

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE O-23-05

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE ADOPTED APRIL 4, 2016, AS MOST RECENTLY AMENDED NOVEMBER 21, 2022, TO AMEND ARTICLE VI, "ACCESS AND DESIGN REQUIREMENTS FOR ROADS," SECTION 602, "CONFORMANCE TO ADOPTED MAJOR THOROUGHFARE AND OTHER PLANS" TO PROVIDE REFERENCE TO A NEW CODE SECTION; TO PROVIDE REFERENCE TO AN OFFICIAL CORRIDOR MAP; AND TO AMEND ARTICLE IX, "DEVELOPMENT PLANS AND PERMITS," TO ADD A NEW SECTION 910, "OFFICIAL CORRIDOR MAP." TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, The Hoschton City Council desires to amend the Hoschton Subdivision and Land Development Ordinance to add provisions regarding adoption of an Official Corridor Map to reserve future road right of ways necessitated by new development; and

WHEREAS, The city's comprehensive plan was amended September 18, 2023, to include an "official corridor map" and explanatory matter reserving future rights of ways for roads and multi-use paths;

WHEREAS, Written notice of this proposed ordinance was sent to property owners of record with land showing a reservation of right of way on the Official Corridor Map, along with a copy of a draft of this ordinance for review and comment; and

WHEREAS, city staff provided a public information and comment opportunity on this proposed ordinance, to present the proposed ordinance and allow for public comments prior to the public hearing before City Council; and

WHEREAS, The City Council conducted a public hearing on this matter; and

WHEREAS, The City Council finds that it is necessary and in the public health, safety, welfare, and general interests of the city to amend the subdivision and land development ordinance;

Now, therefore, the City Council of Hoschton hereby ORDAINS as follows:

Section 1.

The City of Hoschton subdivision and land development ordinance, Article VI, "Access and Design Requirements for Roads," Section 602, "Conformance to Adopted Major Thoroughfare and Other Plans, is retitled and amended to read as follows:

"Sec. 602. Conformance to Adopted Major Thoroughfare, **Official Corridor Map** and Other Plans.

- (a) All roads, **multi-use paths**, and other features of the adopted comprehensive plan shall be **shown as reserved land on preliminary plats, when required, and development plans by the subdivider or developer** ~~platted by the subdivider~~ in the location and, if any, to the dimensions indicated in the transportation element of the comprehensive

plan, **official corridor map**, or other transportation plan applicable in the city, **as more specifically provided in Section 910 of this ordinance.**

- (b) Any subdivision or land development with property fronting on an existing city or county public road or state highway may be required to provide road improvements to bring the road or highway up to applicable standards and to handle the traffic generated by the subdivision or land development.”

Section 2.

The City of Hoschton subdivision and land development ordinance, Article IX, “Development Plans and Permits,” is amended to add a new Section 910, “Official Corridor Map” as follows:

Section 910. Official corridor map.

- (a) **Purpose and intent. The purpose of an official corridor map is to implement the city’s comprehensive plan, by reserving land needed for future transportation facilities identified in the comprehensive plan. The corridor map is intended to provide a basis for coordinating the provision of transportation facilities with new development by designating corridors of future right of way where the construction and improvement of transportation facilities is expected. The official corridor map is also intended to restrict the construction or expansion of permanent structures in the intended right-of-way of planned transportation facilities as indicated on a corridor map, at least until a determination is made by the city concerning the proposed transportation facility.**
- (b) **Definitions.**
1. **Official corridor map: A map or maps adopted by the city, which designates land to be reserved for the construction of future transportation facilities or improvement of existing transportation facilities. The corridor map establishes the width and location of corridors but also provides flexibility in planning the design, location, and width of a transportation facility.**
 2. **Reserved land: Land shown on the corridor map as “reserved.”**
 3. **Transportation facilities: Streets, highways, bikeways, sidewalks, and multi-use paths.**
- (c) **Prerequisites to adoption of an official corridor map or the subsequent inclusion of reserved land on said map. No official corridor map shall be adopted, and no such map shall be amended to include a land reservation, until and unless the requirements of this subsection are met to ensure procedural due process:**
1. **At least fifteen (15) days before the public hearing, the city shall notify the public of the date, time, place, and nature of the public hearing by publication in a newspaper of general circulation in the territory of the local government.**
 2. **The city shall notify all owners of record according to the Jackson County tax assessor of parcels of land that include proposed reserved land of the date,**

time, place, and nature of the public hearing by mail at least fifteen (15) days before the public hearing.

3. The Hoschton City Council shall hold a public hearing(s) at the date, time, and place advertised, and afford all interested individuals the opportunity to be heard concerning the proposed official corridor map.

