

## **ARTICLE 21. SUBDIVISION DESIGN STANDARDS**

### **Sec. 2101. Purpose.**

The subdivision design standards of Pike County, Georgia seeks to encourage the development of desirable land use patterns within Pike County in accordance with the Pike County Comprehensive Plan. The promotion of sound land use patterns is intended to reduce or eliminate the occurrence of certain conditions which can threaten the general health, safety, and welfare of the residents of the county. This ordinance should serve the following purposes:

- A. Encourage the development of economically sound and stable communities.
- B. Assure the provisions of required streets, utilities, facilities, and services to new land development.
- C. Assure the adequate protection of safe and convenient traffic access and circulations—both vehicular and pedestrian—in new land development.
- D. Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes.
- E. Assure in general the wise development of new areas in harmony with the Pike County Comprehensive Plan.
- F. Assure consideration of any environmental impact (past, present and future) as a result of new land development.
- G. Assure site environmental inspection, clean-up and certification.

### **Sec. 2102. Suitability of Land to be Subdivided.**

All land may be subdivided. However, no land will be subdivided into buildable lots when it is unsuitable for reason of flooding, inadequate drainage, severe erosion potential, or any other feature likely to be harmful to the health, safety, or welfare of residents of the community or future residents of the proposed subdivision. In applying this Section, the facts constituting the basis upon which one (1) concludes that the land is not suitable for a proposed use affords the subdivider an opportunity to present evidence regarding suitability.

### **Sec. 2103. Name of Subdivision.**

The name of any minor subdivision must have the approval of the Administrative Official or the Planning and Zoning Board; and the name of any major subdivision must have the approval of the Board of Commissioners. The name of any subdivision shall not duplicate nor closely approximate the name of an existing subdivision in Pike County.

### **Sec. 2104. Platting Authority**

- A. Minor Subdivision. The Administrative Official/Zoning Administrator and the Planning and Zoning Board shall have platting authority for all minor subdivision plats, including revised or modified minor subdivision plats; except, however, neither the Administrative Official nor the Planning and Zoning Board shall have platting authority for minor subdivisions that include interior improvements such as interior roads and/or interior utility system(s) and related infrastructure, which are deemed as major subdivisions by definition and shall require the approval process for major subdivision plats described herein. To further clarify, the Administrative Official has the platting authority to approve administratively all plats for minor subdivisions. However, the Administrative Official also has the discretion to refer any minor subdivision plat to the Planning and Zoning Board for its review

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and approval. Accordingly, the Administrative Official and Planning and Zoning Board have concurrent platting authority for minor subdivision plats.

- B. Major Subdivision. The Board of Commissioners of Pike County shall have platting authority for major subdivision plats. No major subdivision final plat shall be recorded with the Clerk of Superior Court of Pike County unless it has been approved by the Board of Commissioners and bears the approval of the body on all copies to be recorded. Any major subdivision plat previously approved by the Board of Commissioners that is altered or modified or otherwise changes lot lines, lot sizes, or total number of lots shall be submitted to the Pike County Board of Commissioners for approval; except, however the Administrative Official/Zoning Administrator shall have the authority to approve minor changes to previously approved final plats for Major Subdivisions, where the proposed revision(s) is/are considered minor in nature such as correcting errors in the previously filed plat or constitute(s) a reconfiguration of a previously approved plat that does not increase the total number of lots.

### **Sec. 2105. Plats Required and County Approval Required to Subdivision and Development**

- A. Pike County requires that all properties in Pike County in connection with the subdivision and development of properties in the County be platted or surveyed; and, that said plat/survey be approved by the appropriate platting authority prior to being recorded in the office of the Clerk of Superior Court. However, existing lots of record with adequate metes and bounds legal descriptions that sufficiently and accurately describe the property to be subdivided or developed may be allowed in connection with minor and major subdivisions in the discretion of the Zoning Administrator, Planning and Zoning Board, or Board of Commissioners.
- B. Any plat or survey of property that was not approved by the proper Pike County platting authority prior to being recorded in the office of the Clerk of Superior Court will not be sufficient for the purposes of applying for the subdivision and/or developing of property as either minor or major subdivisions in Pike County. However, and upon the request of the applicant, the proper Pike County platting authority may in its sole discretion review and approve any plat recorded without prior Pike County approval, after said platting authority takes into consideration the reason said plat was not approved by Pike County prior to being recorded.

### **Sec. 2108. Pre-Application Review and Pre-Application Planning Conference**

- A. Pre-Application Review. Any subdivider may consult with the Administrative Official, or other designated person, for a pre-application review and discussion prior to submitting the formal plat application to Pike County for review and consideration. This pre-application review is an informal discussion between the subdivider and the Administrative Official. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged and no formal application shall be required. In connection with these informal discussions, the Administrative Official may provide the subdivider with pertinent information or suggestions in connection with the anticipated plat application process. At the discretion of the Administrative Official or upon the request of the subdivider, the Administrative Official may present the information to either the Planning and Zoning Board or the Board of Commissioners for further pre-application review and discussions. The Administrative Official may determine during the pre-application review that proposed subdivision will require a pre-application planning conference. Many minor subdivisions (such as single lot subdivisions) would not need either a pre-application review or a pre-application conference.
- B. Pre-Application Planning Conference. All subdividers of major subdivision are required to participate in a pre-application planning conference. In addition, the Administrative Official may determine that a minor subdivision should undergo a pre-application planning conference. This pre-application planning conference is a formal meeting that is scheduled by appointment only. The subdivider and Administrative Official, and any other person or entity that may be beneficial to the conference, will meet to discuss the proposed application process, related requirements, fees, and the calendar for the review and consideration of the application upon submission. There is no fee related to the pre-application planning conference.

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- C. A subdivider may request a written confirmation from the Administrative Official as to whether a pre-application planning conference is required; and/or whether the subdivider may move forward with the submission of an application for either a minor or major subdivision.

### **Sec. 2109. Plat Application, Submission and Reviews**

- A. Initial Review by Administrative Official or Designee. All plat applications, along with the requisite information, documentation, and fees required by this Chapter, shall be submitted to the office of the Administrative Official for initial review. The initial review will determine whether the submitted application is complete with all of the requisite information, documentation, and fees; whether the application constitutes a minor subdivision or major subdivision; and, whether there are any issues that need to be further addressed before deeming the application complete.
- B. Plat Requirements. All plats shall meet the following requirements:
1. CLARITY AND SCALE. All plats shall be clearly and legibly drawn at a scale not smaller than 100 feet equals 1 inch;
  2. SHEET SIZE. All plat sheets may be no smaller than 18" by 24" and no larger than 36" by 38"; and,
  3. NUMBER OF COPIES AND FORMAT. The applicant shall provide 1 hardcopy of the proposed plat and one digitally formatted (pdf preferred) copy of the plat upon submitting the application for plat review.
- C. INCOMPLETE AND COMPLETE APPLICATIONS. If the application is deemed incomplete, then the office of the Administrative Official shall so notify the applicant in writing detailing why the applicant is incomplete. Once an application is deemed complete, the Administrative Official shall so notify the applicant in writing and then proceed to process the application for review as either a minor subdivision plat or major subdivision plat in accordance with this Chapter.

