

**CITY OF HOSCHTON, GEORGIA**  
**SUBDIVISION AND**  
**LAND DEVELOPMENT ORDINANCE**

**Adopted April 4, 2016**

**Amended December 18, 2023**

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LAND DEVELOPMENT ORDINANCE**

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**ARTICLE I  
TITLE, PURPOSE, AND AUTHORITY**

- Sec. 101. Short Title.
- Sec. 102. Purpose and Intent.
- Sec. 103. Authority.

**Sec. 101. Short Title.**

This Ordinance is known and may be cited as the "Subdivision and Land Development Ordinance of the City of Hoschton, Georgia."

**Sec. 102. Purpose and Intent.**

This Ordinance is intended to serve the following purposes, among others:

- (a) To protect and promote the health, safety and general welfare of the residents of the City;
- (b) To encourage economically sound and stable land development;
- (c) To assure the provision of required roads, utilities, and other facilities and services to new land developments in conformance with public improvement standards of the City;
- (d) To assure adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments, especially for the purposes of assuring that all building lots will be accessible to firefighting equipment and other emergency and service vehicles;
- (e) To assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes;
- (f) To assure the adequate provision of water supply, storm water drainage, sanitation, lighting, and other necessary improvements;
- (g) To assure equitable handling of all subdivision plans by providing uniform procedures and standards for the subdivider, land developer, and staff to follow;
- (h) To assure, in general, the wise development of new land areas, in harmony with the comprehensive plan of the community;
- (i) To assure the accurate description of property and adequate and proper identification of property in public records;
- (j) To help conserve and protect the natural, economic and scenic resources of the community;
- (k) To help eliminate the costly maintenance problems which develop when roads and lots are laid out without proper consideration given to various public purposes;

- (l) To protect lot purchasers who generally lack the specialized knowledge to evaluate subdivision improvements and design.

**Sec. 103. Authority.**

This Ordinance is adopted pursuant to powers vested in cities by Georgia law, including the State of Georgia Constitution, home rule powers, and state administrative rules for the adoption and implementation of Comprehensive Plans and the protection of vital areas of the State.

## ARTICLE II DEFINITIONS

Sec. 201. Generally.  
Sec. 202. Definitions.

### **Sec. 201. Generally.**

- (a) Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definition.
- (b) Words used in the present or past tense include the future.
- (c) Words in the singular include the plural, and vice versa.
- (d) The word "building" includes any structure.
- (e) The word "shall" is mandatory. The word "may" is permissive.
- (f) The definitions contained within the Zoning Ordinance of the City of Hoschton, Georgia, as amended, shall be applicable to this Subdivision and Land Development Ordinance and are included by reference as if fully contained herein.
- (g) The definitions contained within Chapter 21, Section 21-103 of the City of Hoschton Code of Ordinances (stormwater management) shall be applicable to this Ordinance and are included by reference as if fully contained herein.
- (h) The definitions contained with the Hoschton Soil Erosion, Sedimentation and Pollution Control Ordinance (Chapter 35 of the City of Hoschton Code of Ordinances) shall be applicable to this Ordinance and are included by reference as if fully contained herein.
- (i) In the event of conflict between definitions of this Ordinance and the definitions provided by any other ordinance of the city, the definitions in this Ordinance shall prevail.

### **Sec. 202. Definitions.**

Access: A way or means of approach to provide physical entrance to a property.

Access easement: An easement devoted to vehicular access which affords a principal means of access to abutting property or properties, but which is not necessarily open to the general public and which is not necessarily improved to standards of the City.

Administrative appeal: A request for a review of the Zoning Administrator's interpretation of any provision of this Ordinance, or an action taken by the Zoning Administrator in the application or enforcement of this Ordinance.

Alley: A public or private thoroughfare that affords only a secondary means of access to abutting property.



**ANSI 300 Standards:** The generally accepted (consensus) industry standards for tree care practices, developed by the Tree Care Industry Association (TCIA) and written by a committee called the Accredited Standards Committee (ASC) A300. These standards are based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

**Best Management Practices (BMPs):** A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control.

**Block:** A piece or parcel of land entirely surrounded by roads.

**Buffer:** An area of natural vegetation, which may be replanted or supplemented with additional natural vegetation, which is intended to provide a visual and dimensional separation between dissimilar land uses.

**Caliper:** The diameter of a tree that has not yet been planted measured at a point 6 inches above the ground for up to and including 4-inch caliper trees, and at a point 12 inches above the ground for larger sizes.

**Comprehensive plan:** Those coordinated plans or portions thereof which have been prepared by or for the Hoschton City Council for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

**Conservation:** The management of natural resources to prevent waste, destruction, or degradation.

**City:** The City of Hoschton, Georgia.

**City Attorney:** The Attorney of the City of Hoschton.

**Conservation subdivision:** A subdivision for detached, single-family dwelling units, each on its own lot, with lot sizes and lot widths which may be less than minimum requirements established for the underlying zoning district, and which ensures that all primary conservation areas and some or most of the secondary conservation areas are permanently protected open space as defined in this section. Conservation subdivisions are like a golf course design without a golf course, where instead conservation areas are used as the unifying design theme. All, or a sizable majority, of the lots contained in a conservation subdivision have a lot boundary that abuts open space.

**Critical root zone:** The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to 1.5 times the drip line of the tree, unless an alternative designation of critical root zone is proposed by a qualified professional and accepted by the Zoning Administrator.

**Cross-section:** A profile of the ground surface perpendicular to the centerline of a road, stream, or other feature.

Cul-de-sac: A road having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

Curb: A boundary, usually constructed of concrete, usually marking the edge of a roadway or paved area, which is designed to channel storm water to drainage inlets and/or prevent or deter access.

Curb break or curb cut: Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Curb radius: The curved edge of a road at road intersections.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

Deceleration lane: An added roadway lane of a specified distance that permits vehicles to leave the main vehicle stream and slow down.

Deciduous tree: A woody perennial plant consisting of a trunk, scaffold branches and lateral branches with foliage that is cast off annually.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Detention: The temporary retraining of storm water on-site.

Detention pond: A pond or pool used for the temporary storage of storm water runoff and which provides for the controlled release of such storm water.

Development: Any man-made change of improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development permit: Approval by the Zoning Administrator to proceed with development. For purposes of this Ordinance, the development permit required by this Ordinance shall be coordinated with the land disturbance permit required for compliance with local and/or state Soil Erosion and Sedimentation Control laws, as amended.

Development plan: Any plan containing substantial information required to be filed by this Ordinance, which shows how the property to be affected by the development will be changed and improved in a specific manner, including the installation of roads and utilities and the erection of buildings and structures, among other specific requirements.

Diameter Breast Height (DBH): The diameter of an existing tree trunk measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, all of the trunks will be measured and added together to determine diameter breast height.

**Drainage structure:** A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

**Driveway:** A constructed vehicular access serving one or more properties and connecting to a public or private street.

**Easement:** A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

**Escrow account:** A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the Zoning Administrator to cover the costs of required improvements.

**Evergreen:** A plant with foliage that is retained and remains green year-round.

**Excavation:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "cut."

**Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

**Fire flow:** The flow of water required to extinguish the largest probable fire served by a water facility.

**Gated community:** Residential areas that restrict access to normally public roads and spaces. Gates can include guard houses, electronic arms operated by card, codes, or remote control devices. Visitors must stop to be verified for entry.

**Geodetic control monuments:** Those survey monuments which are established by federal, state, local, and private agencies, the position of which monuments on the earth's surface has been fixed by high-order surveying and computation for use by surveyors and engineers in the extension of geodetic position to property corners, improvements to property, utility systems, streets and highways, and such other objects and things as may be located by surveying. Such monuments may be in the form of metal disks set in concrete, rock, metal, or some other fixed permanent object, the position thereof having been published by the agency which established the monument and made available to the public as well as to land surveyors and engineers for public use. It is unlawful to remove, destroy, injure or displace geodetic control monuments (O.C.G.A. 44-1-15).

**Gradient:** The rate of vertical change between two distance points, determined by dividing the vertical distance by the horizontal distance (i.e., rise over run).

**Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**Greenway:** A linear park or open space conservation area that provides recreational opportunities, pedestrian and/or bicycle paths, and/or conservation of open spaces or natural areas.

**Ground cover:** A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

**Hedge:** A row of closely planted shrubs or other plants for the purpose of forming a boundary or fence.

**Highway:** A term applied to streets and roads that are under the jurisdiction of the Georgia Department of Transportation or federal highway agency. Highways are major arteries of the circulation network, carry significant volumes of traffic for both long and short trips, and are designed with access to abutting properties with some degree of control and safe standards of design.

**Home owners association:** An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is available to a person who has purchased of a dwelling unit or lot within the development, and which may have the ability to legally assess each owner of a dwelling unit or lot and which may have authority to place a lien against all dwelling units and lots within the development.

**Impact:** The effect of any direct man-make actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

**Invasive tree or shrub:** Any tree or shrub that is not native and is known to have negative effects on the environment or the economy. Invasive plants commonly threaten the ecosystems of native plants and animals.

**Land-disturbing activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices exempt from applicable Soil Erosion and Sedimentation Control requirements.

**Landscape plan:** A graphic and written document containing criteria and specifications for the arrangement and modification of site features. A landscape plan consists of a site plan indicating the property boundaries and location of proposed plant materials in relation to vegetation to be retained, buildings, parking surfaces, and other improvements. A planting schedule and any additional specifications are also included on a landscape plan.

**Landscaping:** The modification of land for an aesthetic or functional purpose. The area within the boundaries of an individual lot that encompasses the preservation and continued maintenance of existing vegetation, as well as installation of trees, shrubs, ground covers, grasses, and annuals.

**Letter of credit:** A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the City. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

**Lot:** A portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road. In determining the area and dimension of a lot, no part of the right-of-way may be included.

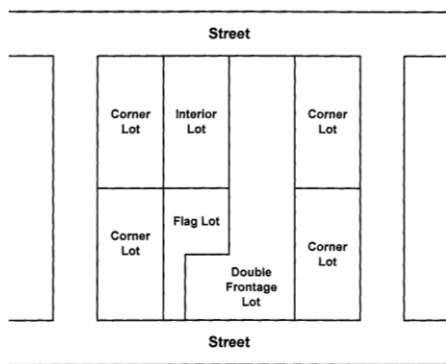
**Lot of record:** Any single parcel of land within the City which was legally platted and recorded in the Clerk of Superior Court of Jackson County's Plat and Deed records prior to adoption of this Ordinance or which was lawfully subdivided after the effective date of this Ordinance.

**Lot area:** The total horizontal area within the lot lines of a lot, exclusive of public road right-of-ways or private road or access easements, where they exist.

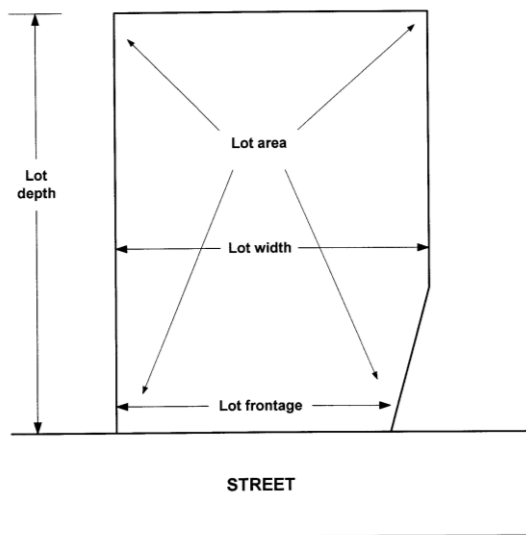
**Lot, corner:** A lot abutting upon two or more roads at their intersection..

**Lot depth:** The average horizontal distance between the front and rear lot lines.

**Lot, double frontage:** A lot other than a corner lot that has frontage upon two or more roads that do not intersect at a point abutting the property.



TYPES OF LOTS



STREET

Lot Definitions

**Lot, flag:** A tract or lot of land of uneven dimensions in which the portion fronting on a public road or where existing, a private road, is less than the required minimum width for construction of a building or structure on that lot. Such lots have elongated access from the road and a conventionally proportioned building site at the rear of the lot.

**Lot frontage:** The width in linear feet of a lot where it abuts the right-of-way of any public road, or where it exists, a private road.

**Lot width:** The distance between side lot lines measured at the regulatory/required building line.

**Metes and bounds:** A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting roads.

**Mulch:** Organic matter composed of pine straw, leaves, aged wood chips, compost, pine bark, or a combination thereof, that is applied in a layer on the ground over the roots of a tree to retain soil moisture, improve soil texture, cover and suppress the growth of unwanted vegetation, increase soil nutrients, and provide a favorable habitat for beneficial soil organisms.

**Open space:** Land and water areas retained for use as passive recreation areas or for resource protection or conservation in an essentially undeveloped state.

**Pavement width:** The width of a given lane, road, or other road pavement width, measured from back-of-curb to back-of-curb or to the edge of pavement where no curbs are required or exist.

**Performance bond:** A type of subdivision improvement performance guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the Zoning Administrator to cover the costs of required improvements not yet installed, and payable to the City. The City may call in the performance bond in the event the subdivider defaults on required improvements.

**Performance guarantee:** Any financial deposit or other security that may be accepted by the county as a guarantee that improvements required as part of an application for subdivision or land development are satisfactorily completed in conformance with approved plans.

**Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body, or any other legal entity.

**Plat, final:** A finished drawing of a subdivision showing completely and accurately all legal and engineering information, certification, and all other elements and requirements set forth in this Ordinance and O.C.G.A. 15-6-7, prepared for filing for record with the Clerk of the Jackson County Superior Court.

**Plat, preliminary:** A drawing which shows the proposed layout of a subdivision in sufficient detail to convey the concept and workability of a subdivision, but not complete in form or detail required for recording.

**Potable water:** Water that is suitable for human consumption, human contact, or in the preparation of foods for human consumption.

**Preserve:** An area in which beneficial uses or natural landforms in their present condition are protected; for example, a nature preserve or wildlife habitat management area.

**Professional engineer:** An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

**Property corner monuments:** Those survey monuments which are established to identify property corners, the location and description of which are made a part of any plat or any instrument pertaining to real property filed in the office of the superior court of any county of this

state. Said survey monuments may be any permanent or semi-permanent objects or any live or dead plant material, including, but not limited to, iron or steel pipes, bars, or rods; concrete markers, including highway right of way markers; stone or rock, whether natural or erected; trees, stumps, stakes, and marks, including those marks made on trees, stones, rocks, concrete or metal; and such other monuments as may be described in said plats and instruments of record. It is unlawful to remove, destroy, injure or displace property corner monuments (O.C.G.A. 44-1-15).

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Public improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the city or to a facility already owned by the city, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, other roadway appurtenance, domestic water supply system main, fire hydrant, valve or other water system appurtenance, or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance. Utility supply lines to a building are not considered public improvements. Construction of a driveway apron connection in accordance with a standard detail approved by the city engineer shall not be considered a public improvement for purposes of triggering preliminary plat approval.

Qualified professional: An arborist, forester, registered landscape architect, the County Extension Agent, the Georgia Forestry Commission, or other professional accepted by the Zoning Administrator as having the requisite qualifications as a professional with regard to trees and landscaping.

Regional Commission: The Northeast Georgia Regional Commission.

Registered land surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Reservation: The designation by plat or deed of a certain area reserved for possible future public purposes. A reservation does not transfer title of the reserved area to the public unless the City of Hoschton City Council accepts the area for public purposes.

Resubdivision: The act of changing an existing lot created by a plat and recorded in the Office of the Superior Court Clerk of Jackson County, Georgia.

Retention: The permanent maintenance of storm water on-site.

Retention pond: A pond or pool used for the permanent storage of storm water runoff.

Retracement: A survey, not required to be reviewed and approved by the local jurisdiction prior to filing or recording in the clerk's office, but drawn to specifications required by the City of Hoschton subdivision and land development ordinance. *[Added via amendment 11/6/2017]*

Right-of-way, public: That area, distinguished from an easement or private road right-of-way, which is owned in fee-simple title by the City of Hoschton, Jackson County Board of Commissioners, State of Georgia, or other government, for the present or future use of roads,

roads and highways, together with its drainage facilities and other supporting uses and structures.

Right-of-way, private: That area, distinguished from an access easement or public right-of-way, dedicated to property owners of the subdivision involved or to other individuals, and which affords permanent access to abutting property or properties. A private right-of-way is distinguishable from a public road right-of-way in that maintenance and ownership of the road and accessory improvements is by private individuals or a private association rather than the City, County, State, or another governmental entity.

Riprap: Rocks, rubble, or stones, irregularly shaped and at least six inches in diameter, used for erosion control and soil stabilization.

Road: A state highway, a county road, a road adopted as a county-owned right of way approved for county maintenance, a street owned and/or maintained by a municipality, or where permitted, a private road. Roads afford the principal means of access to abutting property or properties and are required to meet specifications contained in this Ordinance. The term includes "street" but does not include "access easement."

Road, private: An improved road, distinguished from a public road in that the right-of-way which affords a principal means of access to abutting property or properties is privately owned and maintained. Private roads are required to meet specifications contained in this Ordinance.

Road, public: A state highway, county road, a road adopted as a county-owned right of way approved for county maintenance, or a street owned and/or maintained by a municipality. New public roads are required to meet specifications contained in this Ordinance.

Roadway drainage structure: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Runoff coefficient: Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which runoff can be calculated.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Sewer: An artificial and usually subterranean conduit designed to carry off sewage and/or water. The term includes any pipe, manhole, connection, or other appurtenances thereto, located in a public right-of-way or easement that is designed to transport sewage and/or water.

Sewer, sanitary: A sewer that carries sewage and residential, commercial or industrial waste.

Sewer, storm: A sewer that carries storm, surface, and ground water drainage but excludes sewage and residential, commercial, and industrial wastes.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.



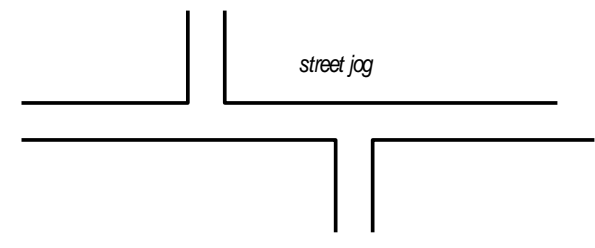
Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road or private road.

Subdivider: Any person who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this development code, or the authorized agent of such person.

Sight visibility triangle: The areas at the corners of an intersection of two roads, or at the intersection of a road and any driveway, which may vary based on type of road involved, that are to be kept free of vegetation, trees, shrubs, ground covers, berms, fences, buildings, structures, or other materials or objects that may impair or impede a person's ability to observe other persons or traffic on the adjacent intersecting roadway and/or driveway.

Street: An improved way for the conveyance of motor driven, rubber-tired vehicles, such as automobiles and trucks.

Street jog: The incidence where two streets or two portions of a single street are separated by a relatively short distance, usually at their intersection with another street. (See illustration)



Subdivision: The division of a tract or parcel of land into two (2) or more lots, building sites, lease lots, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development. The term shall include the opening of a new road, a change in existing roads, or divisions of land involving the extension of water, sewer, or gas lines. The term includes re-subdivision and, where appropriate to the context, relates to the process of subdivision or to the land or area subdivided.

