

CHAPTER 73 - ZONING ORDINANCE
Of
THE CITY OF ACWORTH, GEORGIA



Amended May 2nd, 2024.

**The City of Acworth
Development Department
Planning and Zoning Division
4415 Center Street
Acworth, Georgia 30101**

- B. That in case of a failure on the part of the developer or subdivider to complete said improvements/maintenance, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

73-12.7 Default

12.7.1 Failure to Complete Improvements

Upon default, meaning failure on the part of the applicant to complete the required improvements in the time allowed by this Ordinance, or as spelled out in the performance or maintenance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements or maintenance based on an estimate by the City.

73-12.7.2 Notification of Default

Notification may take place following abandonment of the project for more than 90 continuous days. Upon payment, the City, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The City shall return to the applicant any funds not spent in completing the improvements.

73-12.8 Release of Surety

73-12.8.1 Inspection and Acceptance Required

The City may release a portion of any security posted as the improvements are completed or the maintenance period completed and approved. When approved said improvements shall be inspected, and if work is found to be completed and satisfactory in accordance with ordinance regulations and approved plans, the portion of the security posted which covers the approved cost of the improvements and maintenance of satisfactorily completed work that was subject to the security shall be released. It shall be the responsibility of the applicant to petition the City for release of guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill the requirements of this Ordinance.

SECTION 73-13 SUBDIVISION REGULATIONS

73-13.1 Subdivisions

73-13.1.1 Purpose

- A. It is declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the City's official Comprehensive Plan in order to promote the orderly, planned, efficient and economical development of the City.
- B. 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.
- C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in adopted City plans and maps.

73-13.1.2 Intent

- A. To protect and provide for the public health, safety, and general welfare of the citizens of the city; and,
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan; and,
- C. To protect and conserve the value of land and the economic stability of all communities in the city and to encourage the orderly and beneficial development of the City through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities; and,
- D. To guide public policy and both public and private actions in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public services and support facilities; and,
- E. To provide for the safe and efficient circulation of motorized and non-motorized traffic throughout the city; and,
- F. To ensure the adequate provision of safe and convenient traffic access and circulation, both motorized and non-motorized, in new land developments; and,
- G. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and proper installation of monuments upon subdivided land; and,
- H. To ensure to the extent legally possible that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision; and,
- I. To protect and restore the highest quality of the City's air and water resources, 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 city in order to preserve the integrity, stability, and beauty of the city and the value of the land; and,
- J. To preserve the natural beauty, environment, and topography of the city and to ensure appropriate development with regard to these natural features.

73-13.1.3 Applicability

No person may record any subdivision unless it has been approved and accepted. The recording of a plat shall be based on an approved plat and may not be recorded solely on the basis of a metes and bounds description.

73-13.1.4 Exemptions from Preliminary Plat Procedures

- A. General Requirements.** For the purpose of this Ordinance, the types of activities contained in this Section shall be considered subdivisions but exempt from the preliminary plat requirements of this Division, except as noted. Each such exempt subdivision shall be drawn in accordance with Final Plat standards and shall be submitted with the appropriate fees ~~for~~ review and approval. Upon approval, the applicant shall be authorized to record the Exemption Plat with the Clerk of Superior Court of Cobb County and grant the issuance of permits pursuant to the Codes and Ordinances of the City.
- B. Re-combinations.** The combination or recombination of two (2) or more lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with this Ordinance.

C. Minor Subdivisions.

1. Residential: The division of a buildable lot of record into five (5) or fewer lots; or
2. Non-residential/mixed use: Lots for the purpose of sale within a non-residential/mixed-use development, provided:
 - a. Each proposed lot complies with all requirements of this Ordinance and is limited to commercial or non-single-family detached residential uses.
 - b. The subdivision does not include the installation of any public infrastructure.
 - c. Each proposed lot abuts an existing public street or previously approved private street.
 - d. All project-related slope and utility easements as well as necessary street right-of-way, as determined by the Department, are provided at no cost to the City.
 - e. Platted open space or common areas that are not a part of an individually owned lot are not created.
 - f. The subdivision does not create any unbuildable lots, unless permitted pursuant to Section 73-10.3 Nonconformities.
 - g. Each proposed lot shall comply with the requirements of the Cobb County Watershed Protection Department or the Environmental or Board of Health Department, as appropriate, whose certification of approval shall be required prior to approval of the Exemption Plat by the Department.
 - h. Each lot thus created may not be re-subdivided pursuant to the provisions of this Subsection for a period of one (1) year. Such re-subdivision prior to one (1) year shall be accomplished only through the procedures contained in this Division.

