

ARTICLE III: PROCEDURES

Section 301: Delegation of Authority to Administrative Officer.

The City Commission hereby delegates to the Administrative Officer or his or her designee the authority to approve, conditionally approve, or disapprove minor subdivisions, lot combination plats, boundary line adjustments, and dedication plats; provided, however, such delegation does not authorize the Administrative Officer to accept public improvements for the City Commission. The Administrative Officer is vested with the authority to review, approve, conditionally approve, or disapprove land development plans.

Section 302: Delegation of Authority to Municipal Planning Board.

The City Commission hereby delegates to the Municipal Planning Board the authority to review and recommend to the City Commission whether preliminary plats and final plats for major subdivisions shall be approved, conditionally approved, or denied. All recommendations of the Municipal Planning Board on preliminary and final plats for major subdivisions shall be entered onto an official form supplied by the City Planner and said form shall be submitted to the City Commission for consideration.

Section 303: Delegation of Authority to City Engineer.

The City Engineer is vested with the authority to require and approve, conditionally approve, or deny approval of subdivision and land development improvements. The City Engineer shall require improvement guarantees for public improvements as specified in this ordinance.

The City Engineer is further authorized to promulgate additional technical standards and construction specifications for land development improvements not already specified by this ordinance or the city's zoning ordinance, including but not limited to water systems, sanitary sewer systems, streets, storm drainage systems, utilities, driveways, curb cuts, and parking lots. When technical standards are prepared, the City Engineer may seek their adoption by the City Commission.

Section 304: Subdivision of Land.

No person shall subdivide land except in accordance with this ordinance. It shall hereafter be unlawful for any person, firm, corporation, owner, agent or subdivider, by deed or map, to sell, transfer, agree to sell, offer at public auction, negotiate to sell or subdivide any land until a preliminary plat, if required, has been reviewed by the Municipal Planning Board and approved by the Cornelia City Commission, and unless a final plat has been approved by the Administrative Officer in the case of a minor subdivision or reviewed by the Municipal Planning Board and approved by the Cornelia City Commission in the case of a major subdivision. Said restriction applies to lands subdivided for non-residential as well as residential uses. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from this ordinance or from the penalties established herein. The City through its attorney

or other designated official may enjoin such transfer of, sale, or agreement by appropriate action.

Section 305: Public Streets and Lands.

No land dedicated as a public street or other public purpose shall be opened, extended or accepted as a public street or for any other purpose improvements unless such are constructed in accordance with the specifications of this ordinance and accepted by the City Commission.

Section 306: Lots Must Comply with the Zoning Ordinance

No person shall subdivide land, and the Administrative Officer shall not approve any subdivision of land, unless the lots created pursuant to said subdivision meet or exceed all applicable requirements of the Zoning Ordinance of the City of Cornelia, Georgia, as may be amended from time to time.

Section 307: Preliminary Plat, Development Permit, and Land Development Plans Required.

No person shall commence development, land-disturbing activity, or construction of any improvements on any lot or land hereafter subdivided, and no development permit shall be issued for such improvements, prior to the approval of a preliminary plat of such land if required by this ordinance and the approval of a development permit if required by the Zoning Ordinance of the City of Cornelia, Georgia, as may be amended from time to time, nor prior to approval of construction plans and engineering plans for said improvements being submitted and approved by the Administrative Officer, Building Official and the City Engineer.

Section 308: Building Permit Required Prior to Construction.

No building permit shall be issued for a building or structure located in a subdivision created subsequent to adoption of this ordinance unless a final plat if required has been approved by the Administrative Officer and recorded in accordance with this ordinance.

Section 309: Land is One Tract Until Subdivided.

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, or as otherwise legally recorded.

Section 310: Recording of Subdivision Plats.

No subdivision plat, nor part thereof, shall be recorded in the Superior Court of Habersham County, unless such plat has been approved for recording by the Administrative Officer. The Clerk of the Superior Court of Habersham County shall not record a plat of a subdivision, whether evidenced as a plat or as an attachment to a deed, unless such plat is a final plat approved by the Administrative Officer or his designated representative and contains the Administrative Officer's signature thereon.

Section 311: Exemptions from Plat Approval

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this ordinance; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this ordinance:

- A. The creation and sale of cemetery plots.
- B. The sale of lots consistent with previously approved and recorded plats or deeds.
- C. The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use.
- D. The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- E. Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the city to issue permits if the resulting lots or parcels fail to meet any applicable zoning ordinance provisions regarding lot size, lot width, and other dimensional requirements.

Section 312: Exemption from Plan Approval.

The land development plan requirements specified in Articles I and III of this ordinance shall not apply to any individual lot which has already been platted in accordance with the requirements of this ordinance, or any lot of record, when such lawfully existing lot is to be developed for a detached, single-family, fee-simple residence or a two-family dwelling (duplex). Specifically, a development permit and the submission of land development plans shall not be required for such lots and uses.

Section 313: Reference To State and Federal Land Subdivision Laws.

The subdivision of land within the City of Cornelia shall comply, as applicable, with the Interstate Land Sales Full Disclosure Act (15 U.S.C.A. Section 1701 et seq.) and with the Georgia Land Sales Act (O.C.G.A. §Section 44-3-1 et seq.). All subdivision plats shall also comply with applicable state laws regarding accuracy and content of all such subdivision plats.

Section 314: Special Review of Subdivisions Along State Routes.

No subdivision plat containing land which abuts a State route or any part of the State highway system shall be approved until such plat has been submitted for review and comment to the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. § 32-6-151. It is the applicant's responsibility to submit plans to the Georgia Department of Transportation (GDOT) and obtain approval. The applicant shall furnish to

the Municipal Planning Board GDOT's approval or rejection of the project. If the plat is recommended for rejection by GDOT, the reasons for rejection and requirements for approval shall be given the Municipal Planning Board in writing.

Section 315: Plan Review Procedure

Overview: The following development plan review procedures apply to all commercial and industrial developments and to all residential subdivisions of three (3) or more lots and to all multi-family developments in the City of Cornelia. This ordinance governs the subdivision of property and the development of property. When subdivision of property is involved, the applicant is required to seek and obtain approval of the subdivision. When the subdivision involves installation of streets and other utilities, a preliminary plat is required to be approved by the City Commission after review and recommendation of the Municipal Planning Board. If no new street is involved in the subdivision, no preliminary plat is required. If the subdivision is a "minor" subdivision as defined by this ordinance, the subdivision is processed administratively as a final plat without review by the Municipal Planning Board and approval of the City Commission. All developments except "minor" subdivisions or those developments that are exempt, shall submit a Preliminary Plat or a Preliminary Development Plan. After a preliminary plat is approved, or in cases where no subdivision of land is involved, the next stage of the development process is the approval of land development plans. Once improvements are installed in accordance with an approved preliminary plat, if the development involves the subdivision of land, a final plat is required to be submitted by the applicant and approved by the City Commission (Planning Board review of final plats is not required).