### **Sec. 2110. Minor Subdivisions**

- A. Upon the determination by the Administrative Official that the application for minor subdivision is complete, the Administrative Official/Zoning Administrator shall then either consider the minor subdivision plat for approval or determine that the minor subdivision plat should be reviewed and considered by the Planning and Zoning Board. If the proposed minor subdivision plat is to be considered by the Planning and Zoning Board, then the Administrative Official/Zoning Administrator will place the matter of the proposed minor subdivision plat on the agenda for the next meeting of the Planning and Zoning Board for its review and consideration.
- B. Prohibition of "chain" minor subdivisions. It is the intent of the Board of Commissioners to prohibit the practice of "chain" subdivisions where multiple applications for minor subdivisions for the same property(ies) or contingent property(ies) are filed either simultaneously or during a five (5) year period in an apparent attempt to circumvent the requirements of a major subdivision. The Administrative Official or the Planning and Zoning Board, in the sound discretion of either, may require an applicant to proceed with the filing of a major subdivision application if multiple and/or subsequent minor subdivision applications are filed within a five (5) year period involving the same property or contiguous properties. In such cases, the Administrative Official or Planning and Zoning Board will require the applicant to resubmit an application for major subdivision application for all the properties related to the already submitted minor subdivisions.
- C. Common Contiguous Parcels Shown or Minor Subdivision Plats. Contiguous common parcels, as defined by this Chapter, shall be referenced on all applications for minor subdivisions. Contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision. Common contiguous parcels shall be counted as lots in the case of a minor subdivision.

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## **Sec. 2111. Major Subdivisions**

- A. PRELIMINARY AND FINAL PLATS REQUIRED. Major Subdivisions require separate submissions, reviews, and approvals of both the preliminary and final, which are reviewed, and considered for approval separately; except, however, a major subdivision with privately owned and maintained streets and rights of way, that do not have public water, and that do not require further EPD review and approval may be considered for a joint submission, review, and approval of the preliminary and final plats.
- B. REVIEW PROCESS OF PRELIMINARY AND FINAL PLATS.
1. All major subdivision plats (preliminary, final or joint) will first be reviewed by the Administrative Official, who will then forward the plat to the Planning and Zoning Board for its review and recommendation. After the review by the Planning and Zoning Board, the proposed plat (preliminary, final, or joint) along with the recommendations of the Administrative Official and the Planning and Zoning Board will be forwarded to the Board of Commissioners as the final platting authority for all major subdivision plats (preliminary, final, and joint) for its review and consideration.
  2. CONDITIONS PRECEDENT TO THE REVIEW OF MAJOR SUBDIVISION PLATS. Prior to any application for a major subdivision being processed for review and consideration, the owner/applicant must provide and/or obtain the following:
    - (a) The name and address of the owner/applicant/representative to whom the notice of all meetings or hearings shall be sent from the County related to the plat.
    - (b) The approval of the Georgia Department of Transportation for any proposed major subdivision abutting a state highway. No major subdivision plat shall be approved by Pike County until the owner/applicant has obtained the approval of the Georgia Department of Transportation.
    - (c) Where applicable, a statement from the Pike County Health Department stating the soil analysis requirements for the well and septic systems for the proposed subdivision.
    - (d) A statement from the Pike County Water and Sewer Authority stating the availability of water and sanitary sewer lines in the proximity of the proposed subdivision. Subdivisions meeting the County's proximity standards shall be required to tie onto said water lines and follow the permitting procedures of the County.
    - (e) The owner/applicant shall seek statements from the Pike County School Board, the Pike County Sheriff's Department, the Pike County Fire Department and the Pike County Public Works Department regarding the proposed major subdivision with each entity's respective comments and recommendations. If any of these named entities fails to respond to the request of the owner/applicant within 30 days, then the plat may proceed for further review and consideration as if the plat had in fact been reviewed by the non-responding entity.

## **Sec. 2112. Information to be Provided on Preliminary Plat**

The preliminary plat shall contain the following information:

- A. Proposed name of subdivision, including any unit or phase numbers.
- B. Date of plat.
- C. Name of plan preparer.
- D. Land lot and district.
- E. Provide revision block area.

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- F. Written scale and graphic scale (Scale shall not be less than 1" = 100').
  - G. North arrow; North point shall be identified as magnetic, true, or grid north.
  - H. Names, addresses, and pertinent telephone and fax numbers of owner(s) or record and of subdivider(s).
  - I. Names, addresses, and pertinent telephone and fax numbers of engineer and/or surveyor, registered in Georgia, who prepared plat.
  - J. Vicinity map showing subdivision and surrounding existing streets, sufficient enough to accurately locate project on county maps.
  - K. Appropriate legend of symbols used on plat.
  - L. Exact boundary lines of the property with a heavy line, accompanied by bearings (degrees, minutes, seconds) and distances (to one-hundredths place).
  - M. Names of owners of record and current zonings of all properties adjacent to proposed subdivision.
  - N. In general notes section, list total acreage and current zoning of subdivided property, and tax parcel identification number(s) of parent tract(s). Verify whether or not parent tract is currently within a CUVA tax classification.
  - O. In general notes section, list proposed number of subdivided lots.
  - P. In general notes section, calculate net and gross densities for proposed development, if applicable for the subdivided property's zoning.
  - Q. In general notes section, list minimum lot area and minimum lot width at building line required for subdivided property.
  - R. In general notes section, list front building setback (from right-of-way), as well as side yard and rear yard setbacks required.
  - S. Show all yard setbacks with dashed lines for all subdivided lots within development; show representative labels and dimensions for all yard setback types at certain intervals throughout the development.
  - T. In general notes section, list source of boundary and right-of-way information, and date of survey.
  - U. In general notes section, list source of topographic information and datum.
  - V. In general notes section, list current FEMA Flood Insurance Rate Map Community Panel Number(s), with effective date, for property. If floodplain occurs on site, show limits of 1% annual chance flood for proposed development, based on current FEMA Panel and/or independent engineering study.
  - W. Statement whether or not state waters and/or wetlands occur on the subdivided property. If they do occur, show their field location with all required buffers.
  - X. Statement whether or not the subdivided property lies within any established Pike County Watershed Protection District.
  - Y. In general notes section, list total length of centerline of road for proposed development, and breakdown of total length of centerline of road of individual proposed streets.
  - Z. In general notes section, list total impervious surface calculations for proposed development in applicable zonings, and for those developments that lie within established Pike County Watershed Protection Districts.
  - AA. Show topographic contours within and adjacent to subdivided property at vertical intervals of not more than two (2) feet where a new street is involved in a subdivision; label representative contours at certain intervals. If no interior streets are involved, then topographic contours within and adjacent to subdivided property at vertical intervals every twenty (20) feet must be shown and labeled.
  - BB. Show soil conditions on the property, as per USDA manual.
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- CC. Show locations of any natural features on the property – water bodies, water courses, tree lines, orchards, exceptional topography, and significant rock outcroppings.
  - DD. Show any railroads and railroad rights-of-way on or adjacent to proposed subdivision.
  - EE. Show any existing bridges, buildings, and drives on or adjacent to proposed subdivision.
  - FF. Show any existing storm and sanitary sewers, water mains, drains, culverts, and other underground facilities or utilities within easements or rights-of-way on or adjoining the subdivided property.
  - GG. Show layout of all proposed lots, with sequential lot numbers and scaled dimensions; show utility easements with width and use.
  - HH. Show layout of all proposed streets and other access ways with right-of-way and pavement widths, as well as proposed street names. Show sidewalks and ADA ramps if required per the subdivided property's zoning. (if applicable)
  - II. The cross section of proposed streets showing width of roadways and location of sidewalks; (if applicable)
  - JJ. Show open space area and open space calculations for proposed development, if required per the subdivided property's zoning. Show all parcels of land intended to be dedicated for public use or reserved.
  - KK. Show layouts, methods and standards to be used for providing potable water, sanitary sewerage, and storm drainage facilities to each subdivided lot.
  - LL. Preliminary plats initially submitted after the ratification dates of other future Pike County Ordinances shall abide by the requirements of those ordinances.

