement width and names of all existing or platted streets, utilities and easements within or adjacent to the proposed subdivision.
- h. 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.
- i. Location of any stream buffers.
- j. Level 3 Soil Survey.
- k. Land to be used for purposes other than single-family dwellings.
- l. Block letters, lot numbers and lot sizes.
- m. 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.
- n. Cross-section and centerline profile of each street. Cross section shall show utility placement within right-of-way as illustrated in Appendix 2.
- o. Location of natural watercourses, flood hazard areas and other important features.
- p. Statement for maintenance of open space amenities and storm water detention areas.
- q. Inscription stating “NOT FOR FINAL RECORDING.”
- r. Signed certifications as follows:

Section 8.6 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 Storm water Control Ordinance.”

By _____ (Date) _____

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. _____

Certificate by the Madison County Board of Health

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 8.7 – Traffic Impacts. Amended Oct. 5, 2009

For new subdivisions expected to generate more than 99 vehicle trips per day (assuming 10 trips per household per day) a traffic impact study should be submitted with the preliminary plat. A registered traffic engineer shall determine the extent of the impact and specify appropriate traffic control devices to mitigate the traffic impacts.

Section 8.8 Building and Zoning Department. The Building 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 Building and Zoning Department. Within fifteen (15) days following receipt of the Preliminary Plat the Building 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 8.9 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 8.10- 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 IX: PROCEDURES FOR SUBMISSION AND SPECIFICATION FOR FINAL PLATS

Section 9.0 - Application for Final Plat Approval. Amended Oct 5, 2009

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:

- a. A written request for review and approval for final subdivision plat.
- b. Title opinion form developer's attorney certifying clear title to all streets, rights-of-way, drainage easements, well lots, wells and other areas to be dedicated to Madison County, and dedication deeds or easement agreements to be accepted by the Board of Commissioners.
- c. Conservation or natural resource easement, if required by the provisions under the Environmental Protection Article of the Development Code.
- d. All public improvement, including roads, water and/or sewer infrastructure, and traffic control devices, shall have been properly installed and completed in accordance with all requirements of the Madison County Development Codes. Maintenance Bonds from an acceptable surety licensed to do business in the State of Georgia for the following are required:
 - 1) If the proposed water requires the approval of the Georgia Environmental Protection Division, the Industrial Development Authority, or other public water source, this approval shall be obtained prior to making application for approval of the final plat.
The approval shall be in writing along with any required maintenance bond required by the issuing water authority, and shall accompany the application the application for approval to the Building and Zoning Department.
 - 2) Road maintenance bonds in an amount adequate to assure proper performance and maintenance are required on all subdivisions, the amount to be determined by the Chairman in the reasonable exercise of his discretion. The bond(s) are to stay active for one (1) year following the date of approval of the final plat, and at that time the developer may request a release on the bond.
- e. Executed Storm Water Management Facility Maintenance Agreement.
- f. Protective Covenants, if any, shall be submitted with the application request.
- g. Ten (10) signed prints and one digital copy of the Final Plat and all documentation required by these Regulations.

Section 9.1 – Content of Final Plat. Amended Oct. 5, 2009

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, and 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:

- a. 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.
- b. 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.

- c. Exact bearings and distances of the boundary lines of the tract.
- d. Name of subdivision, exact locations, widths and names of all streets and alleys within and immediately adjoining the Plat.
- e. Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents.
- f. Lot lines with dimensions to the nearest one-tenth foot and bearings to the nearest minutes.
- g. Lots numbered in numerical order and lettered alphabetically.
- h. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
- i. 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.
- j. A statement, either directly on the Plat or in an identified attached document, of any private covenants.
- k. 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.

9.1.1. Signed certifications as follows:

- a) Certificate of review by the Building 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 Storm water 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 eh 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 9.2 - Review of Final Plat Amended Oct. 5, 2009

9.2.1 - Building and Zoning Department. Within fifteen (15) days following receipt the Building 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 Building 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.

9.2.2. - 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.

9.2.3 - 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 9.3 – 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, storm water detention areas, and access to the same, including the storm water management of said lakes and dams.

Section 9.4 – Distribution of Final Plat. Amended Oct. 5, 2009

Copies of the Final Plat shall be distributed as follows:

- a. Sub-divider or agent, one (1) print
- b. Zoning Administrator, one (1) print.
- c. Clerk of Superior Court, two (2) prints.
- d. Tax Assessor, one (1) print.
- e. Chairman, one (1) print.
- f. 911, one (1) print
- g. Building Inspection, one (1) print
- h. Mapping, one (1) print and one (1) digital copy
- i. Road Department, one (1) print

Section 9.5 – 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 9.6 – 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 9.7 – 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 X: MAINTENANCE AND PERFORMANCE SURETY

Amended Oct. 5, 2009

Section 10.0 – Surety Required. No final subdivision plat shall be approved by the County or accepted for recordation by the Clerk of the Superior Court until The Board of Commissioners has received performance surety in the form of a bond or letter of credit issued by an acceptable surety licensed to do business in the State of Georgia, to insure the workmanship, maintenance and materials of the improvements in the project required by these Subdivision Regulations.

Section 10.1 – Amount of Surety. The bond or letter of credit shall be payable to the County in an amount not less than 20% of the actual cost (or, if actual cost cannot be readily determined, then 20% of the estimated cost as estimated by the Chairman of The Board of Commissioners in the reasonable exercise of his discretion) of the subdivision street(s), drainage, and other required improvements dedicated to the County under section 5.13(2) hereof.

Section 10.2 – Duration and Release. The bond or letter of credit be for a period of twelve (12) months after approval of the final plat and acceptance of the improvements by the Board of Commissioners pursuant to Sections 9.0 and 5.13 hereof.