Pre-application conference: Whenever the subdivision of a tract of land or a land development project is proposed to be made, the subdivider or land developer is encouraged (but not required) to consult early and informally with the Administrative Officer. The subdivider or land developer may submit sketch plans and data showing existing conditions within the site and its vicinity, and the proposed layout and development of the subdivision or land development. This pre-application conference is intended to permit an early evaluation of the subdivider's or land developer's intentions and coordination with the Comprehensive Plan of the City, and to provide the subdivider or land developer with the necessary regulations in order to properly accomplish the proposed project. No fee shall be charged for the pre-application review, and no formal application shall be required.

Section 316: Types of Plans

Preliminary Plat: This plan type is defined in Article II and is required to be submitted for review and approval by the Municipal Planning Board. Preliminary Plats are meant to show the general design of a site development or a subdivision project and its public improvements so the city can indicate its approval or disapproval of the project prior to the time the final Land Development Plans and Final Plats are designed.

Land Development Plans (Construction Drawings): Final detailed engineering plans and support documentation for a purposed project constitute the Land Development Plans.

They shall include complete and detailed engineering and layout drawings for all the public and private improvements and utilities as defined in Article II. Upon approval, the Land Development Plans form the basis for the construction of the project and inspection services of the Building Official.

Final Plat: This plan type is defined in Article II and is required to be submitted for review and approval by the Administrative Officer. Final plats are meant to show the final boundaries with meets and bounds dimensions and key features of all real property, public rights-of-way and any and all easements. The Final Plat shall show lot sizes and arrangement, and the relationship to adjoining lands. The locations of all streets, public sewers, waterline and storm drainage systems shall be shown. Surveyor's certification shall be included on the Final Plat along with the surveyor's signature and seal. A statement of dedication shall be included on the face of the Final Plat signed and dated by the property owner and acceptance of the dedication shall be demonstrated by the signature of the Administrative Officer.

Section 317: Application For Preliminary Plat Approval.

Any subdivision involving the dedication of a public street or public land, and any subdivision involving a new private street, shall require the submission of a preliminary plat to the Administrative Officer for review and recommendation by the Municipal Planning Board and approval of the City Commission, the Administrative Officer, and City Engineer.

Applications for preliminary plat approval shall meet the requirements of Table 3.1. In addition, it shall be the responsibility of the applicant to show to the City's satisfaction that the facilities including electric power, water, and sanitary sewer, are available to serve the proposed subdivision.

Section 318: Preliminary Plat Specifications.

When a preliminary plat is required, it shall conform to the requirements of Table 3.2. If the complete preliminary plat or set of land development plans cannot be shown on one sheet at the specified size and scale, it may be shown on more than one sheet with an index map on a separate sheet of the same size.

Section 319: Transmittal of Preliminary Plat to Review Agencies.

The Administrative Officer shall transmit for review and comment a copy of the preliminary plat to the City Engineer. When involving property abutting a state route, the applicant shall submit the Preliminary Plat, to the Georgia Department of Transportation. At his discretion, the Administrative Officer may transmit for review and comment a copy of the plat to applicable internal and external review agencies, such as but not limited to: the City Attorney, the City Fire Chief, the City Building Inspector, the County Health Department, the State Department of Natural Resources, and any other agency that may have an interest in or jurisdiction over the proposed subdivision. The Administrative Officer shall consider such comments and may recommend that conditions be placed on

preliminary plat approval to be consistent with said comments. Table 3.1 presents the application requirements. Table 3.2 provides the plat and plans specifications.

**TABLE 3.1
APPLICATION REQUIREMENTS**

REQUIREMENT	PRELIMINARY PLAT	LAND DEVELOPMENT PLANS	FINAL PLAT
1. Pre-application review with staff	Encouraged	Encouraged	
2. Application form completed	Required	Required	Required
3. Letter requesting approval with name, address, and phone of applicant	Required		
4. Number of copies of plat/plans	8 Copies	3 Copies	10 Copies
5. Filing fee per Resolution/ schedule	Required	Required	Required
6. Description of type of water supply and sewerage system and utilities to be provided	Required	Required	Required
7. Soil test for each lot proposed for on-site septic tank an drainfield	Required	Required	Required
8. Data on existing conditions	Required		
9. Warranty deed for the dedication of streets and other public places			Required
10. Written approval from electric utility company regarding installation of service points and sstreet lights			Required
11. As-built drawings of public improvements		Required	
12. Subdivision improvement			Required
13. Certificate of title			
14. Plat Certificates			Required

**TABLE 3.2
PLAT AND PLAN SPECIFICATIONS**

INFORMATION REQUIRED	PRELIMINARY PLAT	LAND DEVELOPMENT PLANS	FINAL PLAT
1. Scale (minimum)	1"=100 feet	1"=100 feet	1"=100 feet
2. Sheet size (maximum)	24" x 36"	24" x 36"	17" x 22"
3. North arrow and graphic engineering scale	Required	Required	Required
4. Reference to north point (magnetic, true north, or grid north)	Required	Required	Required
5. Proposed name of subdivision or project and phases, if any	Required	Required	Required
6. Vicinity map	Required	Required	Required
7. Total acreage of the property being subdivided or developed	Required	Required	Required
8. Name, address, and telephone of owner of record	Required	Required	Required
9. Name, address and telephone of subdivider or land developer	Required	Required	Required
10. Name, address and telephone of preparer of plat or plans	Required	Required	Required
11. Date of plat or plan drawing and revision date(s) if any	Required	Required	Required
12. Exact boundaries of the tract to be subdivided or developed by bearings and distances, tied to one or more benchmarks	Required	Required	Required
13. Names of owners of record of all abutting land	Required	Required	Required
14. Municipal, County and land lot lines inside the property or within 500 ft.	Required	Required	Required
15. Existing buildings and structures on or encroaching on the tract to be subdivided or developed	Required	Required	Not Shown
16. Existing streets, utilities and easements on and adjacent to the tract	Required	Required	Required
17. Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, etc.)	Required	Required	Required
18. Block boundaries lettered and each lot numbered consecutively counterclockwise without repetition	Required		Required
19. Dimensions and acreage of all lots	Approximate Required	Approximate Required	Exact Required

20.	Locations of streets, alleys, lots, open spaces and any public use reservations and/or common areas.	Required	Required	Required
21.	Right-of-way widths for existing and purposed streets.			
22.	Locations, widths and purposes of easements and use restrictions, if any		Required	Required
23.	Street centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data.		Required	Required
24.	Acreage to be dedicated to the public			Required
25.	Street names		Required	Required
26.	Street mailing address for each lot			Required
27.	Topography at no less than two (2) feet contours referenced to USGS datum.	Required	Required	Not Shown
28.	Minimum front building setback lines for all lots	Required	Required	Required
29.	Location and description of all monuments			Required
30.	Certificate of ownership and dedication.			Required
31.	Plat recording and signature block			Required
32.	Land surveyor's stamp, certificate, signature, including field survey and closure statement		Required	Required
33.	Statement of and reference to private covenants, if any.			Required
34.	Schedule of construction for all proposed projects with particular attention to development planned for the first year.	Required	Required	
35.	Zoning of the project parcels and all adjacent parcels within 200 ft. of project site.	Required	Required	Required
36.	Project site's Tax Map, Block and lot number	Required	Required	Required
37.	Schedule of Construction for all proposed project with particular attention to development planned for the first year.	Required	Required	

Section 320: Action on the Preliminary Plat.