- A. Minor revised final plat.** When it becomes necessary to revise an original recorded final plat due to some error, required adjustment, or desired adjustment, that is minor in scope and scale of change, including the adjustment of lot lines for single-family attached units after as-builts have taken.

73-13.1.5 Plat Procedures.

- A. Applicability.** This section is applicable to all subdivisions of land involving any:
1. Street dedication;
 2. Public infrastructure;
 3. Utility extensions;
 4. Platted open space or common areas that are not part of an individually owned lot; or
 5. All other subdivisions not exempt in Section 73-13.1.4 Exemptions from Plat Procedures.
- B. Effect of approval.** The preliminary plat does not constitute nor provide assurance of approval of the final plat or building or development permits but is to be used as the development design for the subdivision and for the acquisition of a development permit as provided for in the Ordinance.
- C. Lapse of approval.** The preliminary plat expires 24 months from the date of its approval. If more than 50 percent (50%) of linear feet of total road in the entire development shown on the preliminary plat is complete at the expiration of 24 months from the date of the approval of the preliminary plat, then the applicant petition for a one-time, one-year extension of the approval of the preliminary plat. An expired preliminary plat is null and void and is of no effect. An expired preliminary plat shall not be renewed.
- D. Improvements prior to Final Plat.** No final plat shall be approved unless and until the subdivider has installed all improvements required by this chapter, or appropriate sureties have been secured pursuant to Section 73-12 Guarantees and Sureties.

73-13.1.6 Approval Authority

All plats are approved by the Mayor and Board of Aldermen.

73-13.1.7 Review Process

- A. Applicants shall submit documentation that establishes they are the owner or the owner's representative of the property for which the plat review application is being submitted.
- B. A complete application form and any required attachments, along with the required review fee is due to the Development Department. Incomplete applications shall not be accepted for review.
- C. Upon determination of receipt of a complete application, the Development Director will distribute the application for review by internal City Departments. If external agency review is required, the applicant shall be required to submit application to all applicable external review agencies directly.
- D. If, after the internal and external review, the Preliminary Plat or Final Plat does not meet all the applicable requirements of the Ordinance or that the Final Plat submission does not substantially conform with the approved Preliminary Plat, the applicant will be notified in writing of the specific provisions that have not been met and offer the applicant the opportunity to make changes to their application.
- E. If, after the internal and external review, a Preliminary Plat or Final Plat does meet all applicable requirements of this Ordinance and that the Final Plat filed substantially conforms with the approved Preliminary Plat, the application will be certified as complying with all applicable requirements of this Ordinance and may proceed to final review by the Mayor and Board of Aldermen. A recommendation by Planning and Zoning Commission is not required.
- F. Approved Final Plats shall be recorded by the applicant in the Clerk of the Superior Court of Cobb County following approval. A copy of the recorded Final Plat shall be returned for City records.
- G. Before project close out, it shall be certified that the applicant has obtained the necessary bonds, sureties, and/or agreements to ensure completion of all required public and private improvements upon the property, per Section 73-12 Guarantees and Sureties.

73-13.1.8 General Checklist for Preliminary Plat

The preliminary plat shall be prepared by a licensed surveyor, landscape architect, or civil engineer. The plat shall be drawn at a scale no smaller than one hundred (100) feet to an inch and at minimum include the following information:

- 1. Any conditions of approval set upon the property by the Planning Commission, Historic Preservation Commission, or Mayor and City Council;
- 2. Proposed subdivision and street names;
- 3. Name and address of subdivider;
- 4. Preliminary plat certificates;
- 5. Graphic scale, north point, date, total acres being subdivided and zoning district;

6. Location map showing the lot pattern of surrounding development located within three hundred (300) feet of the proposed development;
7. Location and dimensions of all exterior boundaries lines, existing rights-of-way, easements, streams, drainage structure, buildings, lakes, etc.;
8. Topography by contours;
9. For land that slopes less than two (2) percent, show spot elevations at all breaks in grade along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions;
10. For land that slopes more than approximately two (2) percent, show contours with an interval of not more than five (5) feet;
11. The proposed layout and dimensions of lots, street, recreation areas, easements (whether public or private);
12. The calculations used in determining the drainage area and size of each drainage tile shall be submitted as an attachment to the plat; and
13. Labeling of utilities and all public infrastructure for dedication to the city.