(d) Adoption. That map, or maps, titled “Official Corridor Map for the City of Hoschton,” as contained in the adopted comprehensive plan of the City of Hoschton and which is attached to and made a part of this section, is hereby adopted for purposes of subdivision platting, development permitting, and land use regulation in the City of Hoschton.

(e) Reservation of land. The areas shown on the official corridor map as “future road right of way” and “future multi-use path” shall be interpreted as “reserved land” as defined in this ordinance and shall be shown as such on preliminary plats, if applicable, and on development plans, and final plats (if applicable) in a manner consistent with this section.

(f) Width of reservation.

1. Unless otherwise specifically shown on the official corridor map, the required right of way width for a future road right of way shall be fifty (50) feet, and the required right of way width for a future multi-use path shall be twenty (20) feet.
2. If a road right of way width of greater than fifty (50) feet is specified on the official corridor map, the city may authorize a reduction of the required future road right of way width to fifty (50) feet, depending upon evaluation of traffic and travel impacts of the proposed subdivision or land development.
3. Where a future road right of way intersects with an existing road right of way such as a state route, the width of said reservation may be required by the city to be increased to eighty (80) feet to accommodate road intersection turning lanes.
4. The city may authorize a reduction of the required future road right of way width or future multi-use path right of way width reservation on a given parcel of land by one-half (i.e., to 25 feet and 10 feet, respectively), if the subdivider/ developer owns abutting property or if there is a formal legal arrangement by an abutting property owner to reserve one-half the width of the proposed right of way or multi-use path right of way. The intent of this provision is to allow one reservation at the specified width to occur that will traverse a common property line to the benefit of properties along both sides of the proposed reservation.

(g) Location of reservation. In the case of a future right of way shown on the official corridor map, the City of Hoschton shall consider and may approve an alternative alignment proposed by the subdivider or developer on the same parcel of land as is proposed for subdivision and/or development that accomplishes the same point-to-point inter-parcel connectivity at the specified width. This provision is

intended to offer flexibility to the subdivider or developer to plan the site with the reserved road right of way in a way that optimizes the site plan's design and/or to account for the possible need to modify the location given existing topographic, riparian, or other environmental or field conditions.

- (h) Permitting restriction. The city shall not issue any permit pertaining to land use, zoning or development on land regulated by this section except pursuant to the procedures of and in compliance with this section. This section does not forbid or restrict the use of any reserved land that does not constitute the development of that land, nor does this section forbid or restrict development on the unreserved portion of any tract or parcel that contains reserved land as shown on the official corridor map.
- (i) Preliminary plat or development permit required. An owner of reserved land who proposes to subdivide reserved land shall apply for a preliminary plat. An owner of reserved land who proposes to develop reserved land shall apply for a development permit. It shall be unlawful to subdivide or develop land shown as reserved on the official corridor map without securing a preliminary plat and/or development permit as required by this section.
- (j) Public hearing and notice for preliminary plat or development permit involving reserved land. Upon receiving an application for a preliminary plat, if subdivision is required, or a development permit if subdivision is not proposed, involving reserved land as shown on the official corridor map, the city shall arrange for the application to be scheduled for public hearing by the Hoschton City Council. The applicant shall be notified in writing of the date, time, and place of the hearing, by written mail, personal service, or electronic mail, at least fifteen (15) days prior to the public hearing. The public shall be given notice of the date, time, place, and nature of the hearing by publication in a newspaper of general circulation in the territory of the local government with jurisdiction at least fifteen (15) days prior to the public hearing. The applicant shall, at the hearing, have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application.
- (k) Action. Following the public hearing, the Hoschton City Council may take one of the following actions:
 - 1. Approve the preliminary plat or development permit as proposed, with or without conditions, modify the mapped corridor to remove all or part of the reserved land from the mapped corridor, and issue with or without conditions the preliminary plat authorizing preliminary subdivision or issue a development permit authorizing development on the land removed from the mapped corridor.
 - 2. Modify the proposed preliminary plat or development permit application and issue it for development as modified, with or without conditions, if the development can reasonably be accomplished on the subject parcel without encroaching on the reserved land.

3. Delay action on the development permit for a defined period of time not to exceed ninety (90) days for the purpose of any of the following: negotiating with the property owner for the purchase of all or a part of the reserved land by the city; acquiring the reserved land from the developer voluntarily; acquiring a negative easement over the reserved land that prevents the property owner from building on the reserved land; or taking the reserved land through eminent domain and the payment of just compensation.
- (l) Council authority and action. After considering the preliminary plat or development permit with reserved land pursuant to this section, the Hoschton City Council may, but shall not be obligated to, negotiate for the voluntary dedication of the land, enter into option to purchase, or it may initiate condemnation proceedings subject to applicable state laws and use its powers of eminent domain. If the Hoschton City Council delays action on the preliminary plat or development permit with reserved land as provided by this section. and the Hoschton City Council fails to arrange for the legal acquisition of all or a part of the reserved land within the specified time period which shall not exceed ninety (90) days, then the city shall approve the preliminary plat or the development permit, as the case may be, with or without conditions, or in the absence of such approval, the preliminary plat or development permit as the case may be shall be deemed approved as submitted.”