Within thirty (30) calendar days of receipt of the completed application for preliminary plat, the Administrative Officer shall submit the application to the Municipal Planning Board for its review and recommendation. The Municipal Planning Board shall recommend the preliminary plat as submitted, recommend approval of the preliminary plat with conditions, or recommend disapproval of the preliminary plat, or it may defer the application for further study provided that a recommendation must be made within sixty (60) days. The Administrative Officer shall notify the applicant and the City Commission in writing of the Municipal Planning Board's recommendations, and it shall provide reasons for disapproval if that is its recommendation.

Upon review and recommendation by the Municipal Planning Board, the Administrative Officer shall forward the application for preliminary plat to the City Commission, to be scheduled promptly (the next available meeting agenda) for its consideration and action. The City Commission shall approve the preliminary plat as submitted, approve the preliminary plat with conditions, or disapprove the preliminary plat, or it may defer the application for further study provided, or it may remand the preliminary plat back to the Municipal Planning Board for further study. The City Commission must make a decision within sixty (60) days of the date of the first meeting at which it considered the preliminary plat application. It shall be the responsibility of the applicant to show to the City's satisfaction that the facilities including electric power, water, and sanitary sewer, are available to serve the proposed subdivision, and the lack of available infrastructure may be due cause for the City Commission to deny the preliminary plat.

Approval of the preliminary plat shall not constitute approval of land development plans or the final plat; rather, it shall constitute approval of the layout submitted on the preliminary plat to be used as a guide for the preparation of land development applications and the final plat. Preliminary plat approval shall continue in effect for a period of one (1) year. If an applicant has not submitted an application for final plat approval following one (1) year of preliminary plat approval, the applicant shall be required to resubmit an application for preliminary plat approval.

Section 321: Amendments to Preliminary Plat Approval.

The City Commission is authorized to approve amendments to preliminary plats. The application requirements and procedures for amending preliminary plats shall be the same as specified for preliminary plat applications.

Section 322: Submittal of Land Development Plans.

Following approval of the preliminary plat for a land subdivision, or if subdivision is not proposed, upon proposing a land development, the subdivider or land developer shall submit an application for land development approval to the Administrative Officer per the requirements of Table 3.1 for land development plans. The land development plans

shall at minimum include information specified in Table 3.2 for land development plans. Said plans shall consist of the following:

- A. Utility plans providing information regarding the location, size, length and type of all water, sanitary sewer and storm drainage improvements showing their minor structures, appendages and connections with existing systems, and the approximate location of service lines from the lots to the proposed utility lines.
- B. Street plans providing information as follows: street profiles and cross sections as required by the City Engineer, type of sub-base, type of paving base, type curb and gutter; type street paving, and type improvements within the street right-of-way outside of the paved area.
- C. Grading plans and soil sedimentation and erosion control plans.
- D. In addition to utility, street, grading and erosion control plans, the Administrative Officer and/or City Engineer may require other information as may be necessary, depending upon the scope and extent of the development project, in order to review the application for compliance with this ordinance.

Section 323: Review and Approval of Plans.

Upon receipt of the completed land development plans by the Administrative Officer, he shall review them for compliance with this ordinance, the Zoning Ordinance, and any other local regulations under his review responsibility. The Administrative Officer shall have ten (10) working days to certify compliance with planning and zoning requirements and non-engineering aspects of the land development plans. Upon such certification of compliance, the Administrative Officer shall stamp them with the date approved and forward all three (3) sets of plans to the City Engineer. The City Engineer shall have fifteen (15) working days to review and approve, conditionally approve, or disapprove the plans. If disapproved, the City Engineer shall notify the applicant in writing of the reasons for said disapproval. If approved or conditionally approved, the City Engineer shall provide his signature on said approved plans indicating said approval, retain one copy of said plans for his records, return one copy to the applicant, and submit one copy to the Administrative Officer.

Section 324: Issuance of Development Permit.

Upon approval or conditional approval of land development plans, the Administrative Officer shall issue a development permit as required by the Zoning Ordinance of the City of Cornelia. Issuance of a development permit shall constitute authorization for the applicant to begin land-disturbing activities and the construction of improvements, subject to any grading permits, soil erosion permits, or other permits and permissions as may be required by the City Engineer. A prerequisite to the issuance of a development permit shall be completion and signature of an indemnification agreement as indicated in the attached exhibit A (found at the end of this ordinance).

Section 325: Application For Final Plat Approval.

In the case of a subdivision, upon completion of required improvements, the subdivider may then submit an application for final plat approval, which at minimum shall meet the requirements for final plat applications as specified in Table 3.1. In addition, the applicant for final plat shall submit to the Administrative Officer the following:

- A. **Original and file copy.** One time-stable reproducible film copy or original of the plat, and if available, electronic file copy in a computer mapping software format accepted by the City Engineer.

- B. **Approval of City Engineer and subdivision improvement guarantee.** A letter from the City Engineer certifying that all required improvements have been constructed and meet the specifications of the city, and that an acceptable subdivision improvement guarantee as required by this ordinance has been provided by the applicant. The subdivider shall upon completion of the required improvements request in writing that the City Engineer report by letter that all improvements required by this ordinance have been completed according to City specifications. The City Engineer shall upon acceptance write a letter of compliance addressed to the subdivider with a copy to the Administrative Officer stating the subdivision complies with the provisions of this ordinance. Prior to writing such letter, the City Engineer shall inspect all underground installations, sub-grades, bases or courses of asphalt, and such improvements shall not be covered or hidden before they are inspected and accepted by the City Engineer. In unusual circumstances and for good cause shown by the applicant, the City Engineer may recommend and the City Commission may approve a final plat prior to the completion of all required improvements, such as the final pavement topping. In such a case the applicant shall submit an additional performance bond for those required improvements not yet completed in an amount approved by the City Engineer. For more information on the requirements of subdivision improvement guarantees, see later sections in this article.

- C. **Letter from electric utility company.** A letter from the applicable electricity service company may be required indicating that service points for individual lots and street lights, if required, have been installed.

- D. **As-built drawings.** "As-built" drawings acceptable to the City Engineer of: 1) all streets showing the planned and actual location of all utility lines; 2) centerline profile of all streets with final grades; and 3) horizontal and vertical alignment including profiles and invert elevations of all storm and sanitary sewer lines; provided, however, the Administrative Officer may waive this final plat submittal requirement for a set period of time if improvements and/or "as-built" drawings are not complete, subject to subsequent denial of building permits should said drawings not be submitted.

Section 326: Final Plat Specifications and Certificates.

The final plat shall be drawn to comply with the specifications in Table 3.2 for final plats. Certificates shall be included on the final plat, as follows:

A. Final Surveyor's Certificate:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist and their location, size, type and material are correctly shown; and that this plat meets all requirements of the City of Cornelia Minimum Development Standards Ordinance and Zoning Ordinance.