73-13.1.9 General Checklist for Final Plat

The final plat shall be prepared by a surveyor, landscape architect, or civil engineer who is licensed to practice in Georgia, affixing the respective seal, signed, and dated. The plat shall be drawn at a scale no smaller than one hundred (100) feet to an inch and shall include:

1. Name of subdivision and street names;
2. Name, address and license number of surveyor;
3. Be drawn in permanent ink on reproducible material to a scale of not less than one (1) inch equals one hundred (100) feet on a sheet or sheets not exceeding seventeen (17) by twenty (20) inches;
4. Date of plat drawing, graphic scale, north point, notation as to the reference of bearings and indication whether bearing shown are calculated from angles turned or taken from compass readings;
5. Location of tract (land district and land lot) giving total acreage;
6. Location sketch;
7. Index map where more than one (1) sheet is required to present plat;
8. Courses and distances to the nearest existing street intersections or bench marks or other recognized permanent monuments (not less than three (3) which shall be accurately described on the plat;
9. Exact boundary lines of the tract, to be indicated by a heavy line giving distances to the nearest one-hundredth (0.01) foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one (1) to five thousand (5,000). The error of closure shall be stated on the plat;
10. City, County, or land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse the subdivision;
11. Street center lines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data, width of roadway, right-of-way width, and easement width and whether public or private;
12. Lot lines with dimensions to the nearest one-hundredth (0.01) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;
13. Building setback lines, any zoning buffers, with dimensions, or note indicating none required, as applicable;
14. Lots or sites numbered in numerical order and blocks lettered alphabetically;
15. Location, dimensions and purpose of all drainage structures and of any easements; including

- slope easements, and public service utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserve by deed covenant for common uses of all property owners;
16. Accurate location, material description of monuments and markers;
 17. Places for final plat certificates and statements;
 18. Declarations of covenants and restrictions applicable to the subdivision; and
 19. A copy of the deeds for dedication of public areas to the appropriate public agency(s), if applicable;
 20. Zoning information including the current zoning district and all applicable zoning conditions, variances, and/or special use permits. The adopted ordinance, or final letter in the case of variances, shall be provided on the final plat;

73-13.1.10 Review Criteria

The following criteria shall be used to review plats:

- A. The inclusion of the minimum information listed on the General Checklist for Preliminary Plat (Section 73-13.1.8 General Checklist for Preliminary Plat) and General Checklist for Final Plat (Section 73-13.1.9 General Checklist for Final Plat);
- B. Recommendations from internal City Departments and external agencies;
- C. Compliance with all applicable requirements of this Ordinance, including installation of improvements as required for Final Plats; and
- D. Substantial conformance with the City's applicable adopted plans and policies.

73-13.1.11 Permit Issuance after Plat Approval

- A. Building permits shall not be issued until a final plat is recorded, except as provided for model homes.
- B. Final plats shall not be approved until all infrastructure is completed or bonded in accordance with Section 73-12 Guarantees Sureties.

73-13.1.12 Appeals

Appeals will be processed in accordance with Section 73-11.11 Appeals.

73-13.1.13 Expiration

- A. An approved preliminary plat expires two (2) years after the approval date, unless the applicant has filed a complete application for a final plat.
- B. An approved Final Plat does not expire.

73-13.1.14 Preliminary Plat Revisions

- A. Minor revisions to an approved Preliminary Plat that reflect the same basic street and lot configurations as the original approval may be approved.
- B. Any request for a revision to an approved Preliminary Plat that increases the number of building lots, decreases the amount of common open space, or alters a street or block pattern, shall be initiated and processed as a new Preliminary Plat application.