Subdivision, major: The subdivision of a tract of land into two or more lots that involve the installation of a new road, and any subdivision involving six (6) or more lots regardless of whether or not installation of a new road is required.

Subdivision, minor: The subdivision of a tract of land into not more than five (5) lots in which the installation of a new road is not required, and where each lot has minimum required frontage on an existing state highway, county-owned public road, city street, or other public road.

Trail: A way designed for and used by equestrians, pedestrians, and/or cyclists using non-motorized bicycles.

Tree: Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least 2 inches and a height of at least 10 feet, and typically has one main stem or trunk and many branches.

Tree, hardwood: Any leaf-bearing (not needle-bearing) tree that is not coniferous (cone bearing). This definition is based on local use, and does not necessarily reflect any true qualities of the tree.

Tree, hazard: A tree, or any part thereof, that is at risk for failure and threatens the health, safety, or general welfare of a person(s) or property.

Tree, large canopy: A tree with a canopy that covers at least 1,600 square feet at maturity under urban conditions, with crown diameter of at least 45 feet at maturity.

Tree, medium canopy: A tree with a canopy that covers at least 900 square feet at maturity but less than 1,600 square feet under urban conditions, with a crown diameter of at least 35 feet at maturity.

Tree, native: A tree species that naturally occurs in the Piedmont area of Georgia.

Tree, small canopy: A tree with a canopy that covers at least 400 square feet at maturity but less than 900 square feet under urban conditions, with a crown diameter of at least 25 feet at maturity.

Tree, softwood: Any coniferous (cone bearing) tree, such as pine, fir, hemlock, cedar, etc. This definition is based on local use and does not necessarily reflect any true qualities of the tree.

Tree, street: A tree that is planted by or with the permission of the city within the right-of-way of a public or private street, or in an easement abutting such right-of-way, generally for purposes of canopy shade, beautification, and cooling of the microclimate.

Tree, understory: Any tree that grows beneath canopy trees and generally attains a height of less than 40 feet at maturity. Understory trees are shade tolerant tree species.

Tree, very small canopy: A tree with a canopy that covers at least 150 square feet at maturity but less than 400 square feet under urban conditions, with a crown diameter of at least 15 feet at maturity.

Tree canopy: The total area beneath the drip line of a qualifying tree.

Tree canopy coverage: The total area of a development site or building lot within the tree canopy of all qualifying trees on the site or lot, the actual coverage of which is measured in square feet and which is also required to be expressed as a percentage of the total area of a development site or building lot. Tree canopy coverage includes portions of the development site or building lot with tree canopy extending onto the development site or building lot from an abutting road right of way, or easement, or an abutting private lot within a designated tree protection area.

Tree protection area: An area designated for the purpose of preserving trees, protecting the root systems of trees or preserving natural areas, extending horizontally from the trunk to the critical root zone. For a group of trees, the tree protection zone includes the area within the group of trees and extending horizontally out to the critical root zones of the trees located along the entire perimeter of the group. This definition includes all areas designated for the purpose of meeting tree canopy coverage requirements, saving individual trees, or preserving natural buffers.

Utilities: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and including facilities for the generation of electricity.

Vacation: The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land.

Variance: A minimal relaxation or modification of the strict terms of this Ordinance as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular undue hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Vicinity map: A map, not necessarily to scale, showing the general location of the proposed subdivision or land development in relation to major roads and/or natural features.

Well: A hole or shaft excavated, bored, drilled, dug, or driven to tap an underground supply of water.

Xeriscaping: Landscaping characterized by the use of vegetation that is drought-tolerant or requires only low water use.

Zoning Administrator: A consulting planner if under contract with the city to provide planning and zoning administration functions, or if no such person or firm is appointed or under contract, the City Clerk of the City of Hoschton shall assume the functions of zoning administrator for the city.

**ARTICLE III  
GENERAL PROVISIONS**

- Sec. 301. Delegation of Authority to Zoning Administrator.
- Sec. 302. Delegation of Authority to City Engineer.
- Sec. 303. City Council Authority.
- Sec. 304. Jurisdiction.
- Sec. 305. Land is One Tract Until Subdivided.
- Sec. 306. Subdivision of Land.
- Sec. 307. Development of Land.
- Sec. 308. Building and Other Permits.
- Sec. 309. Public Roads and Lands.
- Sec. 310. Recording of Subdivision Plats.
- Sec. 311. Exemptions from Plat Approval.
- Sec. 312. Review of Subdivisions along State Routes.
- Sec. 313. Right of Way Encroachment Permit.
- Sec. 314. Retracement Survey.
- Sec. 315. Surveyor Certification Box for Retracement Surveys,
- Sec. 316. Easement Surveys.

**Sec. 301. Delegation of Authority to Zoning Administrator.**

- (a) The Hoschton City Council hereby delegates to the Zoning Administrator the authority to approve, conditionally approve, or disapprove final plats for minor subdivisions, lot combination plats, and boundary line adjustments, provided, however, such delegation does not authorize the Zoning Administrator to accept public improvements for the Hoschton City Council.
- (b) The Zoning Administrator is vested with the authority to review, approve, conditionally approve, or disapprove development plans.
- (c) No person shall refuse entry or access to the Zoning Administrator upon request to enter onto property for purposes of inspection, upon the presentation of appropriate credentials, nor shall any person obstruct, hamper or interfere with any such Zoning Administrator while in the process of carrying out his or her official duties.

**Sec. 302. Delegation of Authority to City Engineer.**

The City Engineer shall have authority and responsibility to review preliminary plats, development plans, and final plats for conformity with engineering, utility, and other technical requirements of this Ordinance and specifications of the City.

**Sec. 303. City Council Authority.**

The Hoschton City Council shall review and have decision making authority on applications for preliminary plat approval and final plat approval for major subdivisions, and applications for a variance to the strict terms of this Ordinance. *[Amended via Ordinance O-2021-04 adopted 4/19/21]*

**Sec. 304. Jurisdiction.**

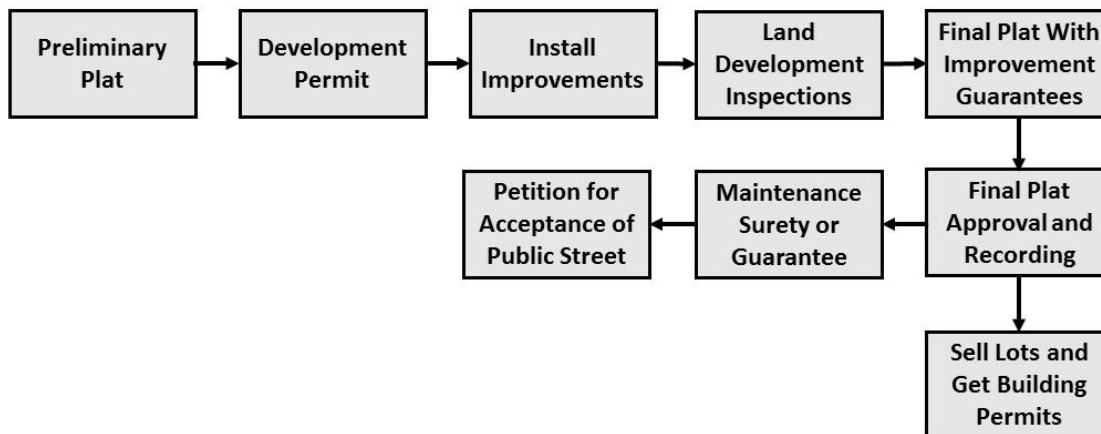
This Ordinance shall apply to all incorporated lands within the city limits of the City of Hoschton, Georgia.

**Sec. 305. 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, except land may be considered as multiple tracts if legally recorded as such before the effective date of this Ordinance.

**Sec. 306. Subdivision of Land.**

- (a) No person shall subdivide land except in conformance with this Ordinance.
- (b) It shall hereafter be unlawful for any person to sell, transfer, agree to sell, offer at public auction, negotiate to sell or subdivide any land until a preliminary plat, if required, and the final plat have been approved and the final plat recorded in accordance with this Ordinance. Said restriction applies to lands subdivided for non-residential as well as residential uses.
- (c) 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, Zoning Administrator or other official designated by the Hoschton City Council, may enjoin such transfer of, sale, or agreement by appropriate action.
- (d) No person shall subdivide land, and the Zoning Administrator shall not approve any subdivision of land, unless the lots created pursuant to said subdivision meet or exceed all applicable requirements of the zoning district in which it is located, as established by the Hoschton zoning ordinance.



### **Overview of the Subdivision and Development Process (With Public Street or Public Improvement)**

#### **Sec. 307. Development of Land.**

- (a) No person shall disturb or develop land or engage in development except in accordance with this Ordinance.
- (b) It shall hereafter be unlawful for any person to disturb or develop any land until a development plan, if required, has been approved by the Zoning Administrator in accordance with this Ordinance.
- (c) No person shall begin construction of any improvement on any lot prior to the approval of a preliminary plat, if required by this Ordinance, nor prior to approval of a development plan for said improvement as required by this Ordinance.

#### **Sec. 308. Building and Other Permits.**

No person shall construct or participate in the construction of any building or other structure or engage in any excavation, grading, or land disturbing activity on any parcel of land regulated by this Ordinance unless a development permit authorizing such activity has been issued in accordance with the provisions and procedures of this Ordinance and other zoning and development regulations as applicable.

#### **Sec. 309. Public Roads and Lands.**

No land dedicated as a public road or other public purpose shall be opened, extended or accepted as a public road or for any other purpose unless such dedication of public road is constructed in accordance with the specifications and procedures of this Ordinance and accepted by the Hoschton City Council in accordance with the provisions of this Ordinance.

#### **Sec. 310. Recording of Subdivision Plats.**

- (a) No subdivision plat, nor any part thereof, shall be recorded with the Clerk of Superior Court of Jackson County unless the Zoning Administrator has approved such plat for recording.

- (b) The Clerk of the Superior Court of Jackson 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 Zoning Administrator and contains the Zoning Administrator's signature thereon.

*[Amended 11/6/2017]*

**Sec. 311. Exemption from Plat Approval.**

The following types of land subdivision, transfer, and sale 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 or zoning requirements of the Hoschton Zoning Ordinance applicable to said subdivision:

- (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 for commercial, industrial, or institutional use.
- (d) The creation of leaseholds 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 approve development on such lots if the resulting lots or parcels fail to meet any applicable City regulations regarding lot size, lot width, and other dimensional requirements.

**Sec. 312. Review of Subdivisions along State Routes.**

- (a) No subdivision plat containing land which abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. 32-6-151.
- (b) If review of the subdivision has not already been secured, the city upon receipt of a proposed subdivision plat that includes or abuts on any part of the state highway system shall submit two copies of the proposed subdivision plat to the Georgia Department of Transportation.
- (c) The Georgia Department of Transportation, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the Zoning Administrator or recommend rejection.
- (d) Failure of the Georgia Department of Transportation to act within this 30-day period shall constitute approval by the department.

- (e) If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given to the Zoning Administrator in writing; but such recommendation shall be advisory only and shall not be binding.

**Sec. 313. Right of Way Encroachment Permit.**

A permit shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the City Engineer and, if applicable, the Zoning Administrator.

**Sec. 314. Retracement Survey.**

Pursuant to O.C.G.A. 44-2-26, the owner of real property, or of any interest therein or any holder of a lien thereon may file a plat of the property in the office of the clerk of superior court of the county in which the property or any part thereof is located. Said plat shall be considered a retracement survey that shall not require the Zoning Administrator's approval and shall be entitled to be filed and recorded, provided that it contains the surveyor certification box for retracement surveys specified in Sec. 315 of this ordinance; and provided further, the land surveyor shall state clearly the recording information of any document, map, plat, or other instrument which created any of the parcels depicted. The depiction of gores, overlaps, or other parcel delineation as may be necessary to remedy or address title issues or deficiencies shall be allowed as part of the retracement function.

*[Added via amendment 11/6/2017]*

**Sec. 315. Surveyor Certification Box for Retracement Surveys.**

- (a) Each plat of a retracement survey shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

“This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.”

- (b) The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.

*[Added via amendment 11/6/2017]*



**Sec. 316. Easement Surveys.**

Plats that depict existing or proposed easements, including for any purpose including utilities, access, no access, utilities, or for conservation purposes, may be recorded using the certification for retracement surveys, provided that there are no changes to any real property boundaries, and provided that the plat is drawn to specifications required by state law for recording. Plats bearing the certification required for retracement surveys shall be entitled to recordation without further review or local approval.

*[Added via amendment 11/6/2017]*

**ARTICLE IV  
PRELIMINARY PLAT**

- Sec. 401. Preliminary Plat Required.
- Sec. 402. Pre-Application Conference.
- Sec. 403. Application for Preliminary Plat Approval.
- Sec. 404. Preliminary Plat Specifications.
- Sec. 405. Preliminary Plat Process Administration.
- Sec. 406. Review for Completeness and Application Acceptance.
- Sec. 407. Distribution and Agency Review of Preliminary Plat.
- Sec. 408. Reserved.
- Sec. 409. City Council Review and Action.
- Sec. 410. Duration of Preliminary Plat Approval.
- Sec. 411. Amendments to Preliminary Plat Approval.

**Sec. 401. Preliminary Plat Required.**

Any subdivision involving the dedication of a public street or public land, a new private street, or requiring a public improvement, shall require the submission and approval by the city of a preliminary plat.

**Sec. 402. Pre-Application Conference.**

- (a) Whenever a person proposes the subdivision of a tract of land or any land development, he is encouraged (but not required) to consult early and informally with the Zoning Administrator in the form of a pre-application conference.
- (b) A pre-application conference is intended to permit an early evaluation of the subdivider's or land developer's intentions, to ensure coordination with the comprehensive plan, and to provide the subdivider or land developer with the necessary laws, rules, and regulations in order to properly accomplish the proposed project.
- (c) The prospective 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.
- (d) No fee shall be charged for the pre-application review unless specifically included in a fee schedule adopted by the Hoschton City Council, and no formal application shall be required.

**Sec. 403. Application for Preliminary Plat Approval.**

An application for preliminary plat approval shall be submitted to the Zoning Administrator. The application shall include the following:

- (a) Completion of an application form with information specified by the Zoning Administrator, including but not limited to owner information. The owner, or agent if so authorized, shall sign the application attesting to the accuracy of the application and confirming authority and intent to submit the application for consideration.

- (b) Copies of the preliminary subdivision plat in a number as established by the Zoning Administrator, (15 printed copies and one digital copy unless otherwise specified) showing the entire ownership and drawn to the specifications required in Sec. 404.
- (c) Payment of the applicable application and review fees as established by the Hoschton City Council from time to time for a preliminary plat.

**Sec. 404. Preliminary Plat Specifications.**

The following specifications are required for a preliminary plat:

- (a) **Proposed name of subdivision.** The proposed name of the subdivision shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in the city or county. If shown to the contrary, the Zoning Administrator may refuse to accept such subdivision name.
- (b) **Plat scale and sheet size.** The preliminary plat shall be clearly and legibly drawn at a scale of 100 feet or less to 1 inch, unless another scale is approved by the Zoning Administrator. The recommended maximum dimensions of the sheet size is 36 inches by 48 inches and the minimum dimensions of 17 inches by 22 inches; however, the Zoning Administrator may approve other sheet sizes as appropriate. For property of over 100 acres, a smaller scale may be used where, in the judgment of the Zoning Administrator, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.
- (c) **Owner and professional contact information.** Name, mailing address, telephone and fax numbers and e-mail address of the property owner and the professional preparing the preliminary plat.
- (d) **Miscellaneous.** Date of boundary survey, north point and graphic scale, source of data, date of plan drawing, and, if any, revision dates.
- (e) **Location and tract boundaries.** Location and size of the property in acres (or in square feet if less than an acre), and the external boundaries of the tract to be subdivided or developed shown by bearings and distances. The preliminary plat must reference and be based on a boundary survey of the exterior boundaries of the proposed subdivision, prepared by a registered land surveyor.
- (f) **Vicinity map.** A location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, and major water courses. Vicinity maps must be drawn at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey 1: 2000 quadrangle maps may be used as a reference guide or as the required vicinity map, provided that property boundaries are generally superimposed.
- (g) **Abutting property information.** Names of adjoining property owners per recorded deeds, and zoning districts of all adjoining properties.
- (h) **Prior subdivision.** Name of former approved subdivision, if any, for all of the land in the preliminary plat that has been previously subdivided, showing boundaries of same.

- (i) **Zoning.** Zoning district boundaries and zoning designation(s) of the subject property and, if applicable, overlay zone boundaries.
- (j) **Application number and conditions.** Rezoning, special use, and variance application number, date of approval, and conditions of approval, if applicable.
- (k) **Natural features and flood plains.** Natural features within the property, including topographic contours at no less than five-foot intervals, drainage channels, bodies of water, wetlands, streams with required buffer designated, wooded areas and other significant natural features such as groundwater recharge areas and rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be delineated.
- (l) **Streets, easements, political boundaries and built features.** Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, existing buildings to remain, and other features.
- (m) **Subdivision block and lot layout.** The proposed subdivision layout including lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the approximate dimensions of the width and depth of each lot. The total number of lots in the subdivision and the total acreage in the tract to be subdivided shall be indicated. Lots shall be numbered consecutively in a clockwise fashion, and the approximate land area of each lot shall be indicated for each lot. The proposed phasing of the subdivision shall be indicated, if it is proposed to be platted in phases.
- (n) **Water and sewage disposal.** A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of soil tests or percolation tests as required and approved by the Jackson County Health Department.
- (o) **Stormwater management.** The approximate location of proposed storm water detention facilities. Compliance with stormwater management requirements of this ordinance and other city ordinances shall not be required at the time of preliminary plat approval but will be required for the issuance of a development permit.
- (p) **Public land reservations.** In addition to public streets, the preliminary plat shall indicate land to be dedicated for public use, if any.
- (q) **Additional information.** Additional information as may be required by the Zoning Administrator to ensure compliance with this Ordinance.
- (r) **Certificate of preliminary plat approval.** A place for the Zoning Administrator and the City Engineer to sign the preliminary plat, upon their approval, evidencing that the preliminary plat meets the requirements of this Ordinance. Unless otherwise approved, the certificate of approval shall be provided as follows:

### “CERTIFICATE OF PRELIMINARY PLAT APPROVAL

All applicable requirements of the City of Hoschton ordinances relative to preliminary platting having been fulfilled, approval of this preliminary plat is hereby granted by the Hoschton Zoning Administrator and the City Engineer subject to further compliance with all provisions of said development regulations.