### **Sec. 2113. Application for Final Plat Approval**

- A. **Timeline for Submitting Final Plat.** Within two (2) years after the preliminary plat of a proposed subdivision has been given approval by the Board of Commissioners, the subdivider may submit an application for final plat approval for the major subdivision. The review and consideration of the application for final plat approval shall be in accordance with the review procedures set forth above.
- B. **Request for Extension.** If within the two (2) years of the approval of the preliminary plat, however, the owner/applicant/developer is not ready to proceed with seeking the final plat approval for the major subdivision, then the owner/applicant/developer may seek an extension from the Board of Commissioners. The request for an extension must be submitted in writing and provide an estimated timeframe for the submission of the application for final plat approval. The Board of Commissioners shall have sole discretion as to whether an extension shall be issued. The Board of Commissioners shall consider the totality of the circumstances when considering such a request for an extension.
- C. **Conditions Precedent to Review of Final Plat.** Prior to any application for final plat approval of a major subdivision, the owner/applicant must provide and/or obtain the following:
  - 1. The name and address of the owner/applicant/representative to whom the notice of all meetings or hearings shall be sent from the County related to the plat;
  - 2. Where applicable, a statement from the Pike County Health Department approving the water supply and sewage disposal systems, as installed; a statement from the Pike County Water and Sewer Authority approving the water supply and sewer disposal system if applicable; and,
  - 3. Where applicable, a statement from the County Manager that all improvements have been made as required by this Chapter or that an adequate bond has been posted to cover the cost of the unfinished improvements as provided in this chapter.

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## **Sec. 2114. Final Plat Specifications**

- A. The final plat shall conform to and meet the specifications of the preliminary plat, with the following additions.
- B. The final plat shall be clearly and legibly drawn in permanent ink on tracing cloth or other high quality reproducible material. Sheet sizes shall be as required by the Superior Court of Pike County, and where more than one sheet is required, an index map shall be required on the same size sheet. The final plat shall show the following:
  - 1. Direction and distance from points of reference to points on the boundary of the subdivision and other additional data that may be required to relocate the boundary points from the points of reference. All points of reference shall be monumented positions which can be relocated by reference to maps, plats or other documents on public record;
  - 2. Municipal, county and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
  - 3. Exact boundary lines of the tract, determined by a field survey, giving distance to the nearest one-hundredth foot and angles to the nearest minute and second which shall be balanced and closed with an error of closure not to exceed 1 to 5,000;
  - 4. Name of subdivision and exact locations, widths and names of all streets and alleys within and immediately adjoining the plat;
  - 5. Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents;
  - 6. Lot lines, with dimensions to the nearest 1/100 foot, and bearings to the nearest minute and second;
  - 7. Lots numbered in numerical order and blocks lettered alphabetically;
  - 8. Location, dimensions and purposes of any easements and any areas to be reserved or dedicated for public use;
  - 9. Accurate location, material and description of monuments and markers;
  - 10. A statement, either directly on the plat or in an identified attached document, of any private covenants;
  - 11. All lots shall be numbered or lettered and all streets should bear tentative names;
  - 12. North point, graphic scale and date;
  - 13. List current FEMA Flood Insurance Rate Map Community Panel Number(s), with effective date, for property. If floodplain occurs on site, show limits of 1% annual chance flood for proposed development, based on current FEMA Panel and/or independent engineering study.
  - 14. For subdivided lots within or adjacent to any established 1% annual chance flood limits on the property, show a minimum finished floor elevation for each lot. All proposed structures within or adjacent to the limits of the 1% annual chance flood shall have a minimum finished floor elevation 3 feet above the elevation of the limits of the 1% annual chance flood.

## **Sec. 2115. Recording of Final Plat**

- A. Upon approval of a final plat by the Pike County Board of Commissioners, the Administrative Official shall have the final plat recorded in the office of the Clerk of the Superior Court of Pike County. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the final plat, as provided in this Chapter and related fee schedules.

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- B. Upon recording of the approved final plat, a high-quality reproducible print of the recorded final plat, meeting the size requirements set forth in this Chapter, shall be provided by the subdivider for the records of the Board of Commissioners and filed with the Planning and Development Department.