Section 10.3 – Conditions and Default. The bond or letter of credit shall obligate the developer/owner to guarantee the workmanship and materials of the required improvements, and to maintain the required improvements, for a period of twelve (12) months after approval of the final plat and acceptance of the improvements by the Board of Commissioners pursuant to Sections 5.13 and 9.0 hereof. The bond shall provide that should the developer/owner default in his obligations hereunder during said period, the Surety shall promptly: (1) perform or cause to be performed such work as is necessary to cure the default; or (2) pay over to the County the cost of performing such work as is necessary to cure the default (not to exceed the amount of the bond). The surety is further liable, to the extent of the bond amount, for all loss, damage, and expense, including but not limited to attorney's fees, which the County may sustain or incur by reason of the failure to perform or default on the part of the developer/owner.

ARTICLE XI: VARIANCES

Section 11.0 – 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 11.1 – 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 11.2 – 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:

- a. 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.
- b. 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.
- c. 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.
- d. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.
- e. 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.
- f. Any variance granted shall only provide the minimum relief needed to alleviate the unnecessary hardship or to obtain reasonable use of the property.

Section 11.3 – 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 XII: AMENDMENTS

Section 12.0 – 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 12.1 – 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 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 12.2 - 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 12.3 – Conducting Public Hearings. Public hearings shall be conducted as specified in the Zoning Ordinance under “Procedures for Public Hearings”

ARTICLE XIII: LEGAL STATUS PROVISIONS

Section 13.0 – Repeal. All Resolutions, Regulations or Ordinances and parts of Resolutions, Regulations or Ordinances in conflict with these Regulations are hereby repealed.

Section 13.1 – 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 13.2 – 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 13.3 – 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 13.4 – 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 13.5 – Court of Jurisdiction. The Magistrate Court of Madison County shall have jurisdiction to try offenses of these Regulations.

Section 13.6 – Appeals.

13.6.1 – 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.

13.6.2 – 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.

13.6.3 – 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 13.7 – 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 XIV

Appendix 1.

Madison County Tree List

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

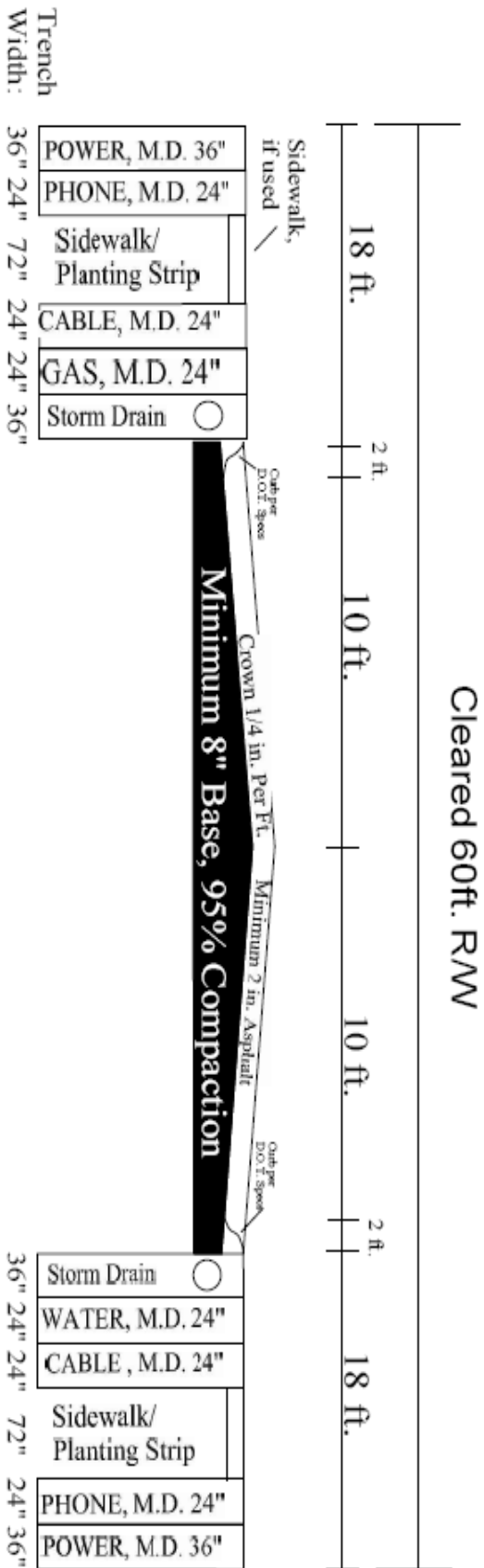
Article I. Botanical Name	Article II. Common Name	<i>Native Tree List¹</i>	Drought Tolerant	Ozone Remover
Acer rubrum cultivars	Red Maple	•	•	•
Acer buergeranum	Trident Maple	•	•	•
Acer saccharin cultivars	Sugar Maple		•	•
Betula nigra	<i>River Birch</i>		•	•
Ginkgo biloba	Ginkgo (Male Only)		•	•
Ilex 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](#)

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

Local Streets With Curb, Gutter and Sidewalks



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

ARTICLE XV: ENACTMENT

**AN ORDINANCE AMENDING THE SUBDIVISION REGULATION
OF MADISON COUNTY, GEORGIA.**

For the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of Madison County and to further the purposes of the Madison County Zoning Ordinance as set forth therein, the Board of Commissioners of Madison County does hereby ordain and enact into law the following changes to the Zoning Ordinance.

Should any sentence, section, subsection or provision of this Resolution or application thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Zoning Ordinance of Madison County, as amended, as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

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.

The codification and adopted by the Madison County Board of Commissioners effective _____ 2019.

John D. Scarborough, Chairman

ATTEST:

Rhonda S. Wooten, Clerk