\_\_\_\_\_  
Zoning Administrator, City of Hoschton

Date \_\_\_\_\_

\_\_\_\_\_  
City Engineer, City of Hoschton

Date \_\_\_\_\_

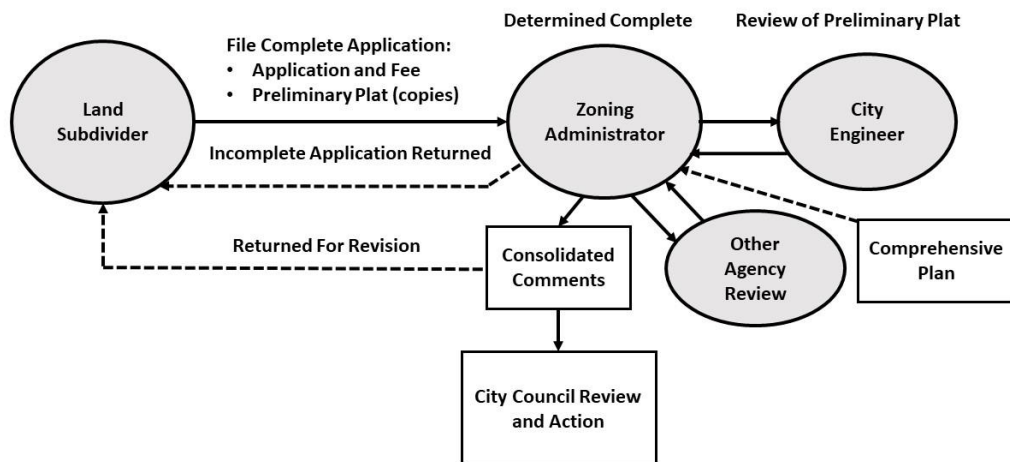
This approval does not constitute approval of a development permit or of a final subdivision plat. This certificate of preliminary plat approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced.

NOT FOR RECORDING”

#### **Sec. 405. Preliminary Plat Process Administration.**

The Zoning Administrator is responsible for administering the review and approval process for preliminary subdivision plats, which shall not be inconsistent with the provisions of this article. The procedures of this article may be supplemented by the Zoning Administrator where additional specification is required.

#### **PRELIMINARY PLAT**



[Amended via Ordinance O-2021-04 adopted 4/19/21]

**Sec. 406. Review for Completeness and Application Acceptance.**

Upon receipt of a preliminary plat application, the Zoning Administrator shall review the application for completeness within no more than 10-calendar work days from the time of submission. Incomplete applications will not be processed and will be returned to the applicant.

**Sec. 407. Distribution and Agency Review of Preliminary Plat.**

- (a) The Zoning Administrator shall promptly forward a copy of the preliminary plat application to the City Engineer and other city departments as may be appropriate, as well as the Georgia Department of Transportation if the proposed subdivision has frontage on or proposes access to a state or federal road, for their review and comment.
- (b) Agency review shall specifically include the approval from the Jackson County Health Department if septic tanks are proposed.
- (c) Within no more than 30 calendar days following the date the application was determined complete, during which agency review shall be completed, the Zoning Administrator shall indicate on the preliminary plat or in writing all comments related to compliance with this article and the Zoning Ordinance.
- (d) During this review period, the Zoning Administrator shall also review the preliminary plat for compliance with policies of the comprehensive plan. If it is determined that the preliminary plat is not in compliance or is inconsistent in one or more respects with the policies of the comprehensive plan or the requirements of city zoning and development ordinances, the Zoning Administrator shall recommend disapproval or may recommend conditional approval of the preliminary plat such that it is consistent with the comprehensive plan and meets all applicable requirements of city's zoning, subdivision and development ordinances.
- (e) The Zoning Administrator shall provide all comments to the applicant for resolution, who shall work with each department or review agency as necessary to resolve all issues.

**Sec. 408. Reserved.** *[Amended via Ordinance O-2021-04 adopted 4/19/21]*

**Sec. 409. City Council Review and Action.**

- (a) Upon completion of the agency review of a preliminary plat application, the Zoning Administrator shall schedule the application for the next regularly scheduled meeting of the Hoschton City Council and forward all pertinent materials in the application to the Hoschton City Council for review and action. *[Amended via Ordinance O-2021-04 adopted 4/19/21]*
- (b) The applicant or his or her authorized representative shall attend the Hoschton City Council meeting at which preliminary plat approval is sought. The Hoschton City Council may elect to take no action on a preliminary plat application unless the subdivider or his or her authorized representative is present.

- (c) Meetings of the Hoschton City Council during which a preliminary plat is considered shall be open to the public, but the Hoschton City Council shall not be required to provide notice to adjacent or nearby property owners of the application and shall not be required to convene a public hearing on the matter. This shall not preclude the Hoschton City Council from recognizing and hearing from any member of the public, when in its judgment it may be advantageous to do so.
- (d) The Hoschton City Council shall approve, conditionally approve, or deny the preliminary plat application within thirty-five (35) calendar days from the date it first considers a preliminary plat application at one of its public meetings. The time limitation imposed in this Section shall be suspended when an applicant fails to attend the meeting at which his preliminary plat application is scheduled for consideration by the Hoschton City Council.
- (e) The basis of the Hoschton City Council's action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Ordinance and other applicable laws and is consistent with the comprehensive plan.
- (f) Following City Council approval of the preliminary plat, the Zoning Administrator and City Engineer shall sign the preliminary plat.

**Sec. 410. Duration of Preliminary Plat Approval.**

- (a) Approval of a preliminary plat by the Hoschton City Council shall be valid for a period of two (2) years, during which time a complete application for development plan approval must be submitted.
- (b) If a completed application for development plan approval is not submitted within two (2) years after preliminary plat approval, said approval shall expire and be null and void.

**Sec. 411. Amendments to Preliminary Plat Approval.**

- (a) Upon application by the property owner or his designated agent, the Zoning Administrator is authorized to approve minor amendments to preliminary plats (i.e., those that do not affect the public or private road configuration and which do not increase the number of lots).
- (b) The requirements and procedures for all other amendments to preliminary plats shall be the same as for preliminary plat applications.

**ARTICLE V  
DESIGN REQUIREMENTS FOR BLOCKS AND LOTS**

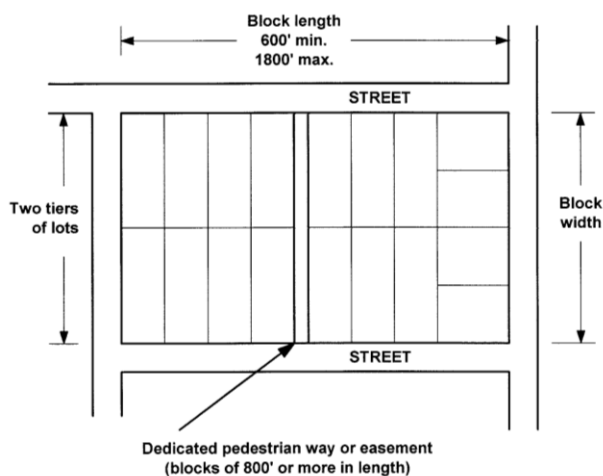
- Sec. 501. Suitability of Land.
- Sec. 502. Block Lengths and Widths.
- Sec. 503. Lot Size, Width and Depth.
- Sec. 504. Lot Lines.
- Sec. 505. Double Frontage Lots.
- Sec. 506. Flag Lots.
- Sec. 507. Lot Remnants Not Permitted.
- Sec. 508. Monuments.

**Sec. 501. Suitability of Land.**

Land physically unsuitable for subdivision because of flooding, poor drainage, steep slopes, rock formations or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the subdivider for solving the problems.

**Sec. 502. Block Lengths and Widths.**

Intersecting roads shall be provided at such intervals so as to provide adequate cross traffic and connectivity. Blocks in residential subdivisions should not exceed one thousand eight hundred (1800) feet nor be less than six hundred (600) feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of blocks.



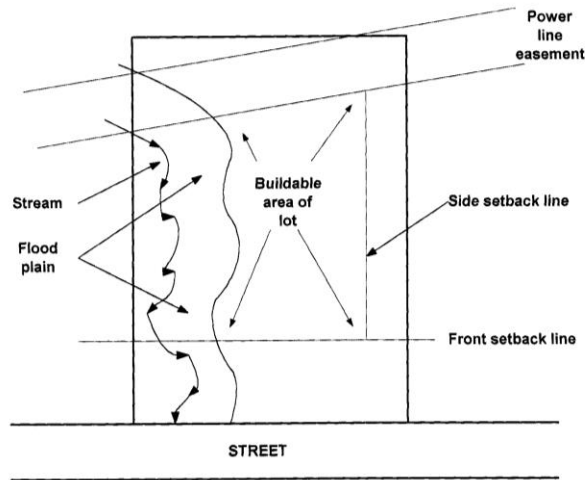
**Block Length, Block Width, and Pedestrian Way**

The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-road parking and deliveries.



**Sec. 503. Lot Size, Width, and Depth.**

- (a) Lots shall meet any minimum area requirements established by the City of Hoschton Zoning Ordinance. Where individual septic tanks are permitted, lots shall meet minimum lot sizes to conform to health standards of the state of Georgia as approved by the Jackson County Health Department, or the minimum lot size of the City of Hoschton Zoning Ordinance, whichever is greater.
- (b) Residential lots should have a depth not greater than three (3) times the width of the lot at the building line, unless unusual circumstances make these limitations not practicable. Residential corner lots should have widths to meet adequate or required building setbacks from both abutting roads.
- (c) Commercial and industrial or other non-residential lots should be adequate to provide service areas and off-road parking suitable to use intended.
- (d) Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or any required yards/ building setback lines.



**Adequate Building Area Required**

**Sec. 504. Lot Lines.**

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

**Sec. 505. Double Frontage Lots.**

Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or overcome specific disadvantages of topography or orientation. The Zoning Administrator may require a no-access, planting screen easement of at least 10 feet, across which there shall be no right of access, along the line of lots abutting an arterial street or other disadvantageous use.

**Sec. 506. Flag Lots.**

- (a) **Intent.** Flag lots, as defined in this Ordinance, are strongly discouraged. However, subdivisions designed with one or more flag lots may be approved where conditions of hardship make standard design or frontage impossible or impractical due to the configuration of the lot to be subdivided.

- (b) **Denial if reasonable alternative exists.** The Zoning Administrator in the case of minor subdivisions and the Hoschton City Council in the case of other subdivisions shall have due cause but shall not be required to deny any plat that proposes any flag lot, when a reasonable alternative to such lot pattern is available.
- (c) **Panhandle (flag pole) length restriction.** If permitted, no flag lot shall be allowed to be platted that has a “panhandle” portion (i.e., portion that does not meet the required lot width) that is more than 400 feet in length.
- (d) **Prohibition of abutting flag lots.** If permitted, no more than two flag lots shall abut one another in any subdivision.

**Sec. 507. Lot Remnants Not Permitted.**

All remnants of lots below any minimum lot size that may be required, left over after subdividing of a larger tract, must be added to adjacent lots rather than allowed to remain as unusable parcels. The Zoning Administrator may permit a lot remnant for a specific purpose, such as a detention pond, provided that access and design are appropriate and the lot remnant is restricted to a specific non-building use, with said restrictions recorded on the final plat.

**Sec. 508. Monuments.**

- (a) For all subdivisions, a Georgia registered land surveyor shall install permanent survey monuments at all property corners and land lot lines, prior to final plat approval.
- (b) Lot corners shall be marked with metal rods not less than 1/2" in diameter and 18" in length and driven so as to be stabilized in the ground.
- (c) Permanent survey monuments shall also be installed in accordance with the most recent edition of Sec. 180-7-.05 of the Rules of State Board of Registration for Professional Engineers & Land Surveyors and the Georgia Plat Act (O.C.G.A. 15-6-67).

**ARTICLE VI  
ACCESS AND DESIGN REQUIREMENTS FOR ROADS**

- Sec. 601. Access.
- Sec. 602. Conformance to Adopted Major Thoroughfare and Other Plans.
- Sec. 603. Continuation of Existing Roads.
- Sec. 604. Tract Plan for Future Roads and Phases.
- Sec. 605. Road Names.
- Sec. 606. Road Alignment, Intersections, and Jogs.
- Sec. 607. Subdivision and/or Development along State Highway.
- Sec. 608. Bridges.
- Sec. 609. Driveways and Deceleration Lanes on State Routes.
- Sec. 610. Road and Traffic Control Signs.
- Sec. 611. Reference to Other Improvement Specifications.
- Sec. 612. Alleys.
- Sec. 613. Road Right-of-Way Widths, Miters, and Pavement Widths.
- Sec. 614. Paving and Other Specifications.
- Sec. 615. Road Grade and Vertical Curves.
- Sec. 616. Curb Radii.
- Sec. 617. Curb and Gutter.
- Sec. 618. Sidewalks and Paths.
- Sec. 619. Street Lights.
- Sec. 620. Residential Driveways.
- Sec. 621. Non-Residential Driveways.
- Sec. 622. Construction Entrance/Exit.
- Sec. 623. 911 Addresses.
- Sec. 624. Private Streets.

**Sec. 601. Access.**

Every development and every lot shall have access to the public street system via an approved roadway or driveway.

*[Section amended via Ord. No. O-21-04, adopted July 19, 2021]*

**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 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 amended via Ord. O-23-05 adopted 12-18/23]*

**Sec. 603. Continuation of Existing Roads.**

Existing roads shall be continued at the same or greater width, but in no case less than the required width, when new roads are constructed.

**Sec. 604. Tract Plan for Future Roads and Phases.**

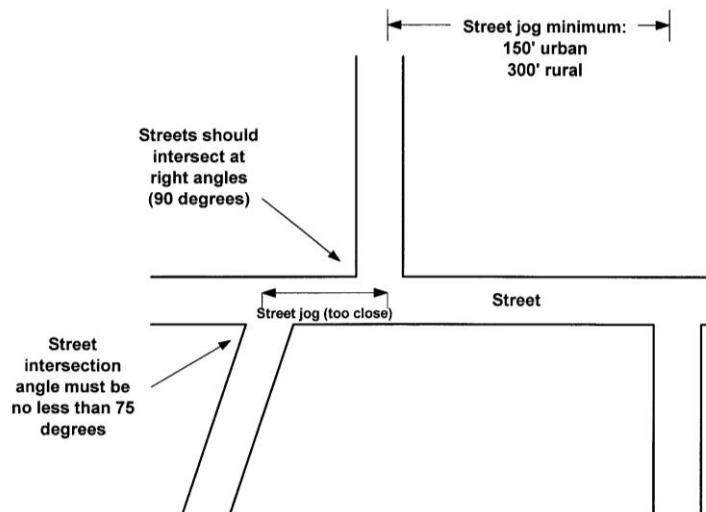
Where the land proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future road system for the portion not slated for immediate subdivision or land development consideration shall be required by the Zoning Administrator. When such tentative plan is required, it shall be prepared and submitted by the subdivider or land developer at the time of submission of an application for preliminary plat or development plan approval, whichever occurs first.

**Sec. 605. Road Names.**

- (a) Road names shall be reviewed for correct usage and reasonable meanings consistent with the language used and are subject to the approval of the Hoschton City Council after recommendation from the Zoning Administrator and 911 Coordinator.
- (b) Names of new roads shall not duplicate or closely approximate those of existing roads in the City or County, regardless of the use of any suffix such as "road," "avenue," "boulevard," "drive," "place," "way," "court," or other designation.
- (c) The term "parkway" shall not be appropriate for an undivided, two-lane road.
- (d) Roads that are a continuation of or in alignment with existing named roads shall be given the name of the existing road.

**Sec. 606. Road Alignment, Intersections, and Jogs.**

- (a) Roads shall be aligned to join with planned or existing roads.
- (b) Under normal conditions, roads shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a road intersection be less than 75 degrees.
- (c) Where offsets or jogs cannot be avoided, offset "T" intersections shall be separated by a minimum centerline offset of 300 feet.



Intersection Angles and Street Jogs

**Sec. 607. Subdivision and/or Development along State Highway.**

- (a) Where a major subdivision abuts or contains a state highway, the City may require a road or access drive approximately parallel to and on each side of such right-of-way as a marginal access road, from which the lots shall be accessed instead of the state highway. In such cases, or where access to a state highway is otherwise not permitted, the City shall require a ten-foot-wide, no-access easement be shown on the final plat and with a prohibition against travel across it.
- (b) No subdivision plat containing land that abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. 32-6-151 and this ordinance.

**Sec. 608. Bridges.**

Bridges on public rights-of-way shall meet current American Association of State Highway and Transportation Officials standards or other standard adopted by the City of Hoschton, or in lieu of such standards being adopted, the standards for bridges adopted by Jackson County.

**Sec. 609. Driveways and Deceleration Lanes on State Routes.**

For subdivisions or land developments accessing state routes, the Georgia Department of Transportation requires a driveway permit and may require the installation of deceleration lanes and/or other improvements per its *Regulations for Driveways and Encroachment Control*, as most recently revised. Such state approval and driveway permit shall be a precondition of development permit approval.

**Sec. 610. Road and Traffic Control Signs.**

- (a) Road and traffic control signs shall be provided and installed by the subdivider along new public roads.
- (b) The Zoning Administrator may require the installation of such signs by the City after the payment of fees to the City for the installation thereof.
- (c) All land developments shall be provided with traffic control signs (e.g., speed limits, direction of travel, etc.) if necessary, subject to the approval of the City Engineer and the Zoning Administrator.

**Sec. 611. Reference to Other Improvement Specifications.**

- (a) Minimum rights-of-ways, paving widths, and other requirements for improvement shall be in accordance with minimum standards specified in this Ordinance. In the absence of specific standards for roads and/or improvements within public rights-of-ways, however, such unspecified materials and methods of construction shall be in accordance with one or more of the following standards incorporated by reference:
- (b) Unless otherwise specifically set forth in this ordinance, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction shall conform to one or more of the following as appropriate and applicable:
  - 1. The latest standard specifications of the Georgia Department of Transportation;
  - 2. The latest edition of *AASHTO Policy on Geometric Design of Highways and Streets*; and/or
  - 3. The *Manual on Uniform Traffic Control Devices for Streets and Highways* published by the Federal Highway Administration of the U.S. Department of Transportation.

**Sec. 612. Alleys.**

Alleys may be provided and may be required at the rear of all lots used for multi-family, commercial or industrial developments. Alleys may also be provided in one or two-family residential developments.

**Sec. 613. Road Right-of-Way Widths, Miters, and Pavement Widths.**

- (a) Each new city street installed by a subdivider or land developer shall meet the specifications of this section.

| Street Type   | Minimum Right-Of-Way Width (Feet) | Minimum Pavement Width (Feet)        |
|---|-----------------------------------|--------------------------------------|
| Major arterial street   | Per thoroughfare plan             | Per thoroughfare plan                |
| Collector street  | 80                                | 36                                   |
| Local residential street with curb and gutter <i>[Amended 5-7-2018]</i>               | 50                                | 26<br>(back of curb to back of curb) |
| Local residential street without curb and gutter <i>[Added by amendment 5-7-2018]</i> | 60                                | 26<br>(back of curb to back of curb) |
| Cul-de-sac turn around radius, local residential street                               | 50                                | 40<br>(back of curb)                 |
| Local commercial/industrial street with curb and gutter                               | 60                                | 28<br>(back of curb to back of curb) |
| Cul-de-sac turn around radius, local commercial/ industrial street                    | 60                                | 50<br>(back of curb)                 |
| Alley, residential  | 30                                | 16                                   |
| Alley, commercial/industrial  | 30                                | 20                                   |

(b) In addition to the specified right-of-way widths, the City may require right-of-way miters at all intersections to provide area for adequate utility location and maintenance. Twenty (20) foot miters shall be provided at the right-of-way intersection of a city street and any state highway. Ten (10) foot miters shall be provided at the right-of-way intersection of any city street with a county public road or other city street if less than an eighty (80) foot right-of-way exists.