By _____ Registered Georgia Land Surveyor No.

Date:

B. Certificate of Ownership and Dedication:

(State of Georgia) (City of Cornelia)

The owner of record of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, certifies that he or she owns the land shown on this plat to be subdivided and hereby dedicates to the public forever, subject to formal acceptance by the City Commission, the following:

Public Streets	_____	acres
Public drains	_____	acres
Public Easements	_____	acres
Public Parks/Open Space	_____	acres

Typed Name of Subdivider	Typed Name of Owner of Record
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Signature of Subdivider	Signature of Owner of Record
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Date

C. Certificate of Approval:

FINAL PLAT APPROVAL

This plat complies with the City of Cornelia Zoning Ordinance, conditions of zoning, and the City of Cornelia Minimum Development Standards Ordinance, and this plat has been approved and released for recording purposes.

City Engineer, City of Cornelia Date: _____

Administrative Officer, City of Cornelia Date: _____

City Clerk

Date Approved by City Commission: _____

D. Certification of Health Department Approval:

This is to certify that this plat and proposed water and sewerage facilities are acceptable.

Public Health Officer, Habersham County Date: _____

E. Certificate of Recording:

This plat has been recorded in plat book _____, page _____, in the records of the Clerk of Superior Court, Habersham County, Georgia.

Clerk, Habersham County Superior Court Date: _____

Section 327: Action on the Final Plat.

Upon receipt of the completed final plat application, the Administrative Officer may transmit for review and comment a copy of the plat to applicable review agencies. He shall have ten (10) working days to approve or disapprove of the plat. If said plat is substantially in conformance with the preliminary plat, it shall be scheduled for approval by the City Commission. Final plats do not require review and recommendation by the Municipal Planning Board.

Final plat approval shall be granted by the City Commission if the following conditions, as applicable, are met:

- A. A preliminary plat of the proposed subdivision, if required, has been previously approved by the City Commission.
- B. Where new improvements are involved in the subdivision, development plans have been approved by the Administrative Officer, all improvements have been installed, improvements have been inspected as specified in this ordinance, and subdivision improvement guarantees as required by this Ordinance have been submitted.
- C. The final plat meets all applicable requirements of this Ordinance.

- D. A complete final plat application has been submitted, including all supporting materials required by this ordinance for final plats.

Any action on final plats and applications that meet the conditions set out in this ordinance shall be considered a ministerial action by the Administrative Officer. Denial of a final plat shall be supported with specific findings that one or more of the conditions required by this ordinance have not been met. Once the Administrative Officer, the City Engineer, and the City Commission have approved the final plat, the signatures of the Administrative Officer and City Engineer, and the date of approval verified by the City Clerk shall be placed on the reproducible film copy or original of the final plat.

Section 328: Recording of Final Plats.

Upon approval and without undue delay, the Administrative Officer shall have approved final plats recorded in the records of the Clerk of the Superior Court of Habersham County, and a time-stable reproducible film copy or original filed in the Office of the Administrative Officer. Said copy of original shall not require an engineer or surveyor's stamp. Recording fees shall be included in the fee charged for final plats. The Clerk of the Superior Court shall indicate on the filed copy, as well as the time-stable reproducible film copy or original, the book and page number in the Habersham County Records where the final plat is recorded. Recordation of a final plat constitutes approval to begin the sale or transfer of subdivision lots.

Section 329: Assignment of Street Addresses.

Upon recording of a final plat, the applicant shall contact the Mapping Department of Habersham County, which shall assign each lot a street address and shall note each address in permanent ink on the time-stable, reproducible film copy or original.

Section 330: Distribution of Recorded Final Plat.

The final plat is a source of essential information to tax officials, public safety officials, and utility officials, among others. The Administrative Officer shall send a copy of the final recorded plat with assigned addresses to:

- A. Habersham County Tax Commissioner
- B. Habersham County Tax Assessor
- C. Habersham County Health Department
- D. City Police Department
- E. City Fire Department
- F. City Building Inspector
- G. City Engineer
- H. United States Postal Service (local postmaster)

At the discretion of the Administrative Officer, additional agencies or persons may be added to the above list.

Section 331: Specifications for Subdivision Improvement Guarantees.

The subdivision improvement guarantee shall at minimum conform to the following specifications:

- A. It shall be conditioned upon the faithful performance by the subdivider or developer of all work required within a specified time until formally and officially released by the City;
- B. It shall be payable to, and for the indemnification of, the City;
- C. It shall be in a dollar amount equal to the cost of construction of the required improvements, as calculated on the basis of construction costs by the permit applicant's engineer and approved by the City Engineer;
- D. It shall include surety by a company entered and duly authorized to act in such capacity in the State of Georgia; and
- E. It shall be approved as to form and content by the City Attorney.

Section 332: Use of Subdivision Improvement Guarantee.

The City will hold the subdivision improvement guarantee until twelve (12) months following final plat approval or completion of all the work by the applicant, whichever is later. During the twelve (12) month period following final plat approval or completion of all the work by the applicant, whichever is later, all maintenance, utility and all other associated costs will be the sole responsibility of the applicant for final plat approval and not the responsibility of the City.

At the twelve (12) month anniversary, the applicant for final plat approval shall request a final warranty inspection. Any deficiencies cited by the City Engineer or Administrative Officer in the final warranty inspection report as deviations from this ordinance, the approved plans, or any maintenance requirements (e.g., roads, sediment, grassing, etc.) shall be remedied by the final plat applicant within sixty (60) days, weather permitting, following said inspection.

If, upon being notified of failure of required improvements, the applicant does not correct the deficiency or commence work within sixty (60) days of notice, it shall be deemed to be a failure. If at any time prior to acceptance by the City Commission the improvements fail to meet the specifications of this ordinance, the City may after official act of the City Commission draw upon the funds pledged through the applicant's subdivision improvement guarantee, for the purposes of making the necessary repairs or corrections to improvements, either by public work or by private contract, and the subdivision improvement guarantee shall be liable for the full amount of the cost of said repairs or corrections to improvements, as determined by the City Engineer.

Section 333: Dedications of Public Streets and Acceptance of Improvements.

At any date after twelve (12) months has passed since the date of final plat approval, or the installation of requirement improvements, whichever is later, the applicant may petition in writing to the Administrative Officer for the City Commission by resolution to accept public streets and other dedications, in whole or in part, within the subdivision. The petition to accept public improvements shall be accompanied by conveyances of title to all water lines, sewer lines, lift stations, streets, and any other public utilities or other improvements for which the City has previously agreed to accept ownership. Such conveyances shall be in a form acceptable to the City Attorney.

Said improvements shall not be accepted for maintenance until approved by resolution by the City Commission. Any instrument of financial guarantee (subdivision improvement guarantee) shall be returned to the applicant upon acceptance of public streets and improvements by the City Commission.