73-13.1.15 Final Plat Revisions

- A. Once a Final Plat is recorded, any improvements dedicated to the City of Acworth thereon may not be withdrawn. Upon final acceptance at the end of the maintenance period, all dedicated improvements shall be deemed accepted by the City without further action.
- B. Final Plat revisions are permitted and shall be processed in accordance with this Chapter based on the nature of the revision, including Minor Revised Final Plats exempt from preliminary plat procedures as per Section 73-13.1.4 Exemptions from Plat Procedures.

73-13.1.16 Covenants Required

- A. All new subdivisions (or condominium/single-family attached developments) proposing common property, including amenity space, greenspace, stormwater features, private roads, etc. shall establish a mandatory homeowners association. The developer shall execute, record, and maintain documents for the homeowners or condominium association, which establish dues, fees, and responsibilities related to maintenance of units and common facilities in perpetuity.
- B. Turn-Over from the Declarant:
 - 1. The developer shall turnover the subdivision as the declarant once a maximum of 50 percent (50%) of the units in a subdivision have been conveyed to other owners, including builders that will perform vertical construction. The proportion of conveyed lots required for condominium units is 80 percent (80%), pursuant to O.C.G.A. 44-3.
 - 2. Sixty (60) days after the required proportion of units are conveyed, the Declarant is required to hold a “transition meeting” to allow for the election of the new homeowner board.
 - 3. The Declarant is required to turn over to the new homeowner board all of the records of the Association, including minutes, stormwater management, deeds to common areas, insurance documents, and owner rosters. All of this must take place within 30 days of the Transition Meeting.

73-13.2 Street Design

- A. General.
 - 1. The arrangement, character, extent, locations, and grade of all streets shall be done in accordance with acceptable land planning principles and shall be considered in their relation to existing and planned streets, to topographical conditions, orientation to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.
 - 2. The street pattern shall be so designed as to provide two or more means of access to a major thoroughfare or collector street; however, streets converging upon any one point which would tend to promote congestion shall not be permitted.
 - 3. The street pattern shall be in conformity with the most advantageous development of the entire neighborhood area. Proposed streets shall be extended to the boundary lines of the tract to be subdivided and provide normal circulation of traffic within the vicinity.
 - 4. Minor streets shall be so laid out that their use by through traffic in the subdivision will be discouraged.
 - 5. Subdivisions which abut or have included within the proposed area to be subdivided any major thoroughfare shall provide:
 - a. A collector street;
 - b. Reverse-frontage with screen planting contained in a nonaccess reservation along the rear property line;
 - c. Deep lots with rear service; or
 - d. Other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Intersections of minor subdivision streets with major thoroughfares shall be held to a minimum.
- B. Unusable Reserve Strips. Unusable reserve strips controlling access to streets shall be prohibited. Land shall not be subdivided in a manner which omits part of the original tract or avoids drainage improvements.
- C. Cul-de-sac. Streets designed to have one end permanently closed shall be provided at the closed end with a turnaround having a minimum roadway diameter of 80 feet. Right-of-way diameter shall be 100 feet. A cul-de-sac shall not exceed 700 feet in length.
- D. Jogs. In no case shall a street jog be permitted on a major thoroughfare. On collector and minor streets, centerline offsets of less than 150 feet shall be avoided.

E. Minimum Street Right-of-Way Widths.

1. The right-of-way widths of streets shall be not less than as follows:

<u>Street Type</u>	<u>Right-of-Way</u>
Major Thoroughfares	100 feet minimum or greater if specified in official public plans
Collector Streets	50 feet
Minor Streets	50 feet

2. The amount of right-of-way deemed reasonable to be required by dedication shall not exceed 100 feet in width. Along both sides of proposed major thoroughfare streets it is deemed reasonable to require an increased front yard or setback of up to 20 feet more than that required by the Zoning Ordinance.

F. Minimum Roadway Width; Paving:

<u>Street Type</u>	<u>Paving Width (Measured from back of curb – feet)</u>
Major Thoroughfares	52 (Minimum)
Collector Streets	28
Minor Streets	24
Industrial Streets	30

1. **Paving Specifications**

MINIMUM LOCAL ROADWAY CONSTRUCTION STANDARDS*

STREET CATEGORY	BASE	BINDER	SURFACE COAT
LOCAL	8” GAB	2” “E” MIX	1” SUPERPAVE

* NOTE: unless otherwise specified by Cobb County DOT or GA DOT on those roads maintained by.