(c) In the case an existing city or county public road abuts the subdivision or land development, the pavement width shall be no less than the adopted standard for the city or county public road, and if insufficient to meet that standard the subdivider or developer shall improve one-half of the required road pavement to City or County standards, as measured from the centerline of the road, along the entire property frontage, as a condition of development permit approval.

**Sec. 614. Paving and Other Specifications.**

The minimum base and paving of public streets in the city, and other specifications, shall be as provided in Jackson County Standard Details for the street type proposed, on file with and available from the Jackson County Department of Public Development.

**Sec. 615. Road Grade and Vertical Curves.**

Road grades shall be no greater than 12 percent slope, and vertical curves shall not be less than 200 feet in length. The minimum profile grade of roads shall be one (1) percent.

**Sec. 616. Curb Radii.**

The curb-line radius at street intersections shall be at least twenty-five (25) feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required. For

commercial and industrial subdivision streets, a minimum forty (40) foot curb-line radius shall be provided.

**Sec. 617. Curb and Gutter.**

Curb and gutter shall be required for new streets and along property frontages to be subdivided or developed abutting existing city, county, or state roads. All curb and gutter shall conform to the following specifications:

- (a) Concrete shall be class "A" and have a minimum strength of 3,000 psi at 28 days.
- (b) The typical minimum section of vertical curb shall be 6 inches x 24 inches x 12 inches.

**Sec. 618. Sidewalks and Paths.**

Sidewalks shall be provided in accordance with the following requirements:

- (a) Sidewalks shall be a minimum of five (5) feet in width.
- (b) Sidewalks shall be installed along both sides of new residential and commercial subdivision streets. Subject to the approval of the City Council, a subdivider may propose that sidewalk construction for individual lots within a subdivision be the responsibility of the lot owner at the time of building or development.
- (c) For major subdivisions and all land developments, sidewalk shall be installed by the subdivider or developer along the entire frontage of the property abutting an existing street.
- (d) Sidewalks shall not be less than two (2) feet from street curbs or the edge of required pavement. The sidewalk location may be varied at the discretion of the Zoning Administrator.
- (e) All driveway aprons over sidewalk areas shall be paved with concrete by the developer or builder.
- (f) Sidewalks shall be four (4) inches thick (depth of paving) concrete (3,000 psi at 28 days).
- (g) When sidewalks are required, the subdivider shall furnish and install all required sidewalk materials without cost to the City, in accordance with City Specifications.
- (h) The city may require additional width for the installation of multi-use or golf-cart paths when called for in the comprehensive plan or city improvement plans.

**Sec. 619. Street Lights.**

New subdivisions in the City of Hoschton shall require street lights be installed by the subdivider. Street lights shall be provided in accordance with specifications of the electricity provider by the subdivider in the subdivision and shall be installed prior to the approval of a final plat. Fixtures and standards/poles installed or used shall be approved by the City and by the utility company. The fixtures shall be mounted no more than thirty (30) feet above the ground



and shall have appropriate arm length or power to place light over the street. Post top luminaries may be permitted when approved by the Zoning Administrator. Fixtures shall be located no more than five hundred (500) feet apart, unless approved by the Zoning Administrator, and, when provided, at least one light shall be located at each public or private street intersection within the subdivision or land development.

The developer shall pay all costs for poles, fixtures and any other related items or materials necessary for the installation of street lights, as well as arrange an agreement with the utility company for complete maintenance of all installations. The operation and maintenance costs of street lights, including monthly payments to the power company for electrical energy for each street light in the subdivision, shall be paid for by the developer through the month of final plat approval by City Council and by the homeowner's association or property owner's association with jurisdiction starting the 1<sup>st</sup> of the month following the date of final plat approval by City Council. A special tax district or other arrangement may be established and required by the city to pay for the costs of street light operations and maintenance in any case where there is no homeowner's or property owner's association with jurisdiction. *[Amended Ord. 2022-06 Adopted 11-21-2022]*

**Sec. 620. Residential Driveways.**

All entrances or exists of any driveway from or to any state or federal highway shall be subject to the approval of the Georgia Department of Transportation. Along city streets, residential driveways shall be designed and constructed to the following standards:

- (a) Width: 8 feet minimum, except for shared driveways which shall be at least 12 feet wide. A residential driveway shall not exceed a width (measured at the right of way line of the street to which the driveway is connected) of 12 feet, unless the driveway serves a garage or carport designed to park two or more cars located within 40 feet of the right of way, in which case the maximum residential driveway width shall be 20 feet. The maximum driveway widths of this paragraph shall not be construed to prevent additional surfacing for purposes of connecting the driveway to a garage or carport, or for additional uncovered parking, or for additional maneuvering space on the lot.
- (b) Spacing from road intersection: Minimum 40 feet.
- (c) Angle of intersection with street: Right angled (80 degrees to 100 degrees).
- (d) Drainage: As approved by the City Engineer (18-inch culvert typical where curb and gutter do not exist).
- (e) Cross-drain at street: As approved by the City Engineer (18-inch culvert typical).
- (f) Locations: Driveways should be restricted to locations where movements into and out of them can occur in a safe and orderly manner.
- (g) Sidewalk transitions. Where a sidewalk is provided or planned, the driveway shall be designed and constructed with sidewalk transitions as appropriate.

**Sec. 621. Non-Residential Driveways.**

All entrances or exists of any driveway from or to any state or federal highway shall be subject to the approval of the Georgia Department of Transportation. Along city streets, non-residential driveways shall be designed and constructed to the following standards:

- (a) Two-Way Width: 24 feet minimum and 32 feet maximum.
- (b) One-Way Width: 12 feet minimum and 18 feet maximum.
- (c) Spacing from street intersection: Minimum 50 feet.
- (d) Angle of intersection with street: Right angled (80 degrees to 100 degrees).
- (e) Drainage: As approved by the City Engineer (18-inch culvert typical).
- (f) Cross-drain at street: As approved by the City Engineer (18-inch culvert typical).
- (g) Paving: Required per specifications adopted by the City.
- (h) Locations: Driveways should be restricted to locations where movements into and out of them can occur in a safe and orderly manner.
- (i) Sidewalk transitions. Where a sidewalk is provided or planned, the driveway shall be designed and constructed with sidewalk transitions as appropriate.

**Sec. 622. Construction Entrance/Exit.**

Construction entrances/exits onto hard surface public roads shall be improved with a minimum of six (6) inches of coarse aggregate (crushed stone) for a minimum width of twenty (20) feet and a minimum length of fifty (50) feet as approved by the Zoning Administrator. It shall be a violation of this Ordinance to track mud and dirt onto City, County and State roads.

**Sec. 623. 911 Addresses.**

All 911 address number requirements must be met by each principal structure along the road.

**Sec. 624. Private Streets.**

- (a) **Approval.** Private streets may, upon application, be permitted by the City Council. Approval shall be sought and obtained as a part of preliminary plat approval.
- (b) **Conditions of approval.** The city may impose conditions on the approval of private streets to ensure various public purposes and to mitigate potential problems with private streets.
- (c) **Standards.** Private streets shall be constructed to all standards for public streets as specified in this Ordinance, unless otherwise specifically approved by the Hoschton City Council.

- (d) **Final plat requirement.** Easements for private streets shall be designated on final plats as general purpose public access and utility easements, along with the name of said private street, as approved.
- (e) **Maintenance agreement.** The City shall not maintain, repair, resurface, rebuild, or otherwise improve streets, signs, drainage improvements or any other appurtenances within general purpose public access and utility easements established for private streets. A private maintenance covenant recorded with the Jackson County Clerk of the Superior Court shall be required for any private street and other improvements within general purpose public access and utility easements established for private streets. The covenant, the language of which is subject to approval by the City Attorney, shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, rights to the use of easements, and other pertinent considerations.

**Sec. 625. Golf Cart or Multi-use Path.**

When required by the city, golf cart paths and multi-use paths shall meet the following requirements:

- (a) **Width.** Unless otherwise approved by the zoning administrator, the standard minimum width of a golf cart or multi-use path shall be twelve (12) feet.
- (b) **Pavement, base and shoulder.** Pavement of the path shall be two-inches of 9.5 mm Superpave asphalt over a minimum four (4) inches of compacted, aggregate base. The aggregate base shall extend a minimum of three (3) feet on both sides of the path. The three-foot shoulders shall be backfilled and grassed after pavement of the path.
- (c) **Vertical clearance.** Vertical clearance for the path shall be a minimum of eight (8) feet.
- (d) **Drainage.** Where existing ground conditions require cross drainage under paths, the pipe size and alignment of the culverts shall be as required and approved by the city engineer.
- (e) **Right of way or easement.** When a golf cart or multi-use path is constructed outside of a public or private road right of way, the city may require that the path, along with a minimum 20-foot wide right of way, be dedicated to the city. Paths may be authorized to be located within city-imposed stream buffers and impervious surface setbacks but not within state-imposed stream buffers. When not required to be dedicated to the city, the path shall have a minimum 20-foot-wide access easement. If a path is constructed outside of a public or private road right of way and alongside a water or sewer line, the easement shall be a combined utility and access easement of at least 30 feet in width.

*[Section added via Ord. No. O-21-04, adopted 7/19/2021]*

**ARTICLE VII  
STORM DRAINAGE AND UTILITIES**

- Sec. 701. Easements.
- Sec. 702. Storm Drainage System.
- Sec. 703. Water System.
- Sec. 704. Fire Hydrants.
- Sec. 705. Sanitary Sewerage System.
- Sec. 706. Utilities.

**Sec. 701. Easements.**

- (a) Where a subdivision or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water or drainage easement of at least twenty (20) feet in width. Easements for storm pipes shall be at least fifteen (15) feet wide, and all easements shall be provided for all drainage facilities as approved by the City Engineer and the Zoning Administrator.
- (b) Where easements are needed for utility locations, they shall be provided by the subdivider or land developer to the appropriate utility provider. Easements having a minimum width of fifteen (15) feet shall be provided where required for utility lines and underground mains and cables. Where easements are needed for public water and/or sewer lines, they shall be provided as determined appropriate by the utility provider and the Zoning Administrator but shall be no less than twenty (20) feet wide.
- (c) All easements required pursuant to this Section shall be shown on any required final plat and development plan.

**Sec. 702. Storm Drainage System.**

No land shall be platted or developed except in accordance with the city's stormwater management ordinance (Chapter 21, Code of Ordinances of the City of Hoschton). At a minimum, storm drainage in subdivisions and land developments shall meet the following requirements:

- (a) The storm drains along with catch basins and manholes shall be installed in compliance with the plans and specifications, and as indicated herein.
- (b) Every subdivision or land development shall be served by storm drainage facilities, including drains, sewers, catch basins, culverts and other facilities as required by standards and specifications of the City Engineer.
- (c) All drainage facilities shall be so designed to serve the entire drainage area in which these facilities are located. All road drains serving lots in the subdivision shall be installed by the subdivider. A formula may be developed by the City Engineer to provide for a sharing of the cost of other drainage facilities needed to serve the subdivision when certain of the required drainage facilities are necessary to serve other subdivisions or land developments in the same drainage basin.
- (d) Storm sewers, where required, shall be designed by the Rational Method, or other methods proposed by a professional engineer and accepted by the City Engineer as a

substitute for the Rational Method, and a copy of design computations shall be submitted along with required plans. Capacity for a 25-year storm or rain shall be provided for all road drainage structures such as catch basins, inlets cross drains, etc., except that along state rights-of-ways the design shall meet standards of the Georgia Department of Transportation.

- (e) All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the City Engineer. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot or land development site to adjacent lots, land development sites, or vacant properties. Storm water shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters. The water quantity flowing into the stream must not disrupt or degrade the ecology of the water body.
- (f) Whenever drainage ditches are used, such ditches shall retain natural design characteristics and be so designed that they do not present a hazard to life and safety or create erosion problems.
- (g) All drainage features shall be in accordance with standards and specifications of the City of Hoschton as may be recommended by the City Engineer, and no extension shall be made from the road drainage through the abutting property without approval of the City Engineer.

**Sec. 703. Water System.**

All water mains, where provided, shall be designed by a professional engineer and installed along with a service connection for each lot or land development and be in operating condition prior to final plat approval, if required, and paving installation. All pipes, valves, and other components shall conform to City of Hoschton specifications and are subject to the approval of the City Engineer.

**Sec. 704. Fire Hydrants.**

Fire hydrants, if required, shall be located and set in accordance with City of Hoschton and Fire District specifications. Fire hydrants shall be required for all nonresidential land developments and all subdivisions where a municipal water supply exists. In such cases, fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the City of Hoschton and Fire District. Fire hydrants shall be located with separation distances approved by the Fire District. Hydrants, fittings, valves and Fire District connections shall be approved by the Fire District. Fire District connections shall be not less than 18 inches or more than 36 inches above the level of the adjoining ground or paving. The thread of such connections shall be uniform with that used by the Fire District. To eliminate repavement of roads, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a road within the right-of-way shared by such underground utilities.

**Sec. 705. Sanitary Sewerage System.**

When public sanitary sewers are within reasonable access of the subdivision or land development, the subdivider or land developer shall provide sanitary sewer services designed by a professional engineer licensed in the State of Georgia to each lot within the bounds of the subdivision, or to the land development. All road sewers, where required, serving lots in the subdivision shall be installed by the subdivider. A formula may be developed by the City Engineer to provide for a sharing of the costs of other sewer facilities needed to serve the subdivision or land development when certain of the required sewer facilities are necessary to serve other subdivisions or land developments in the same drainage basin.

When a public sanitary sewer is not accessible, an alternate method of sewage disposal for each lot or the land development may be used when in compliance with the standards of the Jackson County Health Department, if accepted by the Hoschton City Council. If public sewerage is not available, but is expected to be available within a reasonable time period after completion of the subdivision or land development, an alternate method for sewage disposal for individual lots or the land development will be required on an interim basis. In such instances, unless otherwise determined by the Hoschton City Council, the developer will be required to construct a complete sanitary sewer system for the subdivision or land development, including outfall lines, road sewers, and service stubs to individual lots. All sewers will be plugged and otherwise protected to insure serviceability at the time of connection to the public system, and will conform to the specifications of the owner of the system if applicable and the City Engineer.

**Sec. 706. Utilities.**

All utility improvements within subdivisions and developments shall be located within the right-of-way of a public street or, if permitted, a private street, or within an easement designated for such use meeting specifications of this Ordinance.

The electric system and any other underground utility system, when it is provided in a subdivision or land development, shall be installed along with service connections before any paving of roads. All utility facilities, including but not limited to electric power, telephone, and cable television, shall be located underground throughout the subdivision or land development.

**ARTICLE VIII  
TREE PROTECTION AND LANDSCAPING**

- Sec. 801. Findings.
- Sec. 802. Applicability and Compliance.
- Sec. 803. Exemptions.
- Sec. 804. Determination of Existing Tree Canopy Coverage.
- Sec. 805. Designation of Tree Protection Areas.
- Sec. 806. Minimum Tree Canopy Coverage Requirements by Land Use.
- Sec. 807. Provisions Regarding Additions to Tree Canopy.
- Sec. 808. Hoschton Tree Species List.
- Sec. 809. Tree Protection Generally.
- Sec. 810. Contents of Tree Protection and Planting Plan.
- Sec. 811. Tree Protection Area Requirements.
- Sec. 812. Tree Damage and Replacement.
- Sec. 813. Street Trees.
- Sec. 814. Buffers.
- Sec. 815. Landscaping Required.
- Sec. 816. Frontage Landscape Strip.
- Sec. 817. Interior Parking Lot Landscaping.
- Sec. 818. General Landscaping Provisions.
- Sec. 819. Landscape Plan Required.
- Sec. 820. Contents of Landscape Plans.

**Sec. 801. Findings.**

- (a) This Article establishes standards for tree protection, buffers, and site landscaping. Trees are a valuable community resource that the City desires to conserve and increase. Trees provide food and shelter for wildlife, reduce noise and glare, provide wind breaks, purify the air, control erosion, reduce stormwater runoff, moderate temperatures, increase property value, improve water quality, increase the aesthetic qualities of the environment, and positively influence human behavior.
- (b) Buffers serve to minimize harmful impacts on surrounding uses such as noise, dust, and glare generated by more intense land uses. Buffers can also reduce visual impacts generated by more intense land uses, establish a sense of privacy and protect the public health, safety and welfare of the community.
- (c) Retention of existing tree coverage is in the public interest and also in the interest of the subdivider or land developer because retention of existing trees and tree canopies is the most cost effective way to meet the tree canopy coverage requirements of this Article.

**Sec. 802. Applicability and Compliance.**

- (a) Tree protection and tree canopy coverage requirements of this article shall be applied to every activity that requires the issuance of a development permit under this Ordinance, except for activities otherwise exempted by this Article.
- (b) When a tree protection area is established and delineated on a recorded subdivision plat, or an approved land development plan, any and all trees within the tree protection area delineated on the plat or land development plan shall be preserved by the

subdivider and subsequent lot owner except as otherwise exempted or specifically authorized in this Article.

- (c) Land disturbance and grading activities shall take place only in accordance with the requirements of this Article.
- (d) No person shall cut, carve, or otherwise damage or remove any tree except in accordance with the provisions of this Article.

**Sec. 803. Exemptions.**

The requirements of this Article shall not apply to the following:

- (a) Removal of trees by public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities.
- (b) Horticultural operations such as farms, nurseries or orchards, and property in use for tree harvesting or other agricultural activities.
- (c) Removal of trees from detention ponds and drainage easements where necessary for construction, maintenance or operation of such ponds or drainage improvements.
- (d) Removal of any dead tree, or any “hazard” tree as defined.
- (e) Any lot that is recorded and which contains or is proposed for a detached, single-family residence as the principal use of the lot; provided, however, that such lots are not exempt from protecting trees within any tree protection area designated on an approved development plan or a recorded plat for the lot.

**Sec. 804. Determination of Existing Tree Canopy Coverage.**

- (a) **Generally.** Unless otherwise exempt from the requirements of this Article, prior to engaging in land subdivision, land disturbance, or land development, it shall be the duty of land developers and subdividers to calculate existing tree canopy coverage on any site to be subdivided, disturbed or developed.
- (b) **Sites of two acres or more.** When the site to be subdivided, disturbed, or developed consists of two acres or more, the subdivider or land developer shall submit a tree canopy coverage survey prepared by a qualified professional, showing the location of existing tree canopy coverage on the development site or lot. The survey shall include a calculation of existing tree canopy coverage, i.e., percent of total site area comprised of tree canopy coverage. Tree canopy coverage provided by the existing tree canopy will be determined by actual measurement of the square footage of the canopy of qualifying trees or contiguous stand of qualifying trees, except that sampling methods may substitute for actual measurements of tree canopy coverage for sites of 10 acres or more.
- (c) **Sites less than two acres.** For sites less than two acres, the extent of tree canopy coverage can be estimated based on a current or reasonably current aerial photograph



of the site. In cases where an aerial photograph is used to determine tree canopy cover of a given site, a copy of the aerial photograph shall be provided as part of application for subdivision, land disturbance, or land development. Estimates of tree canopy coverage should be verified in the field by the applicant (with notation of date of field verification so noted in the application) and are subject to verification in the field by the city.