### **Sec. 2115. Effect of Filing Final Plat, Bond Requirements and Acceptance of Deed Dedications**

- A. GENERAL. The approval and filing of the final major subdivision plat with the Clerk of Superior Court does not convey title of the rights of way including the streets, easements, and utilities in the major subdivision to the Board of Commissioners. The Board of Commissioners does not accept responsibility for the construction, maintenance, and repair of any rights of way, or related infrastructure, in connection to a major subdivision upon the approval and filing of the final plat, regardless of what language may be stamped on a final plat. Until Pike County releases the maintenance bond for any rights of way or any other public infrastructure in a major subdivision, the owner/applicant/developer shall remain responsible for the construction, maintenance, and repair of said rights of way.
- B. **Irrevocable letters of credit, escrow letter of surety or maintenance bond.**
1. The applicant/owner/developer shall submit a 3-year maintenance letter of credit or bond on all improvements within public right-of-way (streets, sidewalks, storm sewer, catch basins, cross drains) and stormwater detention facilities to guarantee the maintenance of infrastructure and improvements. On phased developments, certain sections (the construction route) will require a renewed letter of credit or bond if used for construction access to newer phases.
  2. For developments with multiple phases of construction, the Director of Public Works shall require that portions of a previously approved phase be placed under an extended letter of credit or maintenance *bond* if the previously approved phase is used as access for construction traffic for the development of future phases. A plan showing the various streets that will be used as access for the construction traffic through the previously approved phase shall also be provided. The duration of such an extended letter of credit or maintenance *bond* shall not exceed three (3) years from the date of approval of the final plat for the final phase of the development.
  3. A letter of credit or maintenance *bond* shall be released at the end of the three-year period. Ninety (90) days prior to expiration, a final inspection of all subdivision improvements shall be performed by the county to determine the need for any repairs. If repairs are necessary, the administrator shall provide written notice to the applicant.
  4. If the applicant fails to take the necessary action to make repairs within thirty (30) days of notification by the county, the administrator shall authorize the surety or bank issuing the letter of credit or maintenance *bond* to release to the county all funds.
  5. The administrator may require the letter of credit or maintenance *bond* to be extended to ensure the completion of repairs started but not completed by the application for a period not to exceed one hundred eighty (180) days.
  6. Standards for an irrevocable letter of credit, escrow letter of surety or maintenance *bond*:
    - a) The letter of credit, escrow letter of surety or maintenance *bond* shall be issued from a bank having offices in Georgia. Include local contact name, phone number, and physical address of the bank. No post office boxes allowed.
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- b) A letter of credit, escrow letter of surety or maintenance *bond* from other institutions shall be subject to approval by the administrator, or designee who shall be authorized to reject a letter of credit escrow letter of surety or maintenance *bond* if he reasonably determines the obligor or surety is unreliable or there would be practical difficulties in enforcing the obligation of the letter of credit, escrow letter of surety or maintenance *bond* for other reasons.
  - c) The letter of credit, escrow letter of surety or maintenance *bond* shall name the Pike County Board of Commissioners as obligee.
  - d) The amount of the letter of credit, escrow letter of surety or maintenance *bond* shall be determined by the department's most recently adopted fee schedule.
7. Time period for a letter of credit, escrow letter of surety or maintenance *bond*.
- a) A letter of credit, escrow letter of surety or maintenance *bond* for infrastructure and other public improvements shall remain in effect for three (3) years from the date of final plat approval. During the three (3) year period, it shall be the applicant's responsibility to repair any defects that occur in the streets, drainage systems, and stormwater detention systems. Extensions of a letter of credit, escrow letter of surety or maintenance *bond* may be required if deemed necessary by the Public Works Department.
  - b) The Pike County Board of Commissioners may draw upon this letter of credit, escrow letter of surety or maintenance *bond* to the amount set forth above upon presentation to the surety company of the following: A letter from the Pike County Public Works Department Director stating that the principal has failed to comply with the requirements of this UDC with regard to making all of the required repairs and that the cost of the repairs equals or exceeds the amount of the letter of credit, escrow letter of surety or maintenance *bond*.

C. DEED DEDICATION AND CONVEYANCE.

When a major subdivision is final platted a right-of-way deed will be required to be submitted to Pike County and recorded dedicating all rights-of-way to Pike County. Until the maintenance bonds have been released the owner/developer/builder shall be responsible for all repairs and maintenance to the rights-of-way.

**Sec. 2117. Access**

Access to every subdivision shall be provided over public streets, or over private streets that have been approved by the Board of Commissioners. All "private streets" shall be developed as per the development requirements set forth in this Chapter and as otherwise specifically approved by the Board of Commissioners, which includes having a minimum right of way of 60'.

**Sec. 2118. Conformance to Adopted Throughfares and Other Plans**

- A. All streets and other features of the Thoroughfare Plan of Pike County, Georgia, shall be platted by the subdivider in the location and to the dimensions indicated in the Thoroughfare Plan adopted by the Planning and Zoning Board.
- B. When features of other plans adopted by the Board of Commissioners (such as schools or other public building sites, parks, rights-of-way or other land for public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

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- C. Whenever a plat proposes the dedication of land to a public use that is found by the platting authority to not be suitable for public use, the plat shall not be approved based on the reasons for the unsuitable public use. The proposed unsuitable use, however, may be removed from the proposed plat for further consideration.

### **Sec. 2119. Private Streets**

- A. PRIVATE STREETS MAY BE PERMITTED. The Board of Commissioners may upon application permit private streets within major subdivisions (including minor subdivisions with interior improvements including streets). Any private streets permitted by the Board of Commissioners shall be subject to the development requirements of this Chapter including the minimum 60' right of way.
- B. CONDITIONS REQUIRED FOR PRIVATE STREET SUBDIVISIONS. At the time of any approval of a proposed development with private streets, the Board of Commissioners will make the private street development conditioned upon such conditions to ensure various public purposes and to mitigate potential problems with private streets. Such conditions may include but will not be limited to the following:
  - 1. No final plat involving private street(s) shall be approved unless said final plat conforms to the requirements of this Chapter.
  - 2. Pike County shall not maintain, repair, resurface, rebuild or otherwise improve streets, signs, drainage improvements or any other appurtenances within general-purpose public access and utility easements established for private streets.
  - 3. A private maintenance covenant recorded with the Clerk of the Superior Court shall be required for any private street and any other improvements within general-purpose public access and utility easements established for private streets. The covenant shall specifically include the following terms:
    - a. The Covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The Covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association.
    - b. The Covenant shall include a periodic maintenance schedule.
    - c. The Covenant shall provide for the enforceability by any property owner served by the private street.
    - d. The Covenant shall establish a formula for equitably assessing maintenance and repair costs to the property owners served by the private street.
    - e. The Covenant shall run with the land.
  - 4. The Board of Commissioners may, at its discretion, and as a condition of approving the development with private streets, require a performance bond and/or maintenance bond to be submitted by the subdivider to be held by either the County or a HOA/POA (homeowner or property owners association).

### **Sec. 2120. Continuation of Existing Streets**

Existing streets shall be continued at the same or greater width, but in no case less than the required width given in this Chapter.