- a. Residential minor streets and collector streets - 8 inches of crushed stone base (or equivalent), (2”) two inches of asphaltic E-Mix and 1inch of super-pave surface coat. Note: All residential subdivision entrances from feeder street to the point of end of entry to the subdivision must meet commercial standards. All cul-de-sacs shall meet commercial standards.

MINIMUM COMMERCIAL ROADWAY CONSTRUCTION STANDARDS*

STREET CATEGORY	BASE	BINDER	SURFACE COAT
COMMERCIAL	10”	3” “E” MIX	2 ”

*NOTE: unless otherwise specified by Cobb County DOT or GA DOT on those roads maintained by.

- b. Commercial/industrial streets - 10 inches of crushed stone base (or equivalent) with 3 inches of asphaltic binder and two 2” inches of asphaltic topping.

- **Note:** All sub-base, base, binder, and surface coat inspections are described below for local and commercial paving. No paving will be allowed at temperatures below 40 degrees Fahrenheit, on frozen or saturated ground or base. Moisture content must meet all GDOT standards, tested by an

approved lab, if so called for by the Acworth Public Works Department (APWD). All base, asphalt binder and topcoats must conform to GDOT standards for their respective use. The APWD may require design mix specifications prior to placement to ensure compliance.

c. **Inspections:** The following is a list of required inspections at each phase of roadway construction:

- i. **Sub-grade:** All sub-grades will be inspected for compaction with a roll test, minimum weight of forty (40) U.S. tons, as determined by weigh ticket. If any area fails two (2) scheduled roll tests the contractor will be required to provide independent laboratory test results to confirm compaction at the required areas as determined by the APWD. Sand Cone or Nuclear Densometer testing or other similar test as approved by APWD will be required. No base (stone) is to be installed without first passing sub-grade compaction inspection. **Sub-base compaction must meet 98% proctor.**
- ii. **Base (GAB):** After sub-grade passes compaction test, base material can be installed to the approved specified depth. A roll test will be performed as above. If any area fails two scheduled roll tests the contractor will be required to mitigate these areas to obtain compaction as required above.
- iii. **Binder:** Prior to surface coat, binder will be inspected for cracking, washing, raveling, sanding and or any abnormalities. Irregularities must be mitigated prior to surface coat installation.
- vi. **Surface Coat:** Inspected upon completion. Corrections as required.

G. Street Grades.

1. Street grades shall not exceed the following unless otherwise recommended and approved by the Development Director:

<u>Street Type</u>	<u>Percent Grade</u>
Major thoroughfares	5
Collector Streets	15
Minor Streets	15

- 2. Minimum grades of any roadway shall not be less than one percent.
- 3. Cross drains require approval.
- 4. Vertical curves shall be such as to prevent abrupt change require approval.

H. Alignment and Visibility.

- 1. Minimum radii of horizontal curvature of the centerline shall be not less than 100 feet.
- 2. Tangent lengths between reverse curves require approval. A minimum tangent of 100 feet shall be introduced between reverse curves on major thoroughfares.
- 3. Visibility. Clear horizontal visibility, measured along the centerline, shall be provided for at least 400 feet on major thoroughfares; 300 feet on minor thoroughfares; 200 feet on collector and local streets.
- 4. Where there are roads in existence, plans for rights-of-way must be so designed as to contemplate elimination of bends, crooks, and other hazardous conditions.

I. Intersection.

- 1. Submission of a grading plan, showing existing conditions and a detailed design for

- intersections which are unusual or located on different terrains require approval.
2. Acute angles at street intersections are to be avoided and in no case will an angle of less than 60 degrees be permitted.
 3. Minimum radii of intersections.
 - a. Property lines at all street intersections shall have cords [chords] in place of a radius. The cords [chords] shall connect the points where the radii for beginning and end of curb radius intersects the right-of-way lines.
 - b. Roadway and curb intersections shall be made concentric and shall be rounded by a radius of not less than 25 feet.

73-13.3 Alleys

- A. Alleys may be required in commercial and industrial districts.
- B. Alleys are not permitted in residential.