**Sec. 805. Designation of Tree Protection Areas.**

The following areas shall be designated as tree protection areas, within which it shall be unlawful to remove trees unless specifically exempted otherwise by this Article:

- (a) **Stream buffers.** Stream buffers required by state law or required by the soil erosion and sedimentation control regulations of the city shall be designated as stream buffers and in addition shall be considered tree protection areas and marked as such on plans.
- (b) **Zoning buffers.** Natural buffers when required by the Hoschton Zoning Ordinance shall be designated as zoning buffers and in addition shall be considered tree protection areas and marked such on plans.
- (c) **Existing canopy to be retained.** Where a development site or lot has existing tree canopy, the developer or subdivider shall propose all or some of the existing trees to be retained and designated as tree protection areas. The following provisions will apply to designation of tree protection areas for purposes of meeting the tree canopy requirements of this article:
  - 1. Existing tree canopy on the parcel of land to be subdivided, disturbed or developed should be retained to the maximum extent possible. Land developers and subdividers will be required to consider designing land development in a way that protects existing trees to the maximum extent possible, while allowing for reasonable development of the site. This criterion applies even if the site can sustain significant tree removal and still meet minimum tree canopy coverage requirements of this article after such tree canopy removal.
  - 2. Trees that conflict with the building envelope, that are within areas that must be cleared for parking and loading spaces, or in other places on the site where infrastructure must be installed, are to be approved for removal unless an alternative site design is considered feasible and the trees within such area are of high value as determined by the Zoning Administrator.
  - 3. If tree canopy must be and is authorized to be removed from the site, healthy, native trees that are 20 or more inches diameter breast height and significant stands of trees are the highest priority for retention. Pine tree canopy shall be considered the lowest priority for preservation.

**Sec. 806. Minimum Tree Canopy Coverage Requirements by Land Use.**

- (a) **Minimum ratios.** All subdivisions and land developments shall meet the minimum tree canopy coverage requirements for the land use as indicated in the table below.

**Minimum Tree Canopy Coverage Requirements by Land Use**

| <b>Land Use</b>   | <b>Minimum Tree Canopy Coverage Required (% of development site or lot)</b> |
|---|---|
| Residential, single-family attached or two-family subdivisions (note 1) | 20%   |
| Residential, multiple-family  | 20%   |
| Residential, fee simple townhouse                                       | 15%   |
| Office or institutional   | 20%   |
| Commercial  | 15%   |
| Industrial  | 10%   |
| Mixed use   | 15%   |

Note 1. The total site area included within a residential subdivision shall be required to meet the requirements of this section, but individual lots within a subdivision shall not be subject to the minimum tree canopy coverage requirements of this section.

- (b) **Determination, uncertainty, and interpretation.** With respect to classifying a land use for purposes of this section, the Zoning Administrator shall determine the land use as that use which is the principal use of the development site or lot. The Zoning Administrator shall be authorized to interpret the land use classifications in in cases of uncertainty.
- (c) **Compliance.** A subdivision or land development may meet the minimum tree canopy coverage requirements of this section, by virtue of the tree canopy existing and to be retained on the site, in which case additional tree canopy coverage is encouraged but not required to be provided. Development sites and subdivisions which have existing trees which result in a tree canopy coverage that meets or exceeds the requirements of this section will not be required to plant additional trees, except as may be required to meet parking lot landscaping, landscape strip, and/or buffer requirements of this ordinance and the Hoschton zoning ordinance. If a site does not have sufficient existing tree canopy, plans for the subdivision or development shall indicate additional tree planting in a manner that will meet the minimum requirements of this section.
- (d) **Timing of compliance.** Compliance with the requirements of this section will be determined at the time of development plan review (including review of tree protection areas and a landscaping plan proposing tree canopy) for a land development and at the time of preliminary subdivision plat review for a subdivision if required or final plat approval if no preliminary plat is required.
- (e) **Canopy cover credit for individual trees.** For the purposes of this article, the tree canopy cover that is credited to an individual tree shall be either the actual square foot area of the crown's projection directly down onto the ground, or the tree canopy coverage at maturity as specified for the species as listed in the Hoschton Tree Species List, whichever is greater. Any tree of a species not on the Hoschton Tree Species List shall be given the tree canopy cover at maturity for the size typical of the species using standard landscaping references.

- (f) **Compliance at maturity.** For purposes of this Section, a development site or subdivision shall be determined to be in compliance with the requirements of this section at the time any trees on the site are planted, even though the trees planted may not have reached maturity such that they provide the tree canopy area for that tree as designated in the Hoschton Tree Species List. That is to say, compliance will be determined per all existing tree canopy coverage plus that mature tree canopy coverage that will ultimately result from the tree plantings, for the tree or trees as indicated in the Hoschton Tree Species List.
- (g) **Maintenance.** The required tree canopy, saved and planted, shall be maintained in perpetuity. Property owners shall have a continuing obligation to maintain the tree canopy percentage coverage required by this Section, unless specifically exempted.

**Sec. 807. Provisions Regarding Additions to Tree Canopy.**

When a development site or subdivision does not meet the minimum tree canopy coverage required by this Article via the maintenance of existing trees on site at the time of development or subdivision, respectively, the developer or subdivider shall be required to plant trees on the development site or in the subdivision's boundaries sufficient to meet the requirements of this Article. The following regulations shall apply to tree planting proposals:

- (a) Trees may be planted throughout the development site or lot, although preference should be given to parking lots, and the front yard of the property.
- (b) Species shall be selected that are tolerant of growing conditions on the site, including growing space, sunlight, soil moisture, temperature and soil volume.
- (c) No more than 50 percent of all trees planted on a lot shall be of any one species.
- (d) Where trees must be added to achieve the required tree canopy coverage requirement for the development site or lot, pine trees shall not comprise more than 25 percent of the tree canopy planted.
- (e) Trees planted to satisfy the requirements of this article shall meet minimum quality standards as established in *ANSI 300* standards, as officially revised from time to time.
- (f) Trees shall be a minimum of two inches in caliper for deciduous trees, a minimum of eight feet in height for evergreen trees, and a minimum of one-inch caliper per trunk for multi-stemmed trees at the time of planting.

**Sec. 808. Hoschton Tree Species List.**

The Hoschton Tree Species List is hereby adopted and attached as an appendix to this Ordinance.

**Sec. 809. Tree Protection Generally.**

- (a) No person shall plant, spray, fertilize, prune, top, remove or otherwise disturb any tree on any road right-of-way or public property without first securing written permission from the city.

- (b) Unless exempt from the provisions of this article, no person shall remove or otherwise disturb trees on private property except in accordance with the requirements of this Article.
- (c) Grading, excavating, or locating utilities within the critical root zones of trees shall be prohibited. No activity or materials, including solvents, construction equipment, portable toilets, construction trailers or temporary soil deposits shall encroach or be placed within the critical root zone of any tree protected under the requirements of this Article.
- (d) Unless exempt from the provisions of this article, prior to commencement of any alteration, defoliation, land disturbance, or development, a tree protection and planting plan prepared by a qualified professional shall be submitted to the city. This will typically be accomplished via the development permit. Submission, review, and approval of the tree protection and planting plan must take place prior to the issuance of a development permit.

**Sec. 810. Contents of Tree Protection and Planting Plan.**

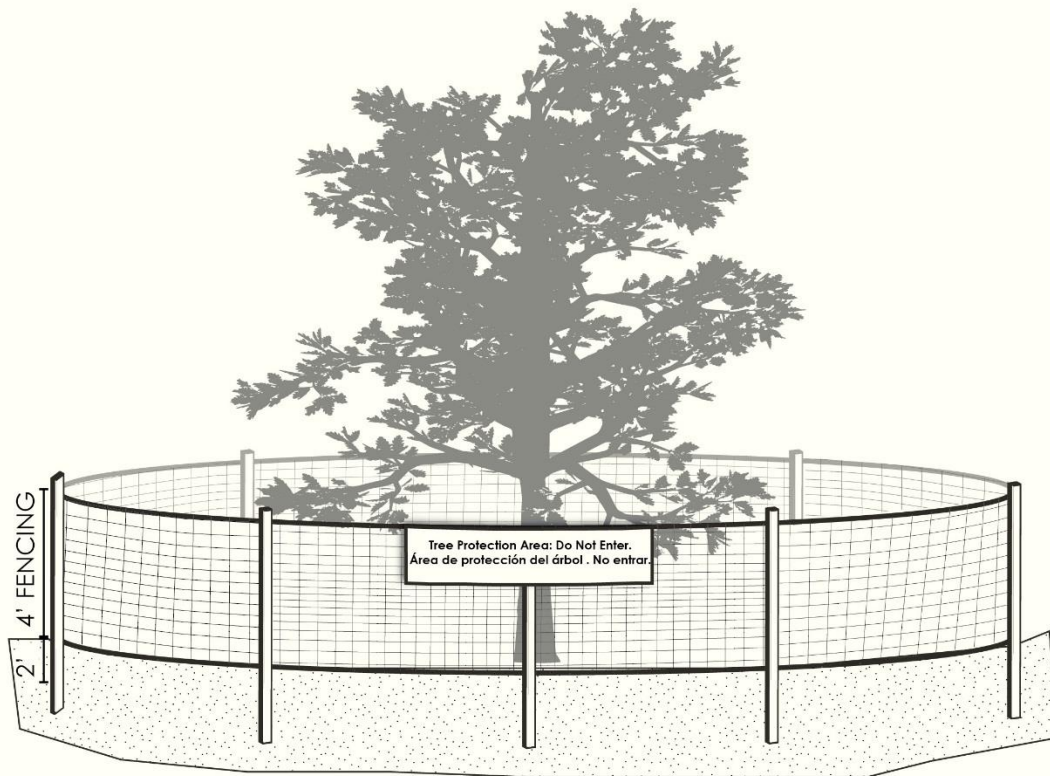
The following information shall be included on tree protection and planting plans:

- (a) The extent, location and species of existing trees on the development site or building lot; and
- (b) Identification of any tree species, whether existing or proposed to be planted, not on the Hoschton Tree Species List; and
- (c) A spatial delineation of tree canopy coverage on the site and calculation of the existing tree canopy coverage as a percentage of total development site area or lot; and
- (d) The boundaries of all tree protection areas; and
- (e) Location of and specifications for tree protection fencing for individual trees or tree stands to be saved; and
- (f) The extent, location and species of trees proposed to be removed; and
- (g) The extent, location and species of trees to be planted on the development site or building lot to meet the requirements of this article which shall also be shown in a tree planting schedule that includes Latin names, species common names, caliper at time of planting, number of trees by each species type, and percentage of total trees planted for each species. Trees shall not be planted directly on property boundaries.

**Sec. 811. Tree Protection Area Requirements.**

- (a) **Delineation on plans.** When a tree protection area is required or established pursuant to this article and the property is to be developed it shall be delineated on land development plans including grading plans.

- (b) **Delineation on plats.** When a tree protection area is required or established pursuant to this article and the property is to be subdivided, the tree protection area shall be delineated on preliminary and final subdivision plats as tree protection areas.
- (c) **Tree protection fencing required.** Trees protection areas on private property shall be actively protected during development with tree protection fencing, installed at the boundaries of all tree save areas prior to any land development or land disturbance activity. Tree fencing shall be comprised of chain-link fencing, orange laminated plastic fencing supported by posts, wooden post and rail fencing, or other equivalent barrier. Tree protection fencing required by this section shall remain in place until construction activities cease, or a certificate of occupancy is issued, or city authorization to remove is given, whichever is later. (see Figure below)



**Tree Protection Detail**

- (d) **Tree save area signs required.** Prior to any land development or land disturbance activity, tree protection signs shall be installed. Signs shall be installed along the perimeter of all tree save areas a minimum of every 50 feet and shall include the following text: "Tree Protection Area, Do Not Enter" in both English and Spanish. The signs shall be fabricated of a sturdy material, shall be a minimum of 18 inches by 24 inches, and shall be placed on a sturdy post with the bottom of the sign a minimum height of 30 inches above grade. The signs must remain present at all times during land disturbance and building construction.

**Sec. 812. Tree Damage and Replacement.**

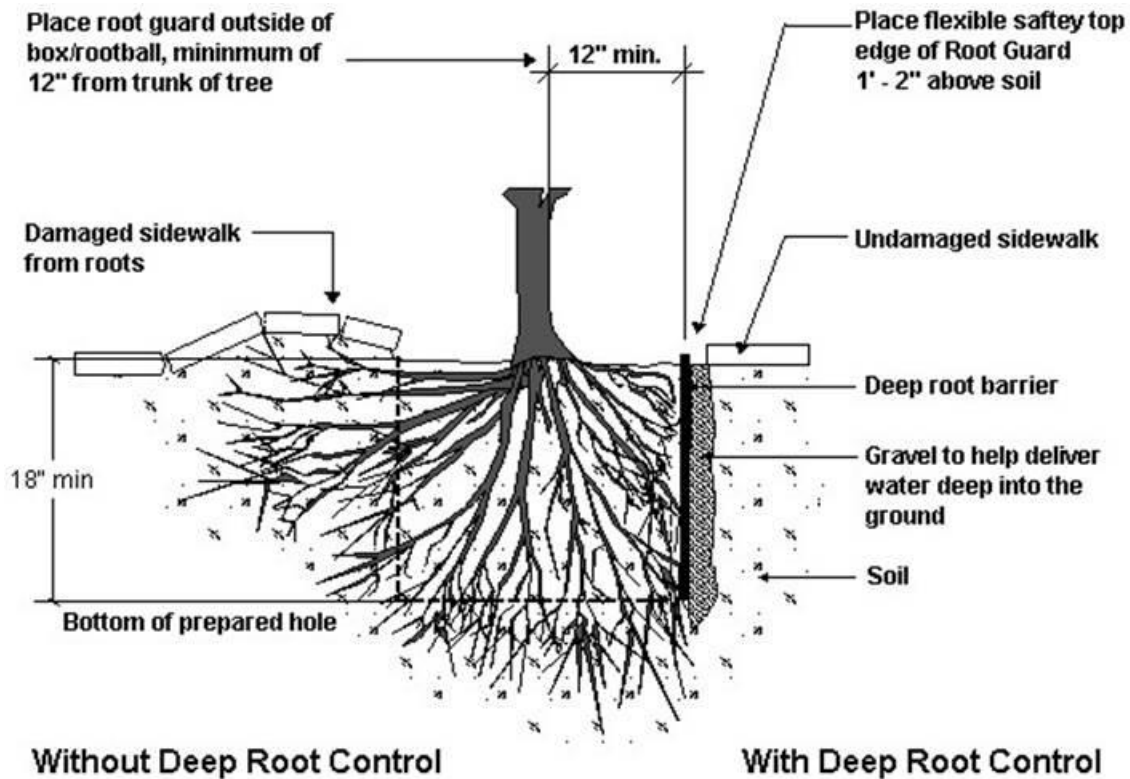
- (a) Any tree designated on a tree protection plan that is damaged during construction or as a result of construction as determined by the city such that removal is required, shall be treated according to ANSI 300 standards or replaced with a tree or trees equal to the tree canopy area and of a similar species.
- (b) The property owner or his or her assigns shall replace any protected tree that dies or is removed from a site if such removal results in a tree canopy coverage less than that required by this article, or any other deficiency with regard to meeting the requirements of this article. Replacement is required by the next planting season with a tree of the same or similar species and projected canopy size at maturity.

**Sec. 813. Street Trees.**

- (a) **Required.** Independent of and in addition to all other requirements of this article, street trees are required along all new public and private streets.
- (b) **Public streets.** When a new public street is developed as a part of subdivision, the subdivider shall install street trees in accordance with this Section and as indicated in an approved application for preliminary plat, prior to the dedication of the public street.
- (c) **Spacing/intervals.** Street trees shall be spaced at appropriate intervals considering the canopy size and height of the tree at maturity. Generally, this means that there should be a minimum spacing of 15 feet for very small canopy, 20 feet for small canopy, 40 feet for medium canopy, and 60 feet or more for large canopy trees at maturity.
- (d) **Agreement to defer.** The city may accept an alternative arrangement where some but not all of the responsibility to plant street trees is deferred to builders, homeowners associations, and/or individual lot owners. In cases where an agreement to defer street tree planting is approved by the city, the entity named responsible for the planting of street trees shall install them in accordance with this Section and as indicated in any specifications made a part of the agreement. Any such agreement shall be in a form acceptable to the city attorney.
- (e) **Locations.** Street trees shall be planted within the right-of-way of the street or, where the right-of-way width is insufficient to accommodate street trees or there is no assigned right-of-way for a private street, street trees may be planted on private property; provided, however, that the city may require an easement dedicated to the city for street trees planted on private property abutting public or private streets. Actual locations of individual street trees shall be subject to approval of the city.
- (f) **Avoidance of conflicts.** The City Engineer must authorize all street tree plantings as not in conflict with street, sidewalk, utility, and line-of-sight functions. Street trees shall not be allowed which obstruct the vision of motorists or that encroach into vision clearance zones or required sight visibility triangles. When street trees are proposed to be planted under or within 5 feet of overhead power lines or utilities, only those trees classified as “very small” or “small” canopy trees in the Hoschton Tree Species List may be planted. Additionally, underneath or near overhead power lines or utilities, only those

species indicated with an "X" or "XX" (i.e., good or especially good) with regard to utility corridors in the Hoschton Tree Species List should be planted.

- (g) **Root barriers.** Root barriers for street trees shall be installed where trees are authorized to be planted within 5 feet of a sidewalk or public street pavement, or in cases where roots threaten to cause sidewalk to buckle (see detail).



Root Barrier Detail

**Sec. 814. Buffers.**

When a buffer between two zoning districts is required by the Hoschton Zoning Ordinance, or a stream buffer is required by city regulations, the buffer shall meet the minimum width and specifications of the Hoschton Zoning Ordinance or other ordinance requiring such a buffer, and in addition shall meet the requirements of this Section:

- (a) **Undisturbed.** Buffers shall remain undisturbed, except where necessary to add vegetation to meet screening requirements, unless encroachments are specifically authorized by this section.
- (b) **Screening.** Any zoning buffer must be sufficiently dense to substantially obstruct the view (i.e., near maximum opacity) from the normal level of a first-story window on an abutting lot from the ground to a minimum height of six (6) feet, within two growing seasons. Where the existing vegetation within a required buffer does not achieve the desired screening, additional trees and shrubs shall be installed in accordance with the

specifications of the table below; provided, however, that the Zoning Administrator may approve modifications to the specifications of this Section, including the incorporation of deciduous vegetation within the buffer, when the application of alternative planting specifications achieves an equivalent or greater amount of year-round screening.

**Planting Specifications by Required Zoning Buffer Width**

| <b>Width of Required Buffer</b> | <b>Planting Specification</b>   |
|---------------------------------|---|
| 10 feet                         | One row of evergreen shrubs having a minimum height of six feet, planted four (4) feet on center and one row of evergreen trees having a minimum height of eight feet with branching to the ground and planted 30 feet on center. |
| 20 feet                         | Two staggered rows of evergreen trees having a minimum height of eight feet with branching to the ground and planted 30 feet on center.   |
| 30 feet                         | Three staggered rows of evergreen trees having a minimum height of eight feet with branching to the ground and planted 30 feet on center.   |
| 40 feet                         | Four staggered rows of evergreen trees having a minimum height of eight feet with branching to the ground and planted 30 feet on center.  |
| More than 40 feet               | Four staggered rows of evergreen trees plus one additional staggered row for each 10 additional feet of buffer width.   |

- (c) **Encroachments.** Required buffer areas shall contain no driveways, parking areas, patios, stormwater detention facilities, or any other structures or accessory uses. Underground utilities may be permitted to cross a buffer if the screening standards of the Hoschton zoning ordinance will be subsequently achieved. Vehicular access through a buffer may be allowed only by approval of the Hoschton City Council.
- (d) **Protection.** Buffers shall be protected during land development and construction in accordance with the tree protection provisions of this Article.