### **Sec. 2121. Street Names**

Street names shall require review and approval first by the Planning and Development Department and then by the Board of Commissioners. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

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## **Sec. 2122. Street Jogs**

Street jogs with centerline off-sets of less than 125 feet shall not be permitted. Wherever possible, proposed street centerlines shall be aligned directly with existing street centerlines.

## **Sec. 2123 Cul-de-sacs**

- A. Permanent dead-end street length is unrestricted; however, the street shall provide a paved turn around having a 45-foot inside radius at the cul-de-sac.
- B. Pavement requirements for cul-de-sacs shall meet requirements as set forth in this Chapter.
- C. If the subdivision has 30 or more lots and is located on a cul-de-sac, then in addition to the above requirements the street shall provide at least two lanes for the purpose of exiting the subdivision. The left hand lane shall be marked "left turn or thru traffic only" and the right hand lane shall be marked either "straight ahead and/or right turn." In addition to the foregoing, if 30 or more lots are located on a cul-de-sac, then and in such event the developer shall be responsible for constructing acceleration and deceleration lanes of such length as the Board of Commissioners may require.

## **Sec. 2124. Alleys**

Alleys may be required at the rear of all lots to be used for multi-family, commercial or industrial development. Alleys shall not be required in one or two-family residential developments unless the subdivider provides evidence satisfactory to the Board of Commissioners of the need for alleys.

## **Sec. 2125. Reserve Strips**

Reserve strips controlling access to streets, alleys and public grounds shall not be permitted unless their control is placed in the hands of the Board of Commissioners under conditions approved by the governing body.

## **Sec. 2126. Easements**

Easements having a minimum width of 15 feet, and wherever possible located along the side or rear lot lines, shall be provided as required for utility lines, underground mains and cables.

## **Sec. 2127. Development Standards for Drainage Piping and Structures**

- A. Watercourse and drainage easements. Where a proposed subdivision is traversed by a watercourse, drainage way or stream, appropriate provisions must be made to accommodate storm water and drainage through and from the proposed subdivision. Such an easement must conform substantially with the lies of the watercourse and be wide enough and of adequate construction to be satisfactory for the purpose.
- B. Storm drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, interjectional drains, drop inlets, bridges and the like must be provided for the proper drainage of all surface water. Cross-drains, drop inlets, bridges and the like must be provided for the proper drainage of all surface water. Cross-drains must be provided to accommodate all natural water flow and must be extended to 30 feet behind the front-yard setback. All such facilities must be shown in plan and profile, including pipe sizes and invert elevations. Outfall ditching must follow property lines on a 20-foot easement to rear property line or natural drainage course.
- C. Piping. Storm drainage piping within county rights-of-way (except under residential driveways) shall be reinforced concrete pipe or fully bituminous coated corrugated steel pipe meeting current Department of Transportation specifications. All piping shall be at least 18 inches in diameter.

- D. End structures/headwalls. Headwalls flared end, vertical wall with wing walls or other end treatments are required on all culverts (except under residential driveways) and at the ends of all piped collection systems. Headwalls are to be pre-cast concrete or stone masonry with reinforced concrete footings or poured in-place reinforced concrete with reinforced concrete footings.
- E. Storm drain structures. All storm drain structures are to be designed to safely pass the Base Flood Evaluation, as determined by acceptable design practices. Pipe size and material, the contributing drainage area, runoff coefficient, times of concentration, maximum water surface elevations or computed peak flow rates with storm water elevations are to be shown on the construction plans.
- F. Roadways. All roadways are to be constructed so as not to encroach on the flood plain limit and must be designed to be not less than three feet above the projected Special Flood Hazard Evaluation.
- G. Storm drain length. Storm drains shall not exceed 500 feet of continuous length between an inlet, manhole or junction box access. In residential subdivisions, outfall piping from catch basins shall, at a minimum, extend from the street to a point 30 feet behind the front building setback line or to the Special Flood Hazard Evaluation.
- H. Culverts. Culverts carrying streams or ditch flow under a street shall be sized so that the Base Flood Evaluation head water height, or shoulder height where there are no curbs and gutters, does not exceed the curb height of 12". Calculations determining the headwater elevation for the Base Flood Evaluation and Special Flood Hazard Evaluation shall be provided by the design engineer. The backwater area computed for the Special Flood Hazard Evaluation shall be shown and delineated on the final plat.
- I. Easements. Drainage easements for improved ditches and pipe construction shall be cleared, opened and stabilized at the time of development to control surface water run-off. Drainage easements shall be provided according to the following minimum requirements and shall conform to county standards:

Easement Types	Easement Requirements
For pipes and conveyance structures at curb depth of 0 to 5 feet from surface	20-foot minimum
For pipes and conveyance structures cut with below 5 feet from surface	20 feet plus 10 feet added to every 2 feet of cut depth

- J. Ditches. Drainage ditches shall have minimum bottom width of two feet and shall have 3:1 side slopes or greater. Erosion and sedimentation considerations shall be covered in the Erosion and Sedimentation Control Plan.
- K. Streams and Creeks. Where streams or creeks exist within the development, provision shall be made to limit the adverse effects of any increased development.

**Sec. 2128. Street Design Requirements**

Except as otherwise specified by the Board of Commissioners, all streets shall meet the following design requirements.

- A. Lots of subdivisions fronting on existing Pike County roads whether it is improved or unimproved shall have right-of-way dedication in accordance with the following chart in order to provide for adequate access, maintenance, drainage and related easements, and other future improvements:

	Type of Street			
	Major Thoroughfare	Minor Thoroughfare	Local	Alley
Right-of-way	100 feet or as shown on Thoroughfare Plan	80 feet or as shown on Thoroughfare Plan	60 feet	24 feet
Pavement Width	48 feet or as shown on Thoroughfare Plan	48 feet or as shown on Thoroughfare Plan	22 feet	20 feet
Maximum Street Grade	9%	12%	15%	15%
Minimum Street Grade	1.0%	1.0%	1.0%	1.0%
Minimum radius of centerline curvature, horizontal curves	800 feet	300 feet	200 feet	100 feet
Minimum length of tangent between radius curves	200 feet	100 feet	None	None
On vertical curves minimum sight distance at 4.5 feet above ground level	500 feet	200 feet	None	None
Street Intersections	All street intersections shall be as nearly at right angles as possible. No street intersection shall at an angle of less than 60 degrees, unless required by unusual circumstances and approved by the Board of Commissioners.			
Curb-line radius at street intersections	40 feet	35 feet	25 feet	15 feet
	(Where angle of intersection is less than 90 degrees more may be required)			

**Sec. 2129. Construction Standards for Streets**

All streets must be prepared and paved according to the following methods or by equivalent methods approved by the Pike County Board of Commissioners. Development standards shall be as following:

- A. Subbase. The subbase must consist either of sand, clay or other approved material. The subbase course shall consist of placing subbase material in layers of maximum thickness of eight inches of compacted material over subgrade surface to support a pavement base course. Specific standards for the subbase are as follows:
  1. Satisfactory soil materials shall be those complying with ASTM D2487 soil classification grips GW, GP, GM, SM, SW and SP;
  2. All subbase materials shall be compacted to a minimum 98% maximum density standard proctor (ASTM D698);
  3. Where subbase material must be moisture conditioned before compaction, uniformly apply water to surface or subbase layer. Apply water in minimum quantity as necessary to prevent free water from appearing on surface. Remove and replace or scarify and air dry soil material that is too wet to permit compaction to specified density;

4. Subbase material must not be deposited or shaped when subgrade conditions are freezing, thawing or otherwise unfavorable for stability;
  5. Provide quality control testing in accordance with ASRM D1556 (soil care method) or ASTGM D2167 (rubber balloon method). Field density tests shall be performed as directed by the Director of Public Works. If, in the opinion of the Director of Public Works, based on testing service reports and inspection, subgrade or fills that have been placed are below specified density, the contractor shall perform additional compaction and testing until specified density is achieved.
- B. Base. The base must consist of graded aggregate base having a minimum thickness after being thoroughly compacted as stipulated in the roadway classification standards identified as § 155.66. The base must be constructed on a prepared subbase in accordance with these specifications and in conformity with the lines, grades and typical cross-section as shown in the approved construction plans. Specific standards for the base are as follows:
1. All materials must be of an approved type;
  2. As soon as the base material has been spread and mixed, the base must be brought to the approximate line, grade and cross-section and then rolled with a sheep's foot roller or bigtor roller until the roller walks out. Then the base material must be rolled with a pneumatic tire or general purpose roller until full thickness of the base course has been compacted thoroughly. Defects must be remedied as soon as they are discovered. A representative of Pike County shall measure for proper thickness, line, grade and cross- section prior to placement of any prime coat application;
  3. Base course shall be compacted to 100% maximum dry density;
  4. The base course must be maintained under traffic and kept free from ruts, ridges and dustings. It must be kept true to the approved cross-section until it is primed;
  5. Base material must not be deposited or shaped when subgrade conditions are freezing, thawing or otherwise unfavorable for stability.
- C. Pavement. Wearing surface must conform to mixes found suitable by the Georgia Department of Transportation. Wearing surface must be applied after a prime coat. Unless otherwise approved by the Administrative Official and Director of Public Works, pavement must be constructed as follows:
1. The prime coat must be cut-back asphalt or cut-back asphalt emulsion applied on a clean, slightly damp surface in an amount of from 0.15 to 0.30 gallons per square yard, depending upon the nature and condition of the surface;
  2. The tack coat must be cut-back asphalt or cut-back asphalt emulsion applied on a clean surface in an amount from 0.15 to 0.30 gallons per square yard, depending upon the nature and condition of the surface;
  3. The binder surface must consist of any approved plant mix, type "B" modified, prepared in a central plant and composed of aggregate and bituminous materials having an in-place minimum compacted thickness as described in the roadway classification standards identified in § 155.66;
  4. The wearing surface must consist of an approved plant mix, type "E," prepared in a central plant and composed of aggregate and bituminous material having an in-place minimum compacted thickness as described in the roadway classification standards identified in § 155.66.
- D. Seals. Care and caution must be taken that all points between such structures as manholes and curbs and the surface mixture are well sealed.

**Sec. 2130. Roadway Classification Standards**

(All specifications to Georgia Department of Transportation, unless otherwise noted.)

	Arterial Highway	Major Collector	Minor Collector	Local	Cul-de-Sac
Surface Tapping	2" type "E"	2" type "E"	2" type "E"	1.5" type "F"	1.5" type "E" or "F"
Tack Coat	0.20 gal/s.yd	0.20 gal/s.yd	N/A	N/A	0.20 gal/s.yd.
Intersections*				0.20 gal/s.yd	
Binder	3" type "B" mod.	2" type "B" mod.	N/A	2" type "B" mod.	2" type "B" mod
Prime Coat	0.25 gal/s.yd.	0.25 gal/s.yd.	0.25 gal/s.yd..	0.25 gal/s.yd.	0.25 gal/s.yd.
Curb and Gutter	L-back	L-back	Rolled Back	Rolled Back	Rolled Back
Base Course	8" GAB	8" GAB	6" GAB	6" GAB	8" GAB
Max. Street Grade	5%	8%	10%	12%	12%
Min. Street Grade	1.0%	1.0%	1.0%	1.0%	1.0%
Max Street Design	55	45	35	25	25
Min. Horizontal Degree of Curvature	1260	675	350	200	100
Tangents Between Horizontal Curves	Per GA DOT Specs.	100	50	50	50

**Sec. 2131. Block Lengths and Widths**

Block lengths and widths shall be as follows:

- A. Blocks shall be not greater than 1,800 feet nor less than 600 feet in length, except in unusual circumstances;
- B. Blocks shall be wide enough to provide two tiers of lots of minimum depth, except where abutting on major streets, limited access highways, railroads or where other situations make this requirement impractical.

**Sec. 2132. Lot Sizes**

- A. Lot sizes shall meet the requirements of the Pike County Zoning Code.

- B. In any case where individual sewage disposal systems or water supply systems are used, the Pike County Environmental Health Department shall prescribe minimum lot sizes in excess of the above provisions.

### **Sec. 2133. Lot Lines**

All lot lines shall be perpendicular or radial to street lines, unless not practical because of topographic or other features.

### **Sec. 2134. Abutting Streets**

Each lot shall abut upon a dedicated public street or approved private street. The developer must develop all private streets as set forth in development standards described in this Ordinance.

### **Sec. 2135. Double and Reverse Frontage Lots**

Double and reverse frontage lots should be avoided except where essential to provide separation of residential development from major thoroughfares, arterial and collector streets or to overcome specific disadvantages of topography or orientation. A planting screen, no-access easement of at least ten feet and across which there shall be no right of access shall be provided along the line of lots abutting such major thoroughfares, arterial and collector streets or other incompatible use.