73-13.4 Names

- A. No street name shall be used which will duplicate by spelling or sound or otherwise be confused with the names of existing streets in the county. Street names are subject to approval.
- B. Subdivision names shall not duplicate or be confused with existing names in the county. Subdivision names are subject to approval.

73-13.5 Blocks

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 1. Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
 2. Zoning Ordinance and health department requirements as to lot sizes and dimensions;
 3. Needs for convenient access, circulation, control and safety of street traffic; and
 4. Limitations and opportunities of topography.
- B. Except where topographic conditions warrant, block lengths shall not exceed 1,200 feet or be less than 600 feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.

73-13.6 Lots

73-13.6.1 Street Access

- A. Each lot shall abut on a publicly dedicated street or a publicly approved street. All such streets shall conform to the design requirements of this Chapter.

73-13.6.2 Lot Configuration

- A. Lot Lines. Side lot lines shall be as nearly as practical at right angles to straight street lines and radial to curved street lines. Irregularly shaped lots shall be prohibited.
- B. Corner Lots. Corner lots for residential uses shall be provided with sufficient width and depth to permit the establishment of appropriate building setback lines from both streets. A minimum 20-foot radius shall be provided at the corner next to the intersection.
- C. Double-frontage Lots. Double-frontage lots shall only be permitted where it shall be found necessary to separate a development from major arterials or to overcome specific disadvantages of topography and orientation. Vehicular access is prohibited from the more major street frontage.
- D. Flag Lots. Flag lots shall be prohibited.
- E. Spite Strips. Spite strips shall be prohibited.

- F. Minimum lot elevation. No lot shall be approved that does not contain a suitable building site of sufficient elevation to permit construction utilizing a lowest floor elevation of at least the level of the 100-year flood. The entire lot shall be properly drained. Special emphasis will be placed on requirements as given in the City's flood damage prevention ordinance.
- G. City limits and lot lines. Lots shall not be divided by corporate boundary lines except where unavoidable.
- H. Lot width and lot area requirements. Lots hereafter established within subdivisions shall conform to the lot area and lot width requirements set forth in this Ordinance. No substandard lot may be developed.
- I. Common lots. Substandard lots may be created for the purposes of siting common amenities like pools, clubhouses, greenspaces, detention ponds, etc., provided appropriate access easements are properly recorded to facilitate ongoing maintenance and operations of the facilities. In no case shall a common amenity share a lot with an individual single-family residential lot.

73-13.6.3 Principal Structures

- A. In all districts, other than properties located in Central Business District, no more than one structure may be erected on a single lot.
- B. Only uses allowed pursuant to this Chapter shall be permitted to occupy any structure or lot.

73-13.6.4 Water and Sewer

Public water and sewer shall serve the site, unless approved otherwise by staff and the Cobb County Water and Sewer Department and/or Cobb Environmental Health.

73-13.7 Easements

- A. Easements across lot or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 15 feet wide.
- B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm drainage easement or right-of-way conforming substantially with the lines of such drainage way as approved. The width of such drainage easement of [or] right-of-way shall be sufficient to contain the ultimate channel and maintenance way for the tributary area upstream, in no case less than 20 feet.
- C. Lots and easements shall be arranged in such a manner as to eliminate unnecessary easement jogs or offsets and to facilitate the use of easement for power distribution, telephone service, drainage, water, and sewer services.

73-13.8 Drainage and Inundation

- A. Adequate provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area.
- B. Off-premises drainage easements and improvements may be required to handle the runoff of subdivisions into the natural drainage channel.
- C. Low areas subject to periodic inundation shall not be developed or subdivided unless it establishes that:
 1. The nature of the land use (i.e., recreation areas) would not lend itself to damage by water to an appreciable extent; or that
 2. The area may be filled or improved in such a manner to prevent such periodic inundation; or
 3. Minimum floor elevations may be established to prevent damage to buildings and structures.
- D. The developer or his agent may be required to provide additional engineering information necessary to make decisions on acceptability of development in an area of questionable drainage. Such additional information would be in writing and the certificate of a qualified engineer may be required.

- E. Lakes, ponds, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system.
- F. The maintenance of retention facilities, including but not limited to, retention ponds, shall be the responsibility of the property owner during grading, construction, and following final approval of the completed project. This maintenance obligation shall be binding on future owners, successors and assigns of the property.