**Sec. 815. Landscaping Required.**

- (a) The landscaping requirements of this Article shall apply to all land uses for which a development permit or building permit is required to be issued, except for lots containing detached, single-family or two-family dwellings.
- (b) The exemption of individual lots containing detached, single-family and two-family dwellings shall not be construed to exempt the filing of a landscape plan for residential subdivision entrances and/or landscaping installation on common areas within such subdivision.
- (c) Landscape plans shall demonstrate compliance, as applicable with the Hoschton zoning ordinance, including but not limited to Section 3.13., “Minimum Landscaped Open Space,” and Section 3.14., “Minimum Required Landscape Strips and Buffers.” (See also Table 4.2 and 4.4 of the zoning ordinance).

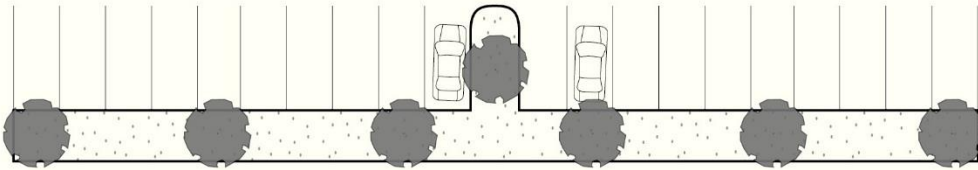
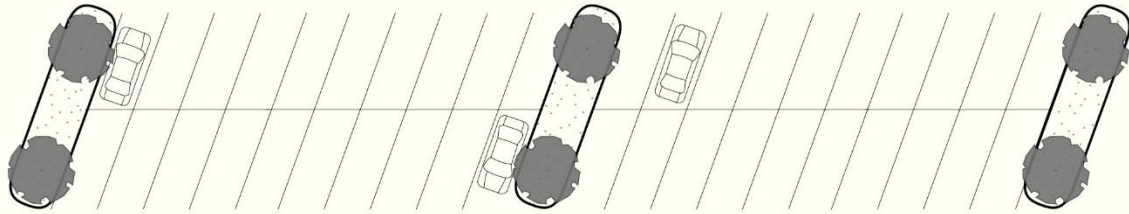


**Sec. 816. Frontage Landscape Strip.**

- (a) **Generally.** Front landscape strips required by the Hoschton zoning ordinance shall be installed in accordance with this section along the entire property line fronting the street, except for approved access crossings.
- (b) **Relation to tree canopy and street trees.** The required front landscape strip shall be the priority location for the planting of trees as may be required to comply with the tree canopy requirements of this article and in some cases to comply with the street trees requirements of this article. Each front landscape strip shall have trees planted to a quantity of no less than one per 40 feet of property frontage. The actual interval/spacing for trees in the landscape strip may vary depending on species/size planted. Also It may be necessary to provide a wider front landscape strip than that required by the Hoschton zoning ordinance in order to provide canopy trees, in which case a front landscape strip width should be varied to provide wider planting spaces for canopy trees and street trees, while narrowing the width (to no less than 3 feet) of the front landscape strip in other portions to meet the required average.
- (c) **Parking lot hedge screen.** All vehicle parking lots with five spaces or more abutting or within 20 feet of a public or private street right-of-way shall be screened by planting (in addition to canopy trees) 10 shrubs for every 40 linear feet of street frontage, excluding driveways.
- (d) **Stormwater best management practices.** Stormwater BMPs may be applied or incorporated within front landscaping strips, and a front landscaping strip may if appropriate be accepted as a BMP.

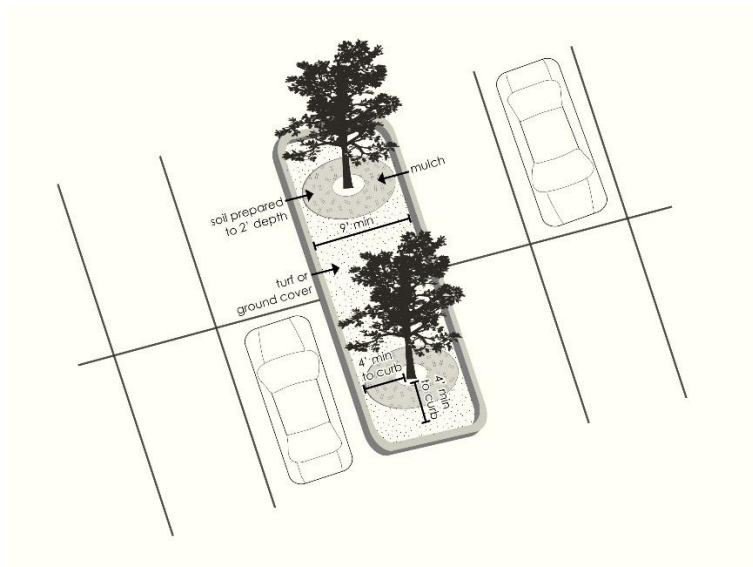
**Sec. 817. Interior Parking Lot Landscaping.**

- (a) **Tree canopy cover in parking areas.** One parking lot canopy tree for each ten parking spaces is required and shall be installed. No more than 10 contiguous parking spaces shall be allowed without a minimum of one landscape island or peninsula containing trees. Existing trees if retained may qualify for parking lot canopy trees.



### Illustrative Parking Lot Landscaping

- (b) **Minimum dimension of landscape islands.** A landscape island shall have a minimum width of nine feet and minimum depth of 16 feet measured from interior face of curb to interior face of curb; however, wider (12 or more feet) landscaping islands are strongly encouraged and may be required to provide sufficient growing area for certain canopy tree species selected.



### Parking Lot Landscaping Island Detail

- (c) **Minimum planting.** Each landscape island shall contain a minimum of one canopy tree having a minimum caliper of two inches at the time of planting. Saved trees may also qualify for meeting these interior parking lot tree canopy requirements.

**Sec. 818. General Landscaping Provisions.**

- (a) **Landscaping obstructions to sight visibility and clearance.** Landscaping shall not obstruct the view of motorists or pedestrians, e.g., shrubs planted in inappropriate locations or maintained at an inappropriate height, or low hanging branches of trees. Trees shall be pruned to yield a clear trunk a minimum of eight feet above finished grade to allow safe clearance beneath the tree.
- (b) **Native plants.** The use of native plants is encouraged.
- (c) **Invasive species.** Invasive or potentially invasive plants are prohibited.
- (d) **Xeriscaping and water conservation.** Xeriscaping is encouraged. Ground covers should be used to supplement landscaping in appropriate areas to reduce extensive grass lawns that require regular watering in drought conditions.
- (e) **Grass.** Grass lawn areas should be sodded. However, if grass seed must be used, it shall be a variety suitable to the area that produces complete coverage.
- (f) **Artificial landscaping.** No artificial plants, trees or other vegetation shall be installed.

**Sec. 819. Landscape Plan Required.**

- (a) A landscape plan shall be required for all development subject to the landscaping requirements of this Article.
- (b) Landscaping plans are subject to approval by Zoning Administrator prior to issuance of a development or building permit to demonstrate compliance with the provisions of this article.
- (c) Landscaping plans will typically be reviewed and approved by the Zoning Administrator during the process of issuing a development permit, or if no development permit is required, a building permit.
- (d) The landscaping plan shall be prepared in conjunction with preparation of the tree protection and planting plan required by this article. The landscaping plan may be presented as a separate drawing from the tree protection and planting plan required by this Article; if presented on separate sheets, the landscaping plan shall be consistent and not present any conflicts with the tree protection and planting plan.

**Sec. 820. Contents of Landscape Plans.**

A landscape plan required by this Article shall include the following, unless the Zoning Administrator waives certain submission requirements:

- (a) Location and type of existing vegetation, including the location of all specimen trees;
- (b) Existing vegetation to be saved;

- (c) Methods and details for protecting existing vegetation during construction, including tree protection areas;
- (d) Locations and labels for all proposed plants in relation to driveways, parking areas, buildings, easements, rights-of-ways, and tree protection areas.
- (e) A plant list showing the proposed quantities of shrubs, ground cover, vines, or other planted materials and, if applicable, minimum required quantities;
- (f) Location and description of other landscape improvements, such as earth berms, walls, or fences, if proposed;
- (g) Reference shall be made to the boundary survey on which the plan is based;
- (h) The plan shall be prepared at an engineering scale;
- (i) The plan shall be stamped with professional seal and signed by a landscape architect, unless the Zoning Administrator accepts a landscape plan prepared by another qualified professional.

**ARTICLE IX  
DEVELOPMENT PLANS AND PERMITS**

- Sec. 901. Development Plans and Permit Required.
- Sec. 902. Development Permit Application Requirements.
- Sec. 903. Professional Preparation of Plans.
- Sec. 904. Specifications for Plan Drawings.
- Sec. 905. Development Permit Application Processing.
- Sec. 906. Duration of Development Permit.
- Sec. 907. Extension of Expiring Development Permit.
- Sec. 908. Land Development Inspections.
- Sec. 909. Indemnity.
- Sec. 910. Official corridor map.

**Sec. 901. Development Plans and Permit Required.**

- (a) It shall be unlawful for any person to commence or proceed with land-disturbing activity until development plans are approved and a development permit is issued by the Zoning Administrator, or unless an exemption is issued by the Zoning Administrator.
- (b) Unless exempt by the Zoning Administrator from development permit requirements, no person may perform any development regulated by this Ordinance without first submitting to the Zoning Administrator such development plans and construction drawings as may be required by this Ordinance and obtaining the Zoning Administrator's approval of a development permit to perform the development.
- (c) Following approval of the preliminary plat for a land subdivision, or if subdivision is not proposed, upon proposing a land development (not otherwise exempt from this Ordinance), the subdivider or land developer shall submit an application for development plan approval per the requirements of this article.
- (d) The Zoning Administrator shall be responsible for coordinating the multiple land development ordinance requirements, including the requirements of this Ordinance, and the requirements of Chapter 21 (stormwater management) and Chapter 35 (soil erosion) as one comprehensive submission and approval process as specified in this article.

**Sec. 902. Development Permit Application Requirements.**

Development plans for a project shall conform in all respects with the requirements of this ordinance. Complete submittals shall consist of the following, as applicable:

- (a) **Application form, fees, and plan sets.** An application form as required by the Zoning Administrator, fees as required per fee schedule approved by the City Council, and a number of full plan sets as specified by the Zoning Administrator (6 plan sets unless otherwise specified). The zoning administrator will also specify additional requirements submissions as may be applicable, such as but not limited to soil erosion land disturbance bond and stormwater management maintenance agreement.
- (b) **Site plan.** The site plan shall provide information on the property to be developed, and it shall be based on a boundary survey prepared by a registered land surveyor.

- (c) **Erosion and sedimentation control plan.** Plans shall meet specific requirements of Chapter 35, Soil Erosion, Sedimentation, and Pollution Control, of the Hoschton Code of Ordinances. This includes approval of plans by the Georgia Environmental Protection Division so long as Hoschton is not a local issuing authority.
  - (d) **Grading plan.** Grading plans shall identify existing and proposed topographic contour lines at the interval required for erosion and sedimentation control plans.
  - (e) **Utilities plan.** Utility plans shall provide information regarding the location, size, length and type of all water and sanitary sewer, improvements, showing their minor structures (if provided in the development), appendages and connections with existing systems, and the approximate location of service lines from the lots or buildings within the development to the proposed utility lines. All utility easements shall also be shown.
  - (f) **Stormwater management plan.** The development permit applicant shall submit a stormwater management permit application meeting the specific requirements of the city's stormwater management ordinance (Chapter 21, Code of Ordinances), including but not limited to the following:
    - 1. Stormwater concept plan;
    - 2. Stormwater management plan, including natural resource inventory, existing conditions hydrologic analysis, proposed site plan, post-development hydrologic (downstream) analysis;
    - 3. Inspection and maintenance agreement; and
    - 4. Performance and maintenance bonds if applicable.
- The permit application requirements specified in Section 21-104 of the City's Code of Ordinances shall be satisfied with the submission of a development permit application that meets these requirements.
- (g) **Street improvement plan.** The development permit shall indicate details of proposed public and/or private roads, as well as, road profiles and cross-sections as required by the Zoning Administrator and City Engineer, type of sub-base, type of paving base, type of road paving and type of improvements within the road right-of-way outside of the paved area, and any additional information specified by this Ordinance or reasonably required to ensure compliance with this Ordinance.
  - (h) **Landscaping, buffer and tree protection plans.** See Article VIII of this ordinance for specific requirements.
  - (i) **Standard drawings and construction specifications.** When the subdivision or development involves an improvement for which a standard has not been established in this ordinance, or adopted by reference to another set of standards or specifications, the Zoning Administrator may require the application for development include standard drawings and construction specifications.

**Sec. 903. Professional Preparation of Plans.**

All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in the State, except that the landscaping, buffer and tree conservation plans shall be prepared by or under the supervision of a landscape architect registered in the state unless another qualified professional is accepted by the Zoning Administrator.

**Sec. 904. Specifications for Plan Drawings.**

Unless more specific requirements apply for the type of plan, or unless otherwise modified by the Zoning Administrator, all plan drawings shall conform to the following specifications:

- (a) **Scale.** Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 36 inches by 42 inches. Plan and profile sheets, if any, shall have a horizontal scale of no less than 1 inch to 100 feet and a vertical scale of no less than 1 inch to 10 feet. The Zoning Administrator and City Engineer may approve deviations from these required scales when appropriate.
- (b) **Project boundary.** Plans shall be based on the boundaries of a lot as shown on a recorded plat, or if not yet subdivided and recorded, on a boundary survey delineating the entirety of the property contained within the project. Boundary lines of the perimeter of the tract shall be indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second.
- (c) **Adjoining property information.** Provide all adjoining property owners, subdivision names, lot numbers, lot lines, and block letters, and zoning.
- (d) **Project name and phase.** The name of the project shall be indicated. If the project is located within a subdivision, the name of the subdivision, lot, and block number must also be shown. If the development project is part of a phased development or master-planned development, identify the unit number, division, phase, or stage of development.
- (e) **Zoning and prior approvals.** The existing zoning of the project site, and reference if applicable to conditions of zoning, variance, conditional use, or other permissions including case numbers and dates of approval.
- (f) **Owner and developer.** Name, address, telephone number, and e-mail address of the owner of record, and of the developer (if not the owner).
- (g) **Professional contacts.** Name, address, telephone number and e-mail address of each professional firm associated with the site development plans (engineer, landscape architect, etc.).
- (h) **Map requisites.** Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.
- (i) **Use.** Proposed use of the site, including gross square footage for each different use type or building.

- (j) **Location references.** Location, district, land lot(s) and parcel(s) acreage or area in square feet.
- (k) **Location sketch.** A location sketch locating the development in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
- (l) **Buildings.** Size, location, and elevation of all proposed buildings and existing buildings to remain or to be demolished, and minimum required building setback lines, the location of parking and loading areas, driveways, curb cuts and where required designated fire lanes. Each building shall be identified with a number or letter.
- (m) **Topography.** Existing contour lines based on sea level datum shall be drawn at intervals of not more than two feet and shall include the entire site and all abutting public streets. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified and dated. Grading plans shall show proposed contours.
- (n) **Natural features within the proposed development.** These include drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all water courses the direction of flow shall be indicated. The 100-year floodplain shall be delineated and the source of the depicted floodplain information shall be indicated (i.e., reference to map panel numbers and dates). The acreage or area in square feet within the floodplain shall be indicated.
- (o) **Man-made features.** These include those features existing within and adjacent to the proposed development including existing right-of-way width and pavement widths of adjoining streets, street names, the location and dimensions of existing bridges, easements (all purposes), culverts and other drainage facilities, water, sewer, and other existing utility lines and structures, the names of jurisdiction lines; existing structures on the site and their disposition, and other appropriate built-environment information.
- (p) **Driveways.** Individual driveways shall conform to the requirements of this ordinance and the zoning ordinance, as applicable.
- (q) **Trees, buffers, landscaping.** If buffers or other landscaping or screening treatments are required, show the location, size, and type (natural or planted) on the plans conforming to the requirements of the zoning ordinance and this ordinance, as applicable.
- (r) **Certificate of approval.** Each plan set shall include the following certificate printed or stamped thereon:

“All requirements of the City of Hoschton zoning ordinance and subdivision and land development ordinance relative to the preparation and submission of a development permit application having been fulfilled, and said application and all supporting plans and data having been reviewed and approved by all affected departments as required under



their respective and applicable regulations, approval of this development plan is hereby granted.

\_\_\_\_\_  
Zoning Administrator, City of Hoschton”

Date: \_\_\_\_\_

- (s) **Additional information.** Such additional information as may be reasonably required by the Zoning Administrator to permit an adequate evaluation of the project.

**Sec. 905. Development Permit Application Processing.**

- (a) **Determination of completeness.** Within no more than 10 calendar days of receiving a development plan application, the Zoning Administrator shall confirm completeness. The Zoning Administrator may refuse to process any such incomplete application and will advise applicants of information necessary to complete the development permit application if information or materials are missing.
- (b) **Distribution for review.** Upon determination that the application is complete, the Zoning Administrator will distribute the application and a plan set to internal and external review agencies, as appropriate. A period of three calendar weeks shall be allotted for the distribution and collection of comments from all applicable review agencies. The Zoning Administrator will coordinate with the applicant and the Environmental Protection Division of the Georgia Department of Natural Resources the submission of soil erosion and sedimentation control plans required to be reviewed by that agency.
- (c) **Decision.** Upon the receipt of all internal and external review agency comments, the Zoning Administrator shall determine whether to approve, disapprove, or request revisions of the application. Decisions on development permits shall be issued by the Zoning Administrator within 30 calendar days of receipt of a completed application. The decision calendar may be adjusted depending on the timeliness of EPD review of soil erosion and sedimentation control plans per state law and rules.
- (d) **Criteria for decision.** Development plans must be consistent with all parts of the zoning ordinance, as applicable, the preliminary plat (if one was required), any conditions of zoning, special use, or variance approval, where applicable, and the requirements of this ordinance. In addition, the Zoning Administrator shall consider the development permit’s consistency with policies contained in the city’s adopted comprehensive plan.
- (e) **Revisions.** If revisions are required by the city, development plan applications shall be revised and resubmitted to accommodate the consolidated comments by review agencies as issued to the applicant by the Zoning Administrator. Plan drawings that are submitted for revision must specifically identify those areas that are to be considered for review and approval. The revisions shall be noted in tabular form in the revision block on the plan drawings.
- (f) **Approval.** When the Zoning Administrator has approved a development plan application, evidence of approval shall be indicated on said plan sets, and the Zoning Administrator shall issue the development permit. Two approved plan sets shall be returned to the applicant, and at least one set of approved plans shall be retained by the city.