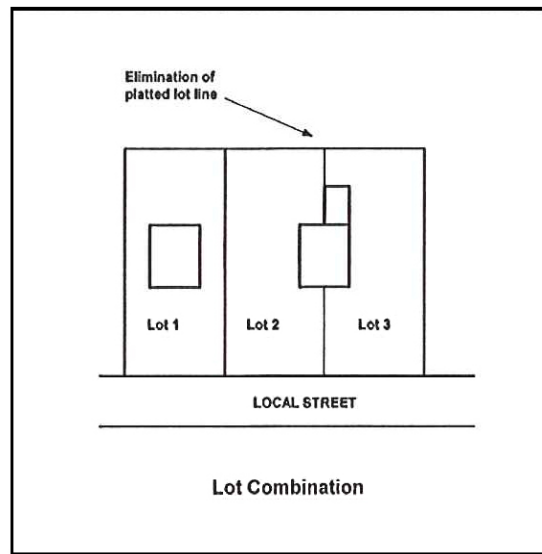
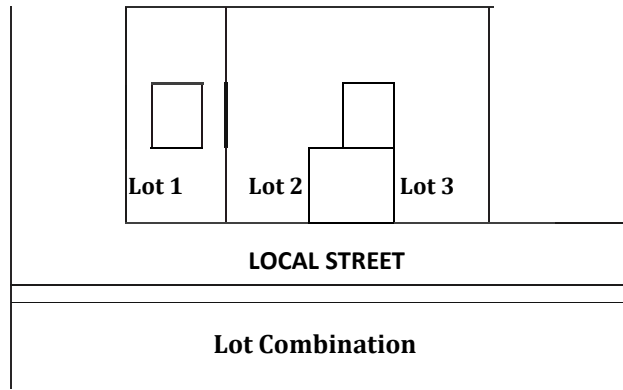
Section 334: Minor Subdivisions.

The Administrative Officer is authorized to review and approve or deny applications for minor subdivisions as defined by this ordinance, as a final plat, provided that application is made for minor subdivision approval in accordance with all specifications for final plats as applicable and required by this ordinance. The Habersham County Health Department shall also review the plat and if approved indicate on the final plat its approval.

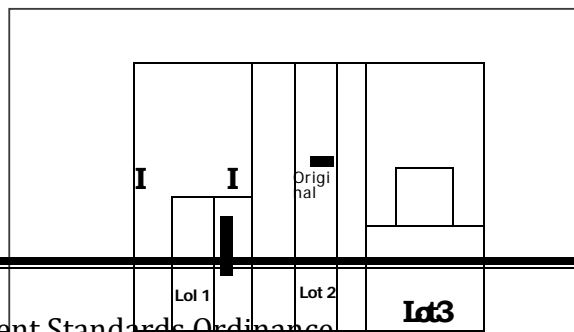
Section 335: Lot Combinations and Boundary Line Adjustments.

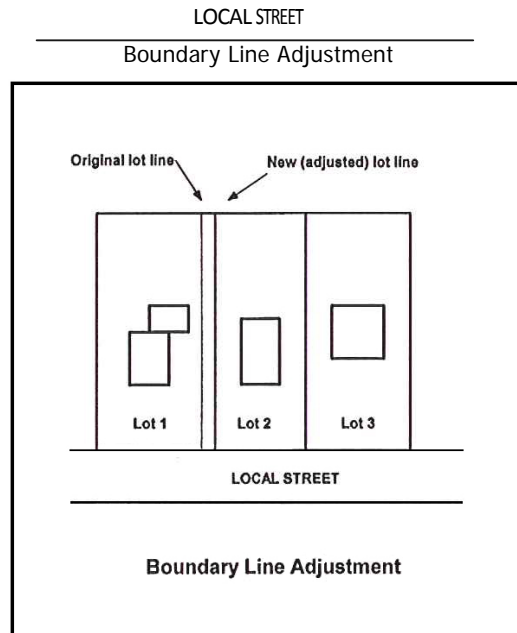
An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat revision process which conforms to the final plat requirements of this ordinance. Where separate lots of land are proposed to be combined, they shall be submitted to the Administrative Officer as a final plat for review, approval and recording. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Administrative Officer and recorded as a final plat. Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the re-plat is for the purpose of removing the lot lines between specific lots.

Elimination of plotted lot line
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One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the Administrative Official and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the Administrative Officer and recorded. Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the re-plat is for the purpose of adjusting the lot lines between specific lots.





Section 340.01 Plan Validity Periods

A. Preliminary Site Plan Validity.

1. All preliminary site plan approvals are valid for 12 months from their date of approval.
2. During that period, the following steps must be taken to maintain the validity:
 - Final plans are accepted for review, and are diligently pursued for approval;
 - Final plans are approved, or;
 - Final plans are approved and permit issuance is being diligently pursued as demonstrated by bonding the plans and recording the plans.
3. If a preliminary plan approval expires, no additional action shall be taken on the plan, or its subsequent final plans, without the submission of new preliminary plans and payment of all applicable fees.

B. Final Site Plan Validity

All final site and subdivision plans and plats are valid for two (2) years from their date of approval by the City Commission, subject to the following:

1. Requirements to be Completed Immediately Following Receipt of Final Approval by the City Commission. The applicant must complete the items listed below subsequent to the receipt of final approval:
 - For site plans, record all related plans with the Habersham County Superior Court Clerk immediately following final written approval within ten (10) days without posting a performance bond and agreement.
 - For subdivisions, record all related off-site plans immediately following receipt of written approval within ten (10) days without posting a performance bond and agreement. All remaining related plans (on-site plans) shall not be recorded until a performance bond and agreement have been posted. Note that no building permits for subdivision lots, or certificate of occupancy for other projects will be issued until infrastructure is complete.
2. Posting of a construction performance bond or other form of security as required in Section 341 of this Ordinance, if applicable. This is a prerequisite to the release of plans and deeds for recordation; issuance of site development permits, building permits, occupancy permits, etc.
3. Payment of any monetary and/or proffered contributions and/or obligations as established during the plan approval process, and referenced in the plan approval letter. This is a prerequisite to the release of the plans for recordation, or the issuance of site development permits, building permits, and/or occupancy permits. No building permits for subdivision lots, or certificate of occupancy for other projects will be issued until infrastructure is complete.
4. Following recordation of the plans and deeds, the applicant will return a copy of the recording receipt, a reproducible copy of the plans, electronic copy of the Plans in PDF and AutoCAD DWG format, and a copy of the deeds, to the City Manager. This is a prerequisite to the issuance of site development permits, site preparation permits, building permits, and/or occupancy permits. No building permits for subdivision lots, or certificate of occupancy for other projects until infrastructure is complete.
5. Provide Development Department with evidence of possession of all applicable state and federal permits (i.e. GA DOT permit, GA EPD NPDES Notice of Intent, stream bank buffer variance, wetland permit, etc.)
6. Completion of any other special items, agreements and/or post any other escrows enumerated in the plan approval letter. This is a prerequisite to the issuance of site development permits, building permits, and/or occupancy permits.
7. Failure to complete all the items enumerated in this section during the final plan validity period shall cause the approval to expire and void the final plans. If the

final approval is voided, further consideration of the final plan will require a new plan submission, and payment of applicable fees

Section 336: Performance Bonding Policy

A. Purpose

It is the purpose of this section to assure that infrastructure associated with development projects that is to be publicly dedicated is actually constructed to minimum design standards, acceptable to the City, and, once officially accepted, protected by an enforceable maintenance agreement for a period of one (1) year.