73-13.9 Monuments

Monuments shall be placed by the subdivider on all subdivision boundary lots and block corners, angle points, points of curves in streets and at intermediate points as required and shall meet the following specifications:

- A. Subdivision boundary monuments shall be iron pins not less than 12 inches long and one-half inch in diameter, or concrete posts. All monuments shall be set flush with the ground.
- B. Lot monuments shall be iron pins not less than 12 inches long and one-half inch in diameter set flush with the ground.
- C. Other monuments. Where existing monuments have been located and are accurately represented, they may be permitted to remain in position.

73-13.10 Street and Related Improvements

- A. Each subdivider shall be required to install, at his own expense, streets and related improvements according to specifications hereinafter provided.
- B. Plans for the street and related improvements plan, showing the seal of the registered professional engineer, surveyor or landscape architect and showing the proposed streets and related improvements system plan and profile as designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, are required to be submitted, checked and approved.
 - 1. All streets, except as noted in paragraph (8) below, shall be cleared, grubbed and graded to the full right-of-way width. Finished grades are subject to approval.
 - 2. Either rolled concrete curbs or integral concrete curbs and gutters, except as noted in paragraph (8) below, shall be installed on all streets. Installation shall be according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II, which is hereby incorporated herein, and is on file with the city clerk. Curbs and gutters in commercial, industrial, institutional or multifamily apartment districts shall be integral type.
 - 3. Where integral type curbs and gutters are used, curb breaks, and driveways to property lines shall be according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II.
 - 4. The applicant may be required to install sidewalks in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, near schools and other places of public assembly, in or near commercial areas, and in or near areas of intensive residential development such as apartment areas.
 - 5. Streets shall be paved to the widths set forth in Section 73-13.2 Street Design of this ordinance, and measured back to back of curbs.
 - 6. Street pavements shall be installed according to the State of Georgia 1983 State Highway Department Specifications, volumes I and II.
 - 7. In the absence of any standards set forth in this ordinance, the State of Georgia 1983 State Highway Department Specifications, volumes I and II, shall govern. The State of Georgia 1983 State Highway Department Specifications, volumes I and II, are hereby incorporated herein by reference as though fully set forth herein. A copy of said specifications shall be maintained on file with [the] city clerk for inspection and review by the public.
 - 8. In certain cases, as determined by the Mayor and Board of Aldermen, the subdivider may be required to pave and otherwise improve a reasonable portion of a major thoroughfare in order to ensure proper access to the proposed subdivision.

73-13.11 Sanitary Sewers

- A. Except as herein provided, each lot or other site in a subdivision shall be connected to a public sanitary sewage system by lines of sufficient size to accommodate the anticipated sewage load. Lot service connections shall be stubbed to the property line so that there will be no necessity for cutting into the pavement in order to make future connections. The subdivider shall pay the cost of, or guarantee payment for, the cost of said installation in a manner suitable to the City of Acworth.
- B. Sewer plan, showing the seal of a registered professional engineer and showing the proposed sewer system in plan and profile as designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II, shall be submitted, reviewed, and subject to final approval prior to installation.
- C. Whenever a sanitary sewage system is not available within a reasonable distance, septic tanks may be permitted upon obtaining special permission of the Cobb County Health Department. For septic tank installation, the minimum lot size shall be one acre with 100 feet frontage, or greater if so required by the health department. The following information shall be submitted to the health department for consideration of septic tank approval:
 - 1. Topographic information for each lot on which a septic tank is to be installed. Contour interval shall not exceed two feet.
 - 2. Location of all drainage facilities either natural or proposed.
 - 3. Percolation data indicated on a plat as specified by the health department.
 - 4. Proposed number of sanitary fixtures per dwelling unit.