- (g) **Revisions after approval.** After issuance of a development permit, if changes are desired or made necessary as a result of field conditions, the design engineer must contact the Zoning Administrator to coordinate the review and approval of the requested revision.

**Sec. 906. Duration of Development Permit.**

A development permit shall expire 12 consecutive calendar months after issuance unless development activity as authorized by the permit is initiated within the 12-month period.

**Sec. 907. Extension of Expiring Development Permit.**

The Zoning Administrator may approve one extension of development permit validity not exceeding three consecutive calendar months within which time development activity must commence or the permit shall expire. Said extension shall be applied for within the first 12 consecutive calendar months after the permit's issuance.

**Sec. 908. Land Development Inspections.**

- (a) Evidence of the City of Hoschton's approval of development activity, if required pursuant to this Ordinance, shall be posted on the development site by the owner or agent of the development in a conspicuous place at the front of the site where the permitted work is to be done.
- (b) During the course of land development, all activities are subject to periodic inspections by the Zoning Administrator, Land Development Inspector and City Engineer, including but not limited to the following:
  - 1. **Erosion and sedimentation control.** Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and sedimentation control plan prior to any development activity and as development progresses. Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas shall be required. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.
  - 2. **Stormwater facilities.** Construction of the stormwater system shall be initiated as part of the grading of the site. Stormwater detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate. Upon installation of storm drainage pipe, detention, or other storm water facilities, inspection and approval shall be required prior to continuation with subgrade preparation.
  - 3. **Grading.** Upon completion of street grading, if applicable, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.

4. **Street curbing and gutter (if provided).** After grading is completed and approved, the curb lines shall be staked by the developer's registered land surveyor. Inspection shall be requested after the subgrade is compacted and forms or string line have been set. Street width and vertical and horizontal alignment may be spot checked.
5. **Sub-grade of streets.** After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the Inspector and replaced with suitable, thoroughly compacted material. Prior to placement of the street base, the subgrade shall be compacted to 95% density. Testing for sub-grade compaction will be required, including two tests at each sanitary sewer manhole.
6. **Utilities.** Before any street base is applied, all of the underground utilities—water mains, sewer mains, gas mains, or any other underground utilities, and all service connections related thereto, that will be located under the street base shall be installed completely and provided throughout the length of the street and across the flat section. If a public water system is to be installed, the improvements are to be reviewed, approved and inspected by the water provider.
7. **Street base.** The base shall be string-lined for depth and crown. The street base shall be roll-tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the Inspector. When testing is required by the Inspector, it is the responsibility of the developer to ensure that all required tests are made and reported to the Inspector. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories. If deemed necessary by the inspector, additional tests will be required. Tests shall be consistent with the following:

Testing Requirements and Standards

| Type of Test to be Performed | Minimum Number of Tests           | Testing Standards  |
|------------------------------|-----------------------------------|--|
| Sub-grade Compaction         | Each 500 linear feet of roadway   | 95% Max Density ASTM-1557<br>Field Tests ASTM D-1556<br>F-2922 and D-2167  |
| Base Compaction              | Each 500 linear feet of roadway   | 100% Max Density ASTM-1557<br>Field Tests ASTM D-1556<br>F-2922 and D-2167 |
| Asphalt Density              | Each 1,000 linear feet of roadway | 92% Laboratory Density   |
| Asphalt Thickness            | Each 500 linear feet of roadway   | Deficient in thickness not more than 1/4"                                  |

8. **Paving.** The inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored after completion to check thickness and density. Satisfactory test results of the cores shall

be delivered to the zoning administrator and utility provider (where utilities are involved) prior to approval of a final subdivision plat if applicable (see the above testing requirements and standards).

9. **Tree protection and landscaping.** Inspections for tree protection measures and the installation of landscaping.

10. **Final.** A final inspection of the development, once complete, shall be required.

*[Amended via Ordinance O-2021-04 adopted 4/19/21]*

**Sec. 909. Indemnity.**

- (a) Approval of development plans by the City of Hoschton or its authorized agents shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, surveying, landscape architecture, planning, or any other profession, from the professional corporation or individual under whose hand or supervision the plans were prepared and sealed.
- (b) The issuance of a development permit or the approval by the City of Hoschton (or any of its elected officials, appointed officials, officers, agents, or employees) of any plat or development plan shall not be interpreted to relieve the applicant, his agent, or any other person of the responsibility of maintaining full compliance with all laws, statutes, codes, ordinances, and other regulations of this state and the City of Hoschton.
- (c) Except for any variance specifically approved under the terms of this ordinance, any development permit or approval issued in error or in contradiction to the provisions of this ordinance shall be considered to have been null and void upon its issuance.

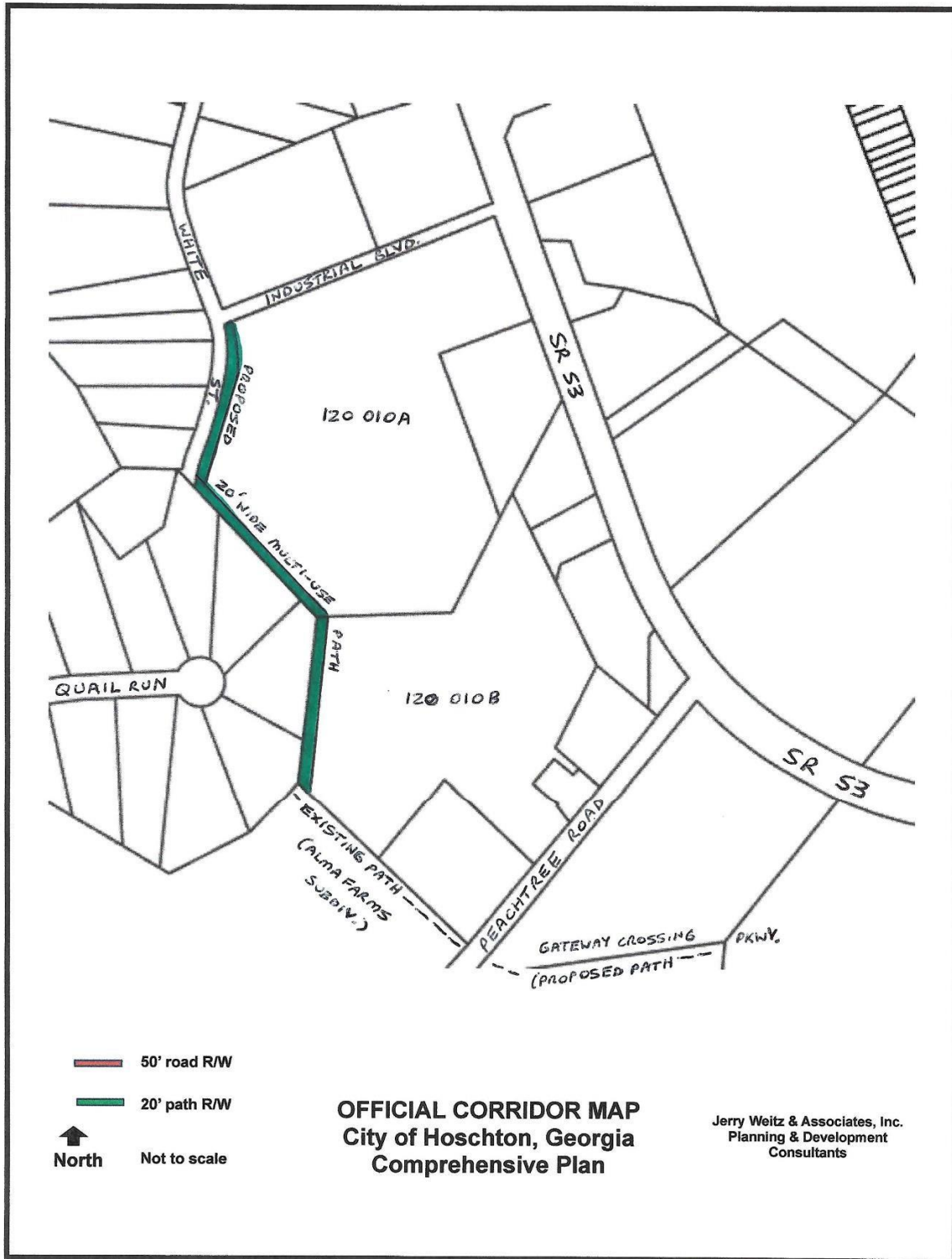
**Sec. 910. Official Corridor Map.**

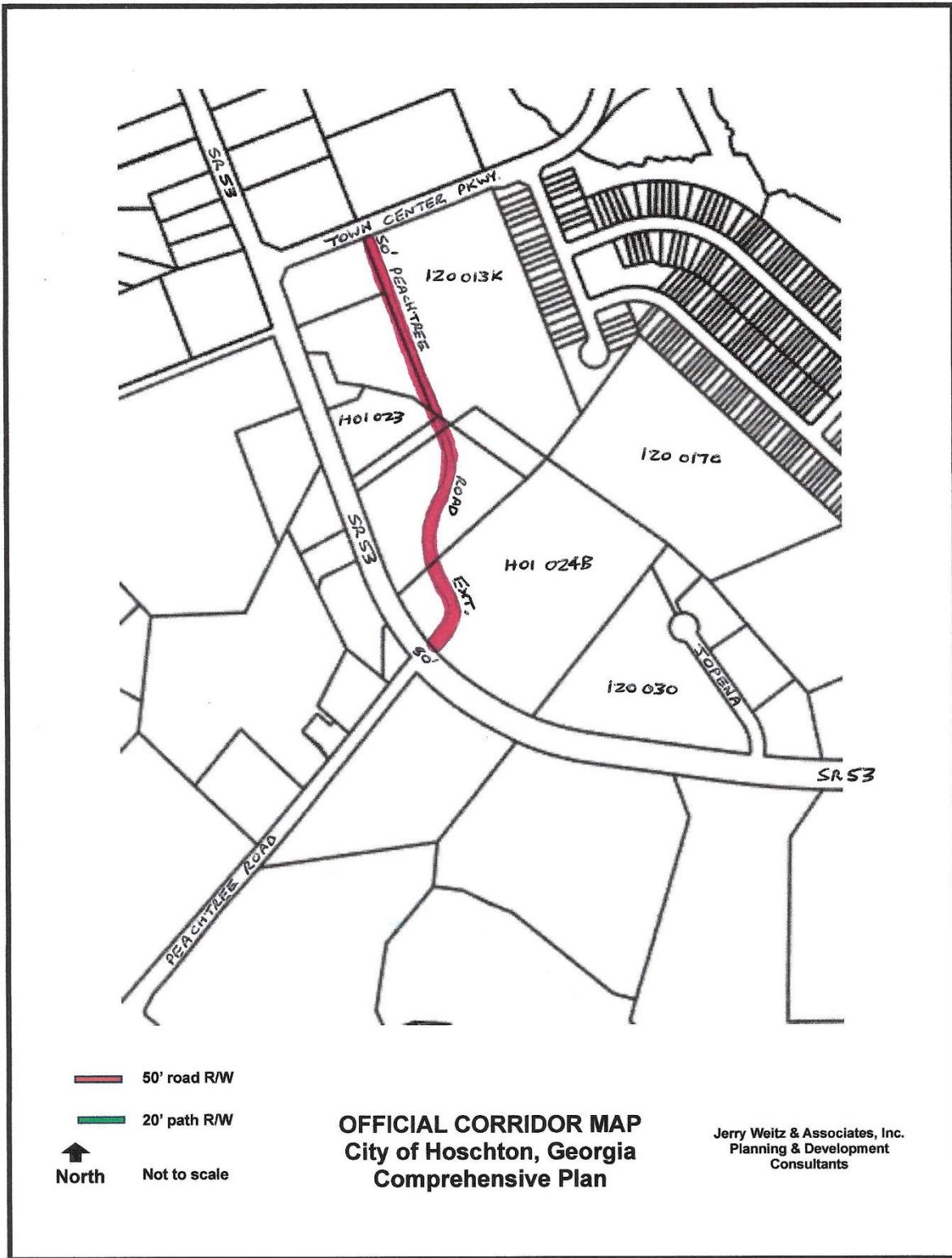
- (a) **Purpose and intent.** The purpose of an official corridor map is to implement the city's comprehensive plan, by reserving land needed for future transportation facilities identified in the comprehensive plan. The corridor map is intended to provide a basis for coordinating the provision of transportation 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 interparcel 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 an 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.

*[Amended via Ordinance O-2023-05 adopted 12/18/23]*

**ARTICLE X  
FINAL PLAT**

- Sec. 1001. When Required.
- Sec. 1002. Application for Final Plat Approval.
- Sec. 1003. Final Plat Specifications and Certificates.
- Sec. 1004. Action on the Final Plat.
- Sec. 1005. Recording of Final Plats.
- Sec. 1006. Subdivision Improvement Guarantee.
- Sec. 1007. Dedication of Public Roads and Acceptance of Improvements.
- Sec. 1008. Minor Subdivision.
- Sec. 1009. Lot Combination.
- Sec. 1010. Boundary Line Adjustment.

**Sec. 1001. When Required.**

A final plat shall be required for any subdivision, resubdivision, lot combination, boundary line adjustment, and dedication of public land or public improvement. Retracement surveys and easement surveys, as specified in Sections 314 and 316, respectively, of this ordinance, do not constitute “subdivisions” and therefore do not require the submittal of a final plat for review by the Zoning Administrator and approval by the city. *[Amended 11/6/2017]*

**Sec. 1002. Application for Final Plat Approval.**

In the case of a subdivision, after approval of a preliminary plat and upon completion of required improvements, the subdivider may then submit an application for final plat approval. Said application shall meet the requirements of this section:

- (a) Completion of an application form with information specified by the Zoning Administrator, including but not limited to owner information. The owner, or agent if so authorized, shall sign the application attesting to the accuracy of the application and confirming authority and intent to submit the application for consideration.
- (b) Copies of the final subdivision plat in a number as established by the Zoning Administrator (15 printed copies and one digital copy unless otherwise specified), showing the entire ownership and drawn to the specifications required by this ordinance.
- (c) A letter certifying that all required improvements have been constructed and meet the specifications of the City; The subdivider shall upon completion of the required improvements outlined in this Ordinance request in writing that the City Engineer report by letter that all improvements required by this Ordinance have been completed according to City specifications. When such improvements comply, the City Engineer shall write a letter of compliance addressed to the subdivider 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.
- (d) A letter from the applicable electricity service company indicating that service points for individual lots and street lights have been installed.

- (e) A homeowners' association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. Two copies of the recorded instruments or instruments to be recorded shall be filed with the Zoning Administrator, which are subject to review and approval by the City Attorney.
- (f) A performance bond for those required improvements not yet completed (e.g., pavement topping), if such delay in completion of required improvements is authorized by the City Council. Said performance bond shall be:
  - 1. Conditioned upon the faithful performance by the subdivider or developer of all work required within a specified time;
  - 2. Payable to, and for the indemnification of, the City;
  - 3. In an amount equal to the cost of construction of the required improvements not yet completed, plus an additional thirty-five (35) percent of said costs, as calculated by the City Engineer; *[amended Ordinance O-20-04 adopted August 17, 2020]*
  - 4. With a surety company licensed to do business in the State of Georgia; and
  - 5. Approved as to form and content by the City Attorney.
- (g) A maintenance bond, cash deposit, escrow account or other guarantee/instrument of financial security as approved by the City Attorney to ensure maintenance of required improvements in the subdivision for a period of two (2) years, as more particularly described in Section 1006 of the city's Subdivision and Land Development Ordinance. If, upon being notified of failure of required improvements, the subdivider does not correct the deficiency or commence work within ten (10) days of provision of notice, it shall be deemed to be a failure on the bond, and the City shall have the right to make the necessary repairs or improvements, either by public work or by private contract, and the bond or instrument of financial security shall be liable for the full amount of the cost of said repairs or improvements, as determined by the City Engineer. *[amended Ordinance O-20-04 adopted August 17, 2020]*
- (h) "As-built" drawings of: 1) all roads showing the planned and actual location of all utility lines, prepared by a registered land surveyor or professional engineer; 2) centerline profile of all roads with final grades prepared by a registered land surveyor or professional engineer; and 3) horizontal and vertical alignment including profiles and invert elevations of all water, storm sewer and sanitary sewer lines prepared by a professional engineer; provided, however, the Zoning Administrator may allow said "as-built" drawings to be filed at any time prior to approval of the final plat if improvements to the subject subdivision or land development and/or any "as-built" drawings for same are not complete. However, an application for final plat approval will not be deemed complete until the "as-built" drawings have been submitted to the Zoning Administrator.
- (i) When testing of subgrade compaction, base compaction, asphalt density and asphalt thickness of streets is required, it is the responsibility of the subdivider to insure that all required tests have been made and are reported to the zoning administrator no later than at the time of the final plat application. *[Amended via Ordinance O-2021-04 adopted 4/19/21]*

**Sec. 1003. Final Plat Specifications and Certificates.**

- (a) **Format for plats and condominium plans.** All images of a plat or condominium plan submitted for filing in the office of the clerk of superior court shall:
1. Be at full size of the drawing scale stated thereon;
  2. Be an electronic image of a plat or condominium plan presented to the clerk electronically in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority;
  3. Comply with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors; and
  4. Provide a box of not less than three inches square, if at full size, in the upper left-hand corner which shall be reserved for the clerk to append filing information.
- (b) **Data for plats required per state law.** This subsection enumerates data required to be shown on plats per the Georgia Plat and Condominium Plan Recording Act of 2017.
1. County. The county where the property lies.
  2. City. Any municipality wherein the property lies.
  3. Owner. The name of the property owner or owners of the subject property as stated on the most current or applicable title instrument.
  4. Plat type. The type of plat (final subdivision, boundary line adjustment, lot combination, retracement survey, easement survey, dedication plat, etc.).
  5. Name. The name of any subdivision if the property lies within a named subdivision or if the plat is creating a new subdivision; or the name of any condominium if the property is within a condominium development.
  6. Division designations. The applicable units, pods, blocks, lots, or other subdesignations of any named subdivision or condominium.
  7. Developer. The name or names of the developer or developers of any named new subdivision or condominium.
  8. Land lots and districts. All applicable land lots, land districts, sections, reserves, or militia districts wherein the platted property lies.
  9. Date and revision dates. The date of initial preparation and issuance and any revision dates, including a brief explanation of each revision.

10. Surveyor. The name, address, and telephone number of the land surveyor who prepared and sealed the plat and, if working for or through a firm, corporation, partnership, association, limited liability company, or other entity, then also the certificate of authorization number of that entity, in which case the address and telephone number of such entity are acceptable in lieu of the individual surveyor's address and telephone number.
11. Surveyor registration. The registration number of the land surveyor or a statement that he or she is the county surveyor and is not required by law to be a registered surveyor.
12. Surveyor seal. The seal of the land surveyor who has prepared the plat and is signing the surveyor certification, which shall be placed within or next to the surveyor certification box.
13. Page numbers. If the plat has multiple pages the page number for each applicable page and the total number of sheets in the set shall be placed on each sheet in the same or similar location. The information required by this paragraph may be placed on all sheets or on different sheets within the set submitted for filing;
14. Scale. The scale of the plat stated and shown graphically.
15. Surveyor certification box for subdivision plats. Each plat involving a subdivision shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

“As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.”