Section 3.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4.

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 5.

This ordinance shall become effective immediately upon its adoption.

So ORDAINED, this __ day of _____, 2023.

James Lawson, Acting Mayor

Ordinance O-2023-05

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

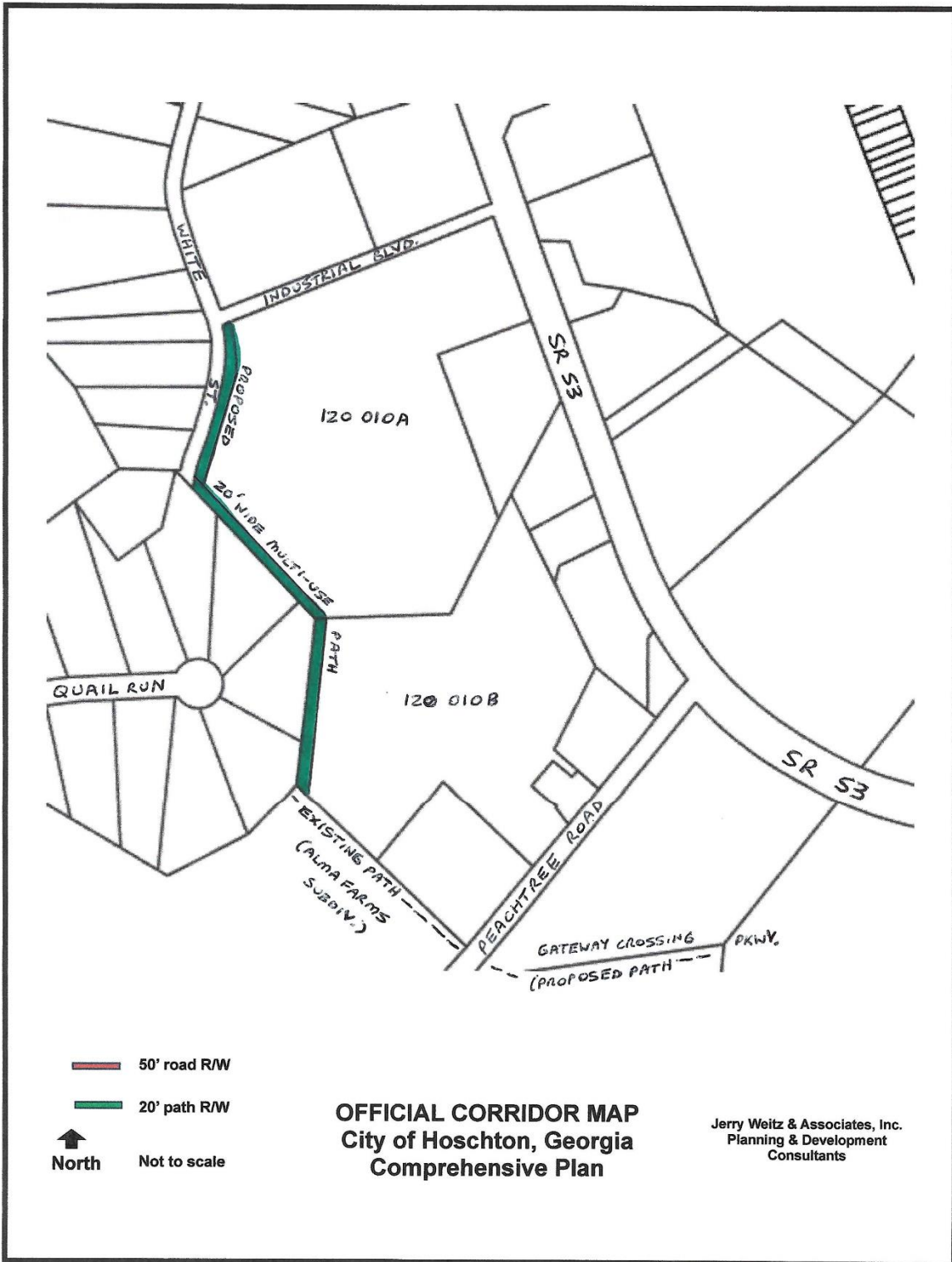
ATTEST:

Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

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OFFICIAL CORRIDOR MAP
City of Hoschton, Georgia
Comprehensive Plan

Jerry Weitz & Associates, Inc.
Planning & Development
Consultants