73-13.12 Storm Drainage

- A. The subdivider shall pay the cost of, or guarantee payment for, the cost of the storm drainage system in a manner suitable to the City of Acworth, prior to said installation.
- B. The storm drainage system may be included in the sanitary sewer plan for subdivision required in section 30, provided the two systems are kept separate.
- C. The size, location, and length of all surface drainage pipe or structures shall be shown on final plans and shall be subject to approval. Storm drain pipes 42 inches and smaller carrying stormwater from the street of adjacent property between or through lots shall be extended at least 60 feet behind the building line and in no cases shall be allowed to be discharged at a point where the water would cause damage to any existing or future structure. All cross drain pipes and pipes under the roadway and shoulder shall be reinforced concrete pipe of such gauge and strength according to the height of fill as specified by the state highway specifications.
- D. Installation, backfilling and compaction shall be in accordance with the state highway specifications. All pipes shall have minimum cover of one foot and headwalls or inlet basins constructed at end of pipes. No concrete block headwalls shall be permitted.
- E. The design of drainage structures shall be based on Talbot's Formula, a minimum constant of 0.8 shall be used, the design drainage area and constant shall be shown on the final plat for each pipe or culvert opening.
- F. Any lots within the subdivision which, are undesirable for building due to bad drainage conditions shall be excluded and no building shall be permitted thereon until such conditions have been corrected.
- G. In special cases where it is the desire of the subdivision developer or owner to leave running streams open for aesthetic purposes, this may be permitted upon approval. Whenever open streams are permitted, such streams shall retain their natural design characteristics and be so designed that they do not present a maintenance problem to the city and that they do not present a hazard to life and safety.
- H. Storm drainage system plans shall be submitted, checked and are subject to final approval prior to installation. Said system shall be designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II.

73-13.13 Green Infrastructure/low impact development (GI/LID)

- A. Demonstrate use of any GI/LID techniques as follows:
1. Vegetated Filter Strip – are uniformly graded and densely vegetated sections of land that provide “biofiltering” of stormwater runoff as it flows across the surface.
 2. Bioretention Areas - are shallow stormwater basins or landscaped areas with well-draining soils, generally composed of sand, fines, and organic matter, and vegetation to capture and treat stormwater runoff.
 3. Dry Wells – consist of shallow excavations, typically filled with stone, that are designed to intercept and temporarily store post-construction stormwater runoff until it infiltrates into the underlying and surrounding soils.
 4. Permeable Paver System – is a pavement surface composed of structural units with void areas that are filled with pervious materials such as gravel, sand, or grass turf. The system is installed over a gravel base course that provides structural support and stores stormwater runoff that infiltrates through the system into underlying permeable soils.
 5. A developer may request a different type of GI/LID practice from the GSMM upon the review and approval by the City.
- B. Provide documentation of at least one of the following infeasibility criteria for cases where GI/LID applications cannot be applied in a feasible or sustainable manner:
1. The use of GI/LID application will impact threatened or endangered species habitat.
 2. The use of GI/LID application will significantly damage a community resource, such as a historical area, a park, a wildlife refuge, a nature trail, riparian zone, or a school facility.
 3. The use of GI/LID would result in the violation of a Federal or State Law.
 4. Steep Slopes < 6% for Dry Wells, Permeable Pavers, Vegetative Filter Strips; steep slopes < 20% for Bioretention Areas.
 5. Inadequate Land Area < 2,500 ft² for Dry Wells, < 5 acres for Bioretention Areas and Vegetative Filter Strips.
 6. Depth to Water Table < 2 ft for Dry Wells, Bioretention Areas, Permeable Pavers, and < 1-2 ft for Vegetated Filter Strips.
 7. Conflict with subsurface utilities.

73-13.14 Water Supply System

- A. Each lot or other site in a subdivision shall be connected to a public water supply system by lines of sufficient size to accommodate the anticipated water demand for domestic and firefighting purposes. Fire hydrants in residential subdivisions shall be no more than 400 feet from the center of the lot at the building line (distance shall be measured along hose lay). Nonresidential subdivisions shall have fire hydrants no more than 500 feet apart. Lot service connections shall be stubbed in so that there will be no necessity for cutting into any pavement in order to make any future connections. The subdivider shall pay the cost of, or guarantee payment for the cost of the water supply system, in a manner suitable to the City of Acworth.
- B. Five copies of the plan of the water supply system of the subdivision, showing the seal of a registered professional engineer, surveyor or landscape architect, shall be submitted to, checked and approved by the Development Director prior to installation. Said system shall be designed in accordance with the State of Georgia 1983 State Highway Department Specifications, volumes I and II.

73-13.15 Coordination of Installation

All underground work such as sewers and water lines shall be installed and each backfill compacted before street pavement is laid.

73-13.16 Experimental Subdivisions