B. Performance Agreements and Guarantees.

1. A Performance Agreement, supported by an acceptable form of guarantee, shall be required on all projects that require public infrastructure including, but not limited to, streets, sidewalks, water, sewer, drainage facilities and improvements, parks and open space, and any other improvements that become the property of the City of Cornelia for future maintenance purposes. This agreement and guarantee shall obligate the applicant to construct all required improvements, in accordance with approved plans, in a timely manner. Public agencies seeking site development plan approval may supply a Letter of Intent to comply with this requirement, provided that a Performance Agreement is secured from the contractor performing the construction, guaranteeing the construction will be completed in accordance with the approved site development plans and requirements.
2. A separate Soil Erosion and Sedimentation Control Bond may be required on projects subject to the City's Soil Erosion and Sedimentation Control Ordinance as a condition for issuance of any land disturbing activity permits to assure the timely installation and maintenance of required erosion control measures during the construction period. Requirements for such bond may be found in the future City's Soil Erosion and Sedimentation Control Ordinance.
3. The City may also require, if applicable, an acceptable form of guarantee, to assure the timely construction and completion of required site improvements such as amenities, in accordance with approved plans including, but not limited to, recreational facilities, storm water facilities, parking, driveways, landscaping, and other improvements not intended for public dedication but which serve a common benefit to users and occupants of the development.
4. The term of the agreement shall correspond to the estimated length of the project construction period, as agreed upon between the applicant and the City Manager or his designee. Thereafter extensions may be permitted if requested in advance of the current expiration date. All agreements and any extension thereof shall be in writing.

5. The aggregate amount of all forms of guarantee posted on a project shall not exceed the total of the estimated cost of construction, as agreed upon between the applicant and the City Manager or his designee. In the event of a dispute, the amount reasonably determined by the City Manager or his designee shall be conclusive.

C. Acceptable Forms of Guarantee.

Cash, Irrevocable Letters of Credit, and Commercial Surety Bonds are the only forms of guarantees acceptable to the City.

1. Letters of Credit will be accepted, subject to the issuing institution meeting the City's standards:
 - Letters of Credit will only be accepted from banks with offices located in the State of Georgia. All letters must meet the requirements of the Uniform Commercial Code, as adopted in the State of Georgia. Letters of Credit shall be worded using the example provided by the City.
 - The performance agreement must expire a minimum of three (3) months prior to expiration of the Letter of Credit. The Letter of Credit shall be irrevocable during that time period.
 - A minimum 60-day notification period, of the issuer's election not to extend the validity of the Letter of Credit, is required and must be sent by certified mail to the City Manager or his designee. Failure to give notice as required shall automatically extend the Letter of Credit for successive additional six (6) month periods. (Such provision must be expressly stated in the Letter of Credit.) Should the developer not provide a substitute Letter of Credit at least 15 days prior to the expiration, or complete all requirements to effect release, the funds shall be drawn immediately thereafter and a default action shall be initiated.
2. Cash will always be accepted by the City to guarantee a project's performance. When this option is utilized, the Administrative Officer or his designee will deposit the funds in an interest-bearing account, separate from other funds and assets of the City. In the event of default by the developer, interest that accrues on such funds shall be available to the City for application to the cost of completing required improvements. In the event of no default by the developer, such interest shall accrue for the benefit of the developer and shall be returned upon release.
3. Commercial Surety Bonds shall be issued by companies licensed in the State of Georgia and returnable to the "City of Cornelia, Georgia". The form of the bond shall be approved by the City Attorney prior to acceptance.

D. Forms

The City shall approve, and may amend from time to time, all standard forms to be used for performance agreements and bonds. No deviations shall be accepted unless approved by the City Attorney for conformity with this policy and all applicable requirements.

Section 337: Extensions and Rebonding of Agreements

- A. When a developer enters into an Agreement with the City of Cornelia, it is understood that all the necessary physical improvements must be completed in the specified period of time. If all the noted improvements are not completed within this time period, and no extension has been obtained, or a replacement agreement and bond have not been submitted and approved with a new expiration date, the agreement shall be deemed in default.

- B. Approximately 60 days prior to the expiration of the agreement, the City shall notify the developer in writing of the expiration date. The notification shall advise the developer that he will be in default unless the work is completed in accordance with the agreement and approved plans, or an extension of time is obtained in accordance with the requirements of this policy.

- C. The developer shall make a written request to the Administrative Officer or his designee for an extension of the Performance Agreement's expiration date.
 - 1. The first request may be for a period not to exceed one (1) year. In order to receive the maximum extension, the developer must demonstrate that the extension would be in the best interest of the City.
 - 2. If subsequent extensions are required, they will be for maximum periods of six (6) months each. All requests shall be made at least 14 calendar days prior to the expiration date.
 - 3. The developer must indicate the reasons and conditions that have precluded him from completing the required physical improvements. The developer must also present written consent to the request from all sureties involved, including corporate surety companies. In addition, the request shall contain a detailed cost estimate of the work remaining, together with a projected timetable for completion.
 - 4. An additional fee to cover any necessary inspection and administrative costs shall be paid in accordance with the Fee Schedule for such inspections.

- D. The Administrative Officer or his designee, upon receipt of the extension request, will review the project particulars and may either deny or condition the extension granted. The factors to be considered by the Administrative Officer or his designee shall include the following:

1. Percentage of the project that has been completed. This shall be viewed as the percentage of the bonded improvements completed. Generally, this should be at least 50% for the first extension request and 85% for the second request.
 2. Number of homes/units completed, occupied, and served by public facilities, if applicable. Generally, this should be at least 10% of the project for each year (or prorated portion thereof) the project has been under construction.
 3. Developer's performance history on prior projects in the City of Cornelia. This shall be based on the developer's previous number of defaults.
 4. The collective number, type, and validity of complaints lodged against the developer.
 5. Whether the project provides access and/or infrastructure necessary for other projects that are either under construction or approved and no site development permits have been issued.
- E. In the event the developer does not respond to the letter sent by the City cautioning him of impending default, and the project is not completed by the expiration date, the matter shall be reviewed by the City Manager or his designee for appropriate action including referral to the City Attorney for action.

Section 338: Performance Bond Reductions

- A. Any form of guarantee may be partially released periodically (i.e., reduced) to an amount not less than either 25% of the project's highest bond value or not less than the actual cost of completion, whichever is higher, plus permitted allowances in accordance with the provisions of this section.
1. All reduction requests shall be submitted in writing to the Administrative Officer or his designee. No request shall be deemed officially received unless submitted in accordance with the following requirements:
 - If an extension of the performance agreement is sought, every requirement for an extension request must be met, including, but not limited to, submission of written consent by the surety to any such request
 - The request shall identify the project, performance agreement, bond, and completion date and must specify the amount of reduction sought. It shall also contain a detailed cost estimate, certified by the project design professional, of the remaining work and a projected timetable for completion.
 - A fee, covering any necessary inspection and administrative costs, shall be paid in accordance with the Fee Schedule.