### **Sec. 2136. Required Improvements**

- A. Every major subdivider shall be required to have installed at his or her own expense, and with the prior and ongoing approval of the county, to install the following street improvements and utilities:
  - 1. Street paving and curbs and gutters; provided that in the case of a major thoroughfare, the major subdivider shall only be responsible to install local street improvements or to pay the cost that would be incurred in the construction of a minor thoroughfare;
    - a. Any major subdivider, upon approval of the Pike County Planning and Zoning Board and by the Pike County Board of Commissioners, that divides property into parcels of not less than 87,120 square feet (2 acres) will be allowed to develop streets without the requirement of curb and gutter, provided that a plan of construction detailing proper sloped right of ways and drainage of storm water runoff be provided for technical review. This technical review will occur during the preliminary plat approval stage of the subdividing process. This effectively allows for development of parcels without curb and gutter requirements, provided that all of the above listed conditions apply.
    - b. No major subdivision shall be approved whose entrance(s) do not front a paved road. For major subdivisions proposed on an existing dirt or gravel road, the subdivision developer (at his or her own expense) shall pave the existing dirt or gravel road from the limits of the closest existing paved road to an extent determined by the Planning and Zoning Board at the time of the preliminary plat review.
    - c. Interior streets completely contained within a proposed major subdivision shall require paving, and curb and gutter unless otherwise permitted without curb and gutter in accordance with this Chapter.
    - d. All roads shall be paved to County specifications and shall conform to all County bonding requirements.
    - e. For any public or private streets that allowed without curb and gutter, the developer is required to slope all shoulders in the following manner:
      - i. All slopes for rights of way of streets not requiring curb and gutter must be designed to have a slope of no more than 4 to 1 for the front slope and no more than 3 to 1 for the back slope.



- ii. All roads would require a shoulder width of five (5) foot minimum.
  - iii. All drainage ditches shall have a minimum depth of two (2) feet and shall have a minimum of two (2) feet flat bottom.
2. Sanitary sewer lines and manholes; provided that if the required sewer lines cannot be connected to a trunk-line sewer at the time of the development of the subdivision, septic tanks shall be installed by and at the expense of the subdivider or lot purchaser for interim use in conformity with the requirements of the Pike County Health Department. No part of an individual sewage disposal system shall be within 100 feet of a well or ten feet of an adjoining property lane. Where individual sewage disposal systems are proposed to be used, the County Health Department may require percolation tests to be performed. The subdivider may be required by the County to install any sewer lines which may be needed in the future before the street is paved in order to avoid future destruction of the pavement;
  3. Storm drainage facilities;
  4. Concrete monuments and markers;
  5. Water mains within the subdivision with connections to each lot, whenever a public or community water supply is available, and a plan of construction development has been submitted and approved by the Pike County Water and Sewer Authority; and,
  6. Street name signs shall be subject to the approval of the County Commission.
- B. All required street improvements, utilities and monuments shall be designed, graded, and built to standards specified by the County. All utilities installed in the streets shall be placed and compacted prior to paving. In addition, in subsequent utility work that impacts existing streets must be compacted and/or repaved in accordance with the standards set forth in this Chapter.

**Sec. 2137. Improvement Bond**

- A. The Board of Commissioners may allow the subdivider to post a bond in lieu of completion of all the improvements as required by this Chapter. The Improvements Bond shall be made payable to Pike County, and shall be of an amount equal to actual costs to ensure the completion of all remaining required improvements, plus twenty (20) percent. The Bond shall be approved and held by the County until all improvements have satisfactorily been completed or until a specified reasonable length of time for completion has passed after which the Bond may be cashed and the improvements installed by the County.
- B. The Board of Commissioners shall require that the developer post a bond to cover any completion or maintenance of any roadway installed by said developer in the subdivision. The bond shall be made payable to Pike County and shall be of an amount equal to or greater than the cost of the base and paving of the improved road. This bond will have a two-year time of duration, at which time the Pike County Public Works Department will have a final inspection of the roadway in question. Any failure of inspection will be the responsibility of the developer or the bond may be cashed and maintenance requirements will be completed by the County.

**Sec. 2138. Large Scale Developments**

The requirements of these regulations may be modified by the Board of Commissioners in the case of a large scale planned community or neighborhood having a long range plan of development which in the judgment of the Board of Commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the Plan and provided such plan of development is in conformity with the purposes and intent of these regulations and meets the appropriate requirements of the Pike County Unified Development Code.

## **Sec. 2139. Conservation Subdivisions**

### **Sec 2139.1 Purpose**

This Chapter is adopted with the following purposes and intentions:

- A. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- B. To permit flexibility of design within residential zoning districts that require a minimum lot size of two (2) acres or more, as established in the Pike County Unified Development Ordinance (UDC), in order to promote environmentally sensitive and efficient uses of the land.
- C. To preserve in perpetuity unique or sensitive natural resources such as groundwater recharge areas, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- D. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- F. To promote interconnected greenways and corridors throughout the community.
- G. To promote contiguous greenspace with adjacent jurisdictions.
- H. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- I. To encourage street designs that reduce traffic speeds and reliance on main arteries.
- J. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- K. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- L. To preserve important historic and archaeological sites.

### **Sec 2139.2 Applicability**

These sections on Conservation Subdivisions are an option available in those residential zoning districts requiring a minimum lot size of two (2) acres or more, as established in the Pike County UDC. The applicant shall comply with all other provisions of the zoning districts and all other applicable laws, except those provisions specifically allowed otherwise in these sections.

### **Sec 2139.3 Housing Density Determination**

The maximum number of lots in a Conservation Subdivision shall be determined by either of the following two methods, at the discretion of applicant:

- A. Calculation.

The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning district as outlined in the Pike County UDC. In making this calculation, the following shall not be included in the total area of the parcel:

1. Slopes over 25 percent of at least 5,000 square feet contiguous area;
2. The 100-year floodplain;
3. Bodies of open water over 5,000 square feet contiguous area;
4. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the
5. Road right-of-ways and overhead utility easements.

B. Yield Plan.

The maximum number of lots is based on a separate conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of buildable lots possible. The plan does not have to meet formal requirements for a preliminary plat as required by this article but must clearly indicate that the proposed design is buildable given site features and all applicable regulations.

### **Sec 2139.4 Application Requirements**

Developers and subdividers proposing a conservation subdivision shall make application to the Zoning Administrator which shall include at a minimum the specifications of this Section.

A. Site Analysis Map.

The applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the subdivision, and that the proposed open space will meet the requirements of this Chapter. The site analysis map shall include the following features:

1. Property boundaries;
2. All streams, rivers, lakes, wetlands and other hydrologic features;
3. Topographic contours of no less than 5 foot intervals;
4. All primary and secondary conservation areas labeled by type, as defined in this Chapter;
5. General vegetation characteristics;
6. General soil types;
7. The planned location of protected open space;
8. Existing roads and structures; and,
9. Potential connections with existing greenspace and trails.

B. Open Space Management Plan.

As a part of the application, or no later than prior to the issuance of a development permit, a written open space management plan shall be submitted and reviewed and approved by the Board of Commissioners.

C. Instrument of Permanent Protection.

As a part of the application, or no later than prior to the issuance of a development permit, the applicant shall ensure that open space proposed in the conservation subdivision will be permanently protected, through an instrument such as a conservation easement (defined in this Chapter) or permanent restrictive covenant.

D. Other Requirements. The Applicant shall adhere to all other applicable requirements of the underlying zoning and the Subdivision requirements unless specifically permitted otherwise by these Sections.

### **Sec 2139.5 Processing and Acting on Applications**

An application for approval of a conservation subdivision shall be submitted prior to or concurrent with a required preliminary plat in accordance with the County's Subdivision requirements. The Zoning Administrator shall have up to 15 working days to review and approve or deny the application, if submitted separately from a preliminary plat application. If submitted concurrent with the preliminary plat, the application will be processed within the schedule specified for preliminary plat applications in the County's Subdivision requirements.

### **Sec 2139.6 Criteria for Considering Conservation Subdivisions**

- A. Approval or denial of a conservation subdivision application shall be based on the extent to which the plat meets the following criteria:
  - 1. All primary conservation areas are protected as permanent open space.
  - 2. A sufficient amount of secondary conservation areas are protected as permanent open space, as opposed to being devoted to lots and other uses.
  - 3. The configuration of the open space tract is contiguous and undivided, or open space is provided in relatively undivided tracts that cannot reasonably be reconfigured into one contiguous, undivided tract.
  - 4. The conservation subdivision meets the regulations specified in this ordinance.
- B. Reasons for the denial of a conservation subdivision application include but are not limited to the following:
  - 1. The application fails to fully identify primary and secondary conservation areas.
  - 2. One or more of the lots within the open space conservation subdivision are too small to meet the minimum lot size established in this article.
  - 3. One or more of the lots are significantly large or wide, such that their design contributes to an unnecessary decrease in the amount of open space retained on site.
  - 4. The proposed open space network is divided, not functional, inconsistent with open space plans of the County, or does not provide for the protection of the most valuable secondary conservation areas on the site given the natural and scenic properties inherent on the site.
  - 5. The proposed open space network fails to maximize the length of the common boundary between conservation areas on site and conservation areas or parkland abutting the conservation subdivision site.
  - 6. The preliminary plat appears to be submitted for the major purpose of circumventing minimum lot size or minimum lot width requirements or improvement requirements that would otherwise be required for conventional subdivisions pursuant this UDC.

### **Sec 2139.7 Open Space Requirements**

- A. Minimum Open Space.

Each conservation subdivision shall provide at least 40 percent of the gross land area of the subdivision as restricted open space.
- B. Primary Conservation Areas.

Primary conservation areas, as defined in the UDC, are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of these sections.
- C. Secondary Conservation Areas.

Secondary Conservation Areas as defined in the UDC, should be included within the open space, to the maximum extent feasible.

D. Contiguity.

At least 60 % of the open space in the conservation subdivision shall be in a contiguous tract.

E. Other Provisions.

The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

### **Sec 2139.8 Permitted Uses of Open Space**

Open space within conservation subdivisions may be used for any of the following:

- A. Conservation of natural, archeological or historical resources;
- B. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation- oriented areas;
- C. Walking or bicycle trails, provided they are constructed of porous paving materials;
- D. Passive recreation areas;
- E. Active recreation areas, provided that they are limited to no more than 10 % of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;
- F. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
- G. Nonstructural stormwater management practices;
- H. Easements for drainage, access, and underground utility lines; or
- I. Other conservation-oriented uses compatible with the purposes of these sections.

### **Sec 2139.9 Prohibited Uses of Open Space**

Open space within conservation subdivisions shall not be used for any of the following:

- A. Golf courses;
- B. Roads, parking lots and impervious surfaces, except as specifically authorized in these sections;
- C. Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
- D. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

### **Sec 2139.10 Ownership and Management of Open Space**

A. Ownership of Open Space.

The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners' Association shall have lien authority to

ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

B. Open Space Management Plan.

The applicant shall submit a written plan for management of open space and common facilities (“plan”) that meets the requirements of these sections and that:

1. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the plan be approved by the Board of Commissioners; and,
4. Provides for enforcement of the Plan.

C. Maintenance. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner’s Association, or to the individual property owners located within the conservation subdivision and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

**Sec 2139.11 Legal Instrument for Permanent Protection**

The open space within a conservation subdivision shall be protected in perpetuity by a binding legal instrument that is recorded prior to any vesting deed for property or lots within said subdivision. The instrument shall be one of the following:

- A. A permanent conservation easement in favor of either:
  1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
  2. A governmental entity with an interest in pursuing goals compatible with the purposes of this Chapter. If the entity accepting the easement is not the Pike County Board of Commissioners, then a third right of enforcement favoring the Pike County Board of Commissioners shall be included in the easement; or
- B. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
- C. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this Chapter, as well as any further restrictions the applicant chooses to place on the use of the open space.

**Sec 2139.12 Relationship to Zoning and Subdivision Requirements**

- A. Density and Lot Size. Conservation subdivisions approved pursuant to these sections shall not exceed the number of dwelling units per acre for the zoning district in which the conservation subdivision is located. Lots within conservation subdivisions shall not be bound by the minimum lot size requirements established by the underlying zoning district for which the conservation subdivision is located; provided, however, that no lot within a conservation subdivision shall be reduced to less than 50 % of the required minimum lot size for the zoning district in which it is located.

- B. Lot Width. Lots within conservation subdivisions shall not be bound by the minimum lot width requirements established for the zoning district in which the conservation subdivision is located; provided, however, that no lot within a conservation subdivision shall be reduced to less than 50 % of the required minimum lot width for the zoning district in which it is located.
- C. Other Dimensional Requirements. The maximum lot coverage and front, side, and rear yard/building setback requirements for the zoning district in which the conservation subdivision is located shall continue to apply to development within the conservation subdivision; provided, however, that an applicant may propose and the Zoning Administrator may administratively authorize a reduction of the dimensional requirements specified in this paragraph, if the applicant demonstrates there is practical difficulty meeting said zoning district dimensional requirements due to the platting of smaller than conventional lots pursuant to these sections. In no case shall the Zoning Administrator reduce a dimensional requirement specified in this paragraph by more than 50 % of that required by the zoning district in which the lot is located.
- D. Subdivision Improvement Requirements. An applicant may request a variance to the road, lot, block, utility, and other design standards required by this Article. The Planning and Zoning Board is authorized to grant variances to the specific improvement requirements of this Article in order to meet the purposes of these sections. Notice of any proposed variances made as part of a preliminary plat application and/or conservation subdivision application shall be advertised, and the Planning and Zoning Board shall hold a hearing on the preliminary plat and the requested variances. The Planning and Zoning Board shall have final authority on whether to grant the requested variances.