2. Periodic partial bond reductions shall not occur before at least 30% of the bonded improvements have been satisfactory completed.
 3. The City shall not be required to execute more than three (3) reductions in any 12 month period, except as authorized by the Administrative Officer or his designee.
 4. No reduction shall be approved if the performance agreement is in default. However, reduction requests may be considered concurrently with extension requests.
- B. In such instances, as deemed appropriate, the developer shall furnish the Administrative Officer or his designee a certificate of completion, from a state licensed professional engineer, stating the work described has been performed in strict conformity with either the approved final plans, or as-built plans submitted therewith, and that the work meets all applicable standards.
- C. The Administrative Officer or his designee shall act upon any reduction request within 30 days of its official receipt. If the request is disapproved, the developer shall be notified in writing of the specific reasons for disapproval. If no action is taken within the time specified, the request shall be deemed approved and a partial release granted.

Section 339: Performance Bond and Agreement Final Release Procedure

- A. All final performance bond release requests shall be authorized within 30 days of their official receipt, in writing, by the Administrative Officer or his designee, provided the following criteria have been met:
1. Acceptance of all public facilities by the State agency, local government department or agency, or other public authority that is responsible for maintaining or operating such facility, and the completion and approval of any other bonded site related improvements.
 2. Acceptance of as-built plans by the Administrative Officer and the Project Review Team.
 3. Payment by the developer of all required fees, proffers and contributions.
 4. Posting of a one (1) year Maintenance bond in an amount equal to 25% of the initial bond amount posted for water, sewer and streets.
- B. If a final bond release is not authorized within the 30-day period, the developer may send an additional request, by certified mail, to the Administrative Officer or his designee. Within ten (10) business days of the receipt of the request, the Administrative Officer or his designee shall either release the bond, or notify the

developer of the specific agency approval not received. If no action is taken, the request shall be deemed approved and final release granted.

Section 340: Default and Evaluation Procedures

- A. If the developer fails to complete the required site improvements in the period of time specified in the agreement, or any approved extension, the developer is deemed in default.
- B. The Project Review Team shall forward a report on the project to the Administrative Officer, with a recommendation to formally declare the project to be in default. Such recommendation shall also enumerate a recommended course of action in response to default. Such recommendation may include the following, in any combination:
 - 1. That the City Attorney be authorized to institute such actions as deemed appropriate to enforce the provisions of this policy, the performance agreement and bond, and applicable code provisions.
 - 2. That demand be made of the surety on the developer's bond for payment of the funds secured thereby, for application to completion of the project, or for performance of its principal's obligations.
 - 3. That the City contract for completion of unfinished infrastructure.
 - 4. That all or any portion of the project be vacated.
 - 5. That any successor in interest to the defaulted developer be required to post an adequate replacement performance agreement.
 - 6. That no additional building permits be issued for the project subject to the bond until an adequate right of entry permit bond is posted with the City. Such a bond shall bind and hold the applicant responsible for any and all damages to any public improvements already in place caused by work covered by the resulting right of entry permit and building permit.
- C. The developer and surety will be mailed copies of the Municipal Planning Board report and recommendation. They also will be advised of their opportunity to be heard on the matter at the scheduled meeting of the City Commission. Either the developer or the surety, or both, may offer proposals for completion as alternatives to that of the recommendation of the Municipal Planning Board. Any such proposal must be submitted in written form and signed by someone with the appropriate authority to issue a binding proposal.
- D. All defaulted projects shall be scheduled for completion in chronological order of their declaration of default. Exceptions to a policy of first in, first out shall be made when the funds associated with a bond or letter of credit are collected by the City and cover the cost to complete the bondable items, and the project is eligible for

acceptance. In such cases, the project shall be inserted into the existing project completion schedule as the next project to be handled by the City and/or its contractor.

Section 340.01 Plan Validity Periods

A. Preliminary Site Plan Validity.

1. All preliminary site plan approvals are valid for 12 months from their date of approval.
2. During that period, the following steps must be taken to maintain the validity:
 - Final plans are accepted for review, and are diligently pursued for approval;
 - Final plans are approved, or;
 - Final plans are approved and permit issuance is being diligently pursued as demonstrated by bonding the plans and recording the plans.
3. If a preliminary plan approval expires, no additional action shall be taken on the plan, or its subsequent final plans, without the submission of new preliminary plans and payment of all applicable fees.

B. Final Site Plan Validity

All final site and subdivision plans and plats are valid for two (2) years from their date of approval by the City Commission, subject to the following:

1. Requirements to be Completed Immediately Following Receipt of Final Approval by the City Commission. The applicant must complete the items listed below subsequent to the receipt of final approval:
 - For site plans, record all related plans with the Habersham County Superior Court Clerk immediately following final written approval within ten (10) days without posting a performance bond and agreement.
 - For subdivisions, record all related off-site plans immediately following receipt of written approval within ten (10) days without posting a performance bond and agreement. All remaining related plans (on-site plans) shall not be recorded until a performance bond and agreement have been posted. Note that no building permits for subdivision lots, or certificate of occupancy for other projects will be issued until infrastructure is complete.
2. Posting of a construction performance bond or other form of security as required in Section 341 of this Ordinance, if applicable. This is a prerequisite to the release of plans and deeds for recordation; issuance of site development permits, building permits, occupancy permits, etc.

3. Payment of any monetary and/or proffered contributions and/or obligations as established during the plan approval process, and referenced in the plan approval letter. This is a prerequisite to the release of the plans for recordation, or the issuance of site development permits, building permits, and/or occupancy permits. No building permits for subdivision lots, or certificate of occupancy for other projects will be issued until infrastructure is complete.
4. Following recordation of the plans and deeds, the applicant will return a copy of the recording receipt, a reproducible copy of the plans, electronic copy of the Plans in PDF and AutoCAD DWG format, and a copy of the deeds, to the City Manager/Administrative Officer. This is a prerequisite to the issuance of site development permits, site preparation permits, building permits, and/or occupancy permits. No building permits for subdivision lots, or certificate of occupancy for other projects until infrastructure is complete.
5. Provide Development Department with evidence of possession of all applicable state and federal permits (i.e. GA DOT permit, GA EPD NPDES Notice of Intent, stream bank buffer variance, wetland permit, etc.)
6. Completion of any other special items, agreements and/or post any other escrows enumerated in the plan approval letter. This is a prerequisite to the issuance of site development permits, building permits, and/or occupancy permits.
- 8.7. Failure to complete all the items enumerated in this section during the final plan validity period shall cause the approval to expire and void the final plans. If the final approval is voided, further consideration of the final plan will require a new plan submission, and payment of applicable fees

Section 341: As-Built Plans

As-built plans shall be required on all completed development projects except those only for minor subdivisions. The acceptance of as-built plans shall be a prerequisite to final construction acceptance, bond release, and the issuance of a final Certificate of Use and Occupancy. Copies of the as-built plans prepared and certified by a registered land surveyor or professional engineer shall be submitted to the City at the time final inspections are conducted. Final inspections will not be made unless the as-built plans are available.

The following information shall be included on the plans:

- A. Horizontal locations of all sanitary sewers, storm sewers and waterlines, which include:
 1. Two (2) ties to all water valves or blowoffs. In cases where a group of valves may be located at an intersection, two (2) ties may be provided to one (1) valve and the remaining valves tied to each other.

2. One (1) tie to all sanitary sewer manholes and storm sewer structure.
 3. Two (2) ties to all sanitary sewer cleanouts on laterals which are located within a street right-of-way, and two ties to the first cleanout on a lateral connected to a main within a street right-of-way;
 4. Location of all water meters, detector checks, fire-flow meters, fire hydrants, air release valves, grease traps and any other water or sewer system appurtenances. The size of all meters larger than three-fourths (3/4) inch is to be noted. All ties shall be affixed to easily located permanent objects (i.e., building corners).
- B. Invert elevations on storm sewers and sanitary sewers.
- C. Length, size, and type of material used for all storm sewer and stormwater management systems.
- D. Top of structure elevations on all sanitary manholes and storm sewer structures.
- E. As-built topography on storm water detention basins and verification of storage volumes.
- F. Detailed as-built information for special design drainage and stormwater management structures.
- G. Spot elevations showing inverts of improved channels and swales located in dedicated drainage easements.
- H. All dedicated easements. The cover sheet must show, the deed book and page number(s), in which the water and sewer easements and/or subdivision plans are recorded.
- I. A graphic scale.
- J. Any changes from the approved construction plans must be indicated by circling the change in red.
- K. A note certifying compliance of the site to approved plans and conformance of any revisions, to all applicable standards. The following certification shall be used:
1. "This physical survey has been reviewed, and in my professional opinion, based upon my knowledge, information, and belief, the design elements measured by the physical survey comply with the approved plans. This review does not imply in any way that (i) inspections were made during the construction, (ii) to the quality of the work, or (iii) to any element or structure not visible or depicted on the physical survey."

- L. In addition to the as-built plans, the professional engineer/registered land surveyor shall provide the City with a measure of the impervious area of the site. This information shall be shown in a form, and provided in digital format, as detailed by the City. The as-built plans and the impervious area information will be reviewed for compliance with the requirements of this section during the final inspections. Any deficiencies with the as-built plans or the impervious area information must be corrected before final construction acceptance is granted.

Section 342: Certificate of Use and Occupancy

- A. No new building or an addition to a previously constructed building, shall be occupied, nor shall a change of use of a property or any structure be permitted, until a Certificate of Use and Occupancy has been issued by the City in accordance with applicable building codes, this Ordinance and the provisions of the zoning ordinance.
- B. In addition, no Certificate of Use and Occupancy shall be issued for residential uses (other than single-family detached dwellings, commercial, institutional or industrial uses) until all required site improvements are installed in accordance with the approved plans, or in accordance with a written phasing plan approved by the City.
- C. A Certificate of Use and Occupancy shall state that the use and/or structures complies with all relevant provisions of this Ordinance and the Zoning Ordinance, and that it has been inspected by appropriate public officials and meets all requirements of applicable building codes, fire codes, and other laws, ordinances, rules and regulations governing the construction and use of structures on property.
- D. The Administrative Officer or his designee has the authority to issue a temporary Certificate of Use and Occupancy for a period not to exceed six (6) months where factors beyond the applicant's control have kept him from completing the required site improvements. Prior to the issuance of a temporary Certificate of Use and Occupancy, all site improvements (bondable and otherwise) required by this Ordinance and the Zoning Ordinance not yet installed, shall be bonded in accordance with Section _____ of this Ordinance. For developments, all nonbonded deficiencies shall be guaranteed by the submission of an irrevocable letter of credit or establishment of a cash escrow account.
- E. The Administrative Officer or his designee may issue a final Certificate of Use and Occupancy for a portion of a multiphase, multiple section or multi-tenant project.
1. Such Certificate of Use and Occupancy shall only be issued, predicated on the following:
 - The City's review and approval of a written, phased site development plan
 - Approval of all safety related items (e.g. frontage improvements, ingress and egress, stormwater management facilities, street lights, handicap parking signs, etc.)

- Approval of adequate additional amenities as may be required to serve that portion of the project.

Section 343: Development of Regional Impact

Section 343.1. Introduction

With recent passage of Georgia's new Growth Strategies Act, planning at the local and regional levels has become a key element of growth management.

In general, **Developments of Regional Impact (DRIs)** are developments of sufficient scale that their impacts are likely to be felt outside of the local government jurisdiction in which they are located. The Georgia Planning Act of 1989 requires any local government with a proposed DRI within its jurisdiction to submit the project for possible regional review and comment before the City makes the final decision on whether a proposed development will or will not go forward. This Act also authorizes the Department of Community Affairs (DCA), which has established procedures for review of these large-scale projects.

This section is a brief overview and general guideline for determining whether or not the development qualified for a DRI review. Currently, the City of Cornelia, Habersham County, lies in a Non-Metropolitan area as indicated by the map in Exhibit 344-1. In Table 1, under the non-metropolitan column, the tiers and gross square footage thresholds are listed.

As of January 1, 2005, any development project that meets or exceeds these thresholds will be submitted for DRI review by their Regional Commission (RC) regional development center (RDC).

A complete set of rules may be obtained from the following DCA website:

http://www.dca.state.ga.us/planning/ocp_rules/dritoc.html

If you have any questions regarding the DRI rules or DRI Tier maps, please call the Department of Community Affairs – Office of Planning and Quality Growth at 404-679-5279.

Section 343.2. Population and Development Thresholds

Thresholds are used to determine whether a proposed development qualifies as a DRI. The thresholds vary by type of development and the population category of the county in which the proposed development will take place. There are various categories of development, each with separate thresholds, including (among others): office, commercial, hospitals, housing, industrial, hotels, mixed-use, airports, recreation, post-secondary schools, waste disposal, quarries and asphalt plants, wastewater treatment and petroleum storage, etc.

Because communities across the state have a wide range of population and development levels, two Tiers or “population” categories (Metropolitan Areas and Non-Metropolitan Areas) have been established. The threshold varies for each of these because a development in a region with low levels of population and development is likely to have a greater relative impact than it would have in an area with higher levels of population and development.

Section 343.3. Regional Review Process

The intergovernmental review process for each proposed DRI consists of the following:

- The regional development center distributes a summary of the proposed development to other affected local governments and public agencies, asking for their comments.
- The regional development center evaluates the likely impacts of the proposed development and determines whether the development is consistent with the regional plans and the plans of affected local governments.
- Based on the evaluation of impact and comments received from affected parties, the regional development center determines whether the proposed development is in the best interest of the region and notifies the host local government of its finding.

The regional development center’s report on the results of the intergovernmental regional review process is advisory in nature, designed to help the local government anticipate possible impacts of a proposed development. The local government is encouraged to take this information into account in deciding whether to approve, deny, or require modifications to the development in order to mitigate any undesirable impacts uncovered in the DRI review.

END ARTICLE III