The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.

16. Additional certifications. Additional dates, certifications, and signatures, which may be electronically created signatures, may be placed on plats. Such certifications may include, but are not limited to, those that may be required by local jurisdictions or agencies, the United States Small Business Administration, the United States Department of Housing and Urban Development, and the American Land Title Association.

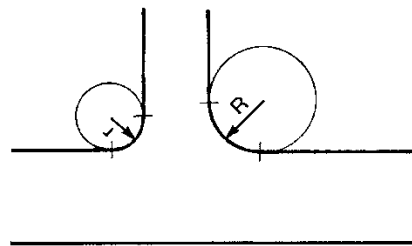
(c) **Data required for plats per state rules and regulations.** This subsection enumerates selected data required to be on plats per Rules and Regulations of the State of Georgia, Department 180, "State Board of Registration for Professional Engineers and Land Surveyors," Chapter 180-7, "Technical Standards for Property Surveys, and local requirements. It is the land surveyor's responsibility to provide all data required by said rules, and the lack of inclusion of said rule requirements in this section shall not relieve a land surveyor from complying with said requirements:

1. Point of beginning and point of reference. There shall be a point of commencement and/or a point of beginning that can be readily re-established. The direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats or other documents on public record, including state plane coordinates when applicable. The point of reference may lie on or within the boundary of the survey.
2. Names of adjoining subdivisions and property owners and documents reviewed. The names of adjoining subdivision and/or property owners on all lines, as can be determined at the time of commencement of the survey through public records such as the county tax assessor and/or clerk of court records, along with a notation as to what documents were reviewed for each adjacent property.
3. Roads. Adjacent streets, roads, or other rights-of-way, and the width and the former widths, if pertinent, of rights-of-way adjacent to or crossing the property.
4. Water. All water boundaries.
5. Easements. The width and the former widths, if pertinent, of easements adjacent to or crossing the property.
6. Encroachments and cemeteries. Apparent encroachments and observed evidence of human burials or cemeteries.
7. North arrow. An arrow to indicate the principal meridian and a notation as to the reference of bearings to magnetic north, astronomic north, record or grid north. A grid north reference shall indicate the zone. Record north shall reference the document or survey to which the meridian is oriented and the line of the survey to which the "record bearing" was applied to.
8. Metes and bounds bearings and distances and areas. Bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet. The total acreage of the subdivision shall be shown. All bearings, distances, and areas shown on the survey shall be based upon the measurements of the surveyor, except that both the measured and the record measurements may be shown if the surveyor feels that such comparison is necessary or otherwise required, in which case a clear distinction shall be made as to which are measured and which are record. All angular directions shall be represented in degrees, minutes, and seconds. Distances that are shown for

proximity purposes only and have not been measured shall be clearly labeled as "approximate"; A metes and bounds description shall describe all courses in logical sequence around a lot or tract in a clockwise direction such that the ending point is the beginning point. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance of regular curves. Chord distances and directions shall be given for irregular curves.

9. Equipment reference. A statement to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the plat, or the proper notations required by Rule 180-7-.09 when GPS equipment is used in performing the survey.
  10. Closure precision. The closure precision of the data shown on the plat. The closure may be stated as follows: "This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_ feet."
  11. Monuments. Monuments shall be set at all boundary corners. All monuments found, placed or replaced shall be described on the survey plat. The land surveyor shall set monuments, unless monuments already exist or cannot be set due to physical obstructions. Those monuments that cannot be set due to physical obstructions shall have a reference monument set. Said reference monument shall be referenced on the plat by bearing and distance from the true position of said monument. Also, said reference monument shall be set far enough away from the true corner so as not to be confused with the position of the true corner. Corner descriptions shall state the size, material and cap identification of the monument as well as whether the monument was set or found. In the case of badly disturbed or deteriorated monuments that are replaced for the purpose of position preservation, the survey shall indicate the size, type, and material of both the found monument and the monument with which it was replaced.
  12. Monument specifications. All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in location by magnetic locators. Said monuments shall have a minimum length of 18 inches. Monuments placed at land lot corners, district corners or county corners shall if a rod have a minimum diameter of 5/8 inches, a pipe of 1 inch diameter or a concrete or stone monument of not less than 4 inches square. Every boundary monument set shall be identified with a durable marker or cap bearing the Georgia registration number of the land surveyor in responsible charge or the name of the business entity and/or Certification of Authorization number (COA #).
- (d) **Additional plat data required locally.** In addition to the requirements of state law and state rules and regulations, all plats shall including the following additional information:
1. Street names. Street names including both the name and the suffix, such as "street," "avenue," etc.
  2. Location sketch or vicinity map. A hand-drawn or map reproduction, whether or not to an engineering scale, showing the subject property in context of a larger area. Typical scale when a scale is used, is 1inch equals 2,000 feet.

3. Road centerlines, pavement widths and radii. The centerline of all roads within or adjacent to the subdivision, and the exact pavement width of the road or roads abutting the subject property and within the subdivision. For cul-de-sacs, both the right of way radius and the pavement radius shall be shown. In addition, the right of way and pavement radii of all street intersections shall be shown.



4. Lot and block identifiers. Lots numbered in numerical order and blocks lettered alphabetically.
  5. Addresses. Prior to recording, the street address number shall be shown on each lot as assigned by the Jackson County Department of Emergency Services.
  6. Building setbacks. Front building setback lines with dimensions as to length across each lot and distance from the street right-of-way.
  7. Flood hazard area note. A note indicating whether or not the property is located within a 100-year flood plain, as designated on Federal Emergency Management Agency Flood Insurance Rate Maps, along with the community map panel number and effective date.
  8. Dedications and common areas. Any areas to be reserved, donated, or dedicated to public use and common use shall be shown along with their acreage. If streets are to be dedicated, the total linear distance of streets to be dedicated shall be indicated on the plat.
  9. Private covenants. Statement of and reference to private covenants, conditions and restrictions, if any.
  10. Other data. The Zoning Administrator may require that additional information be shown on the final plat, including but not limited to the existing zoning district and if applicable zoning conditions, zoning overlay district, if applicable, variances if applicable, required stream buffers and zoning buffers, and wetlands.
- (e) **Locally required plat certifications.** The following certifications shall be required for final plats, as applicable:
1. Owner's certification. A certificate signed by the owner directly on the final plat, as follows:  
  
"The owner of the land shown on this plat and whose name is subscribed hereto, certifies that that he/she is the fee simple absolute owner of the land shown on this plat



and that all state, city and county taxes or other assessments now due on this land have been paid.

\_\_\_\_\_  
Owner  
Signed, sealed and delivered  
in the presence of:  
\_\_\_\_\_  
Witness  
\_\_\_\_\_  
Notary Public"

2. Certificate of approval and signature block. The following certification of approval and signature block shall be provided on the plat:

"Pursuant to the zoning ordinance, subdivision and land development ordinance, and all requirements of approval of the City of Hoschton having been fulfilled, this final plat was given final approval by the City of Hoschton Zoning Administrator and it is entitled to be recorded in the Clerk's Office, Jackson County Superior Court."

\_\_\_\_\_  
Signature, Zoning Administrator      Date"

3. Certificate of dedication. If the subdivision involves the dedication of land or streets to the public, the following certification shall be provided on the plat:

The owner dedicates to the public for use forever the street right of way(s) and/or other public dedications shown on this plat, as follows:

Street right of way(s): \_\_\_ linear feet and \_\_\_ acres.  
Other: \_\_\_ acres.

A dedication is not final until acceptance of the warranty deed by resolution of the City of Hoschton Governing Authority.

\_\_\_\_\_  
Owner  
Signed, sealed and delivered  
in the presence of:  
\_\_\_\_\_  
Witness  
\_\_\_\_\_  
Notary Public"

4. Health department certificate. If the subdivision involves an on-site sewage management system or community water system, the following certification shall be provided on the plat:

“This final plat has been approved by the Jackson County Health Department as being consistent with applicable state and local environmental health requirements.

\_\_\_\_\_  
Signature, Director, Jackson County Health Department      Date”

For a minor subdivision, the Zoning Administrator may waive the requirement to include a signed health department certificate on a final plat; provided, however, that if the lot(s) included in the final plat of a minor subdivision are to be served by an on-site sewage management system (septic tank), in lieu of said certification the final plat shall contain the following note: “Each lot must be reviewed and approved by the Jackson County Environmental Health Department for on-site sewage management system placement prior to the issuance of a building permit.”

5. Engineer’s utility certificate. If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

“The civil engineer responsible for the design and oversight of construction of water and/or sewer lines within this subdivision to be dedicated, hereby certifies that said water and sewer lines have been constructed and inspected as being in accordance with the standard specifications of the utility provider(s) and the requirements of the City of Hoschton:

\_\_\_\_\_  
Signature, Name of Professional Engineer      Date”  
(affix seal)

6. Utility dedication certificate. If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

“The owner hereby dedicates to the City of Hoschton forever the water and sanitary sewer lines within easements or within street rights of ways shown on this plat, as follows:

Water lines:      \_\_\_ linear feet.  
Sanitary sewer lines: \_\_\_ linear feet.

\_\_\_\_\_  
Owner  
Signed, sealed and delivered  
in the presence of:  
\_\_\_\_\_

Witness

\_\_\_\_\_  
Notary Public"

7. Utility acceptance of dedication. If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

"The City of Hoschton hereby accepts the water and/or sanitary sewer lines within easements or within street rights of ways shown on this plat:

\_\_\_\_\_  
Signature, City Engineer"

The exact language of the plat certifications specified in this Section may be changed to match the requirements of the utility provider or health department, as may be appropriate and as approved by the Zoning Administrator. *[Amended 11/6/2017]*

**Sec. 1004. Action on the Final Plat.**

Upon receipt of a complete final plat application, the Zoning Administrator may transmit for review and comment a copy of the plat to applicable review agencies. If the final plat is for a minor subdivision, the Zoning Administrator is authorized to administratively review and approve the minor subdivision plat. If the application involves a dedication or is a major subdivision, the final plat requires approval by the Hoschton Mayor and City Council *[amended by Ordinance 11-18, adopted December 3, 2018]*

Final plat approval shall be granted if the following are met:

- (a) A preliminary plat of the proposed subdivision, if required, has been previously approved by the Hoschton City Council.
- (b) Where new improvements are involved in the subdivision, development plans have been approved by the Zoning Administrator, all improvements have been installed, improvements have been inspected by the Zoning Administrator and/or City Engineer, 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.

If said final plat approved is a minor subdivision, the Zoning Administrator shall sign the plat. If said final plat approved is a major subdivision or involves a dedication, the Mayor, City Engineer, and Zoning Administrator shall sign the plat. Once the appropriate signature(s) have been placed on the reproducible film copy or original of the plat, the plat shall thereafter be recorded in the plat records of the County Clerk of Superior Court.

**Sec. 1005. Recording of Final Plats.**

Upon final plat approval and without undue delay, the subdivider or his agent shall electronically record the approved final plat with the Clerk of the Superior Court of Jackson County. *[Amended 11/6/2017]*

**Sec. 1006. Subdivision Improvement Guarantee.**

- (a) **Performance guarantee for improvements not yet installed.** If the city authorizes any public improvements required by this ordinance (other than sidewalks and street trees) to be deferred until after final plat approval and such required improvements are not installed at the time of final plat approval, the subdivider, owner, or developer shall provide a performance guarantee to the city prior to final plat approval as specified in this section. The duration of the performance guarantee shall be valid until the improvements are installed but shall not exceed 12 months unless an extension is granted by the city. A performance guarantee shall be released by the city only after such improvements which were deferred are installed according to city standards and approved by the City Engineer.
- (b) **Maintenance guarantee for improvements.** Prior to final plat approval, the subdivider, owner, or developer shall provide to the City a maintenance guarantee to warrant to the city that all newly completed public improvements (including but not necessarily limited to curbs and gutters, street base, pavement, and top coating, and water and sewer lines) to be dedicated to the city shall be maintained in compliance with the standards of this ordinance. The maintenance guarantee shall be in an amount equal to at least 50% of the costs of all specified public street improvements. The costs of said improvements shall be based on the cost of construction as evidenced by copies of contractor agreements or actual invoices paid, or by a contractor's written estimate of the costs of the improvement as provided by the developer, owner, or subdivider, and which is subject to approval by the City Engineer. The maintenance guarantee shall be for a period of two years or until certificates of occupancy have been issued on 90% of the principal buildings on the lots shown on the final subdivision plat, whichever occurs later. If at the expiration of two years the 90% threshold for building on lots in the subdivision has not been met, the maintenance guarantee shall be renewed or extended.
- (c) **Acceptable guarantees.** The subdivider's or developer's performance or maintenance guarantee may be any of the following instruments:
1. An escrow of funds with the City;
  2. An escrow with a bank or savings and loan association upon which the City can draw;
  3. An irrevocable letter of commitment or credit upon which the City can draw;
  4. A bond for the benefit of the City upon which the City can collect;
  5. A certificate of deposit with assignment letter in favor of the City; or
  6. Any other form of guarantee approved by the Hoschton City Attorney that will satisfy the objectives of this section.

- (d) **Contents of guarantees.** In addition to other requirements specified by this section, any subdivision improvement guarantee required by this section shall:
1. Be in a form acceptable to the City Attorney; and
  2. Be conditioned upon the faithful maintenance by subdivider, owner or developer of the public streets, in compliance with this ordinance and all other applicable rules and regulations; and
  3. Be with a surety company entered and licensed to do business in the State of Georgia; and
  4. Be payable to, and for the indemnification of, the City; and
- (e) In the event that a final subdivision plat has been approved and an improvement guarantee required by this section has been invalidated, or is not otherwise available, for whatever reason, the City may refuse to issue a building permit for any lot within said subdivision unless the applicant for building permit provides a subdivision improvement guarantee in an amount required by subsection (f) or (g).
- (f) Bonds in Subdivisions that are not 90% Complete and the Original Developer Retains No Substantial Interest. When all of the following four conditions are met, this subsection (f) may apply: 1) a final subdivision plat has been approved; 2) the original owner of the subdivision at the time of approval of the subdivision plat owns less than 3 lots in said subdivision, has filed for bankruptcy, or is otherwise determined to be insolvent; 3) no improvement guarantee is in place for the subdivision; and 4) more than one person or entity owns undeveloped lots (i.e. lots without a certificate of occupancy) in said subdivision such that posting of a bond(s) for the entire subdivision by a single person or entity is not feasible. In the event of the fulfillment of the above-stated four conditions, the city may, in its discretion, accept from the applicant for a building permit or for a certificate of occupancy for any lot or series of lots, a cash bond in the amount of a pro-rata portion of the amount of the applicable bond that would otherwise be required for the entire subdivision, in lieu of the bonds required to provide for maintenance and performance requirements for the entire subdivision. The pro-rata portion may be determined based upon the total number of lots the applicant owns or has under contract. This subsection (f) is intended to apply only in exceptional circumstances where neither the original subdivision owner nor their successor in interest exists or is solvent and more than one applicant has purchased lots in the subdivision, and only in order for the city to ensure a funding source for the maintenance and performance costs associated with the subdivision.
- (g) Bonds in Subdivisions that are not 90% Complete and the Original Developer Retains Substantial Interest. In the event that the original owner of the subdivision at the time of approval retains a substantial interest, represented by 3 or more lots in the subdivision, or a single applicant owns or controls more than 50% of the remaining lots and no improvement guarantees are in place for the subdivision, such applicant may be required to post all bonds required by this Code before issuance of any building permits. In the event that the applicant owns less than all the remaining lots, the developer may seek approval from the Mayor and Council to post a pro-rata bond as provided by subsection (f).

**Sec. 1007. Dedication of Public Roads and Acceptance of Improvements.**

- (a) **Request for acceptance.** At any time after improvements proposed to be dedicated to the public are complete, and a maintenance period has elapsed, the subdivider may submit a written petition to the Zoning Administrator for the City to accept public roads and other dedications, in whole or in part, within the subdivision. Said improvements shall not be accepted for maintenance until approved by the Hoschton City Council.
- (b) **Inspection.** Prior but close to the end of the maintenance period, the City Engineer shall perform an inspection of the subdivision's public improvements. The subdivider shall be notified of the inspection results in writing.
- (c) **Repairs.** If repairs are needed for the improvements to meet city specifications during the maintenance period, the subdivider shall be required to make such repairs. If the repairs are not completed, any maintenance guarantee shall be called to pay for the repairs. Should the amount of the maintenance guarantee be inadequate to pay for the repairs, the developer shall pay the remaining amount. Should the developer complete necessary maintenance repairs, he shall request that the City Engineer re-inspect the improvements.
- (d) **City Council.** If the public improvements meet city standards and are acceptable, the Zoning Administrator shall schedule the dedication proposal on the next available agenda of the Hoschton City Council for consideration.
- (e) **Deed.** Subdivision streets and right-of-ways and other lands to be dedicated to the public shall be accepted and dedicated to the Hoschton City Council only upon the delivery to the Hoschton City Council of a general warranty deed conveying fee simple title of such right-of-ways and lands.
- (f) **Release of maintenance guarantee.** Upon adoption by Council of a resolution accepting the improvements for perpetual maintenance, the maintenance guarantee shall be released by the Zoning Administrator.

**Sec. 1008. Minor Subdivision.**

The Zoning Administrator is authorized to review and approve or deny applications for minor subdivisions as defined by this Ordinance, as a final plat, provided that application for minor subdivision approval is made in accordance with all specifications for final plats as required by this Ordinance.

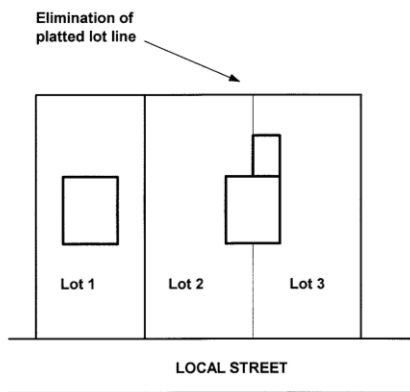
**Sec. 1009. Lot Combination.**

- (a) 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.
- (b) Where separate lots of land are proposed to be combined, they shall be submitted to the Zoning Administrator as a final plat for review, approval and recording.

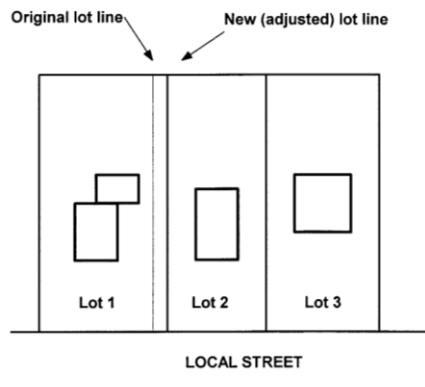
- (c) In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Zoning Administrator and recorded as a final plat.
- (d) Such combination plat shall be titled with the same name 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.

**Sec. 1010. Boundary Line Adjustment.**

- (a) 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, may be adjusted through a final plat revision process that requires the approval of the Zoning Administrator and recording of a plat meeting the specifications of a final plat.
- (b) 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 Zoning Administrator and recorded.
- (c) Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall specify thereon that the re-plat is done for the purpose of adjusting the lot lines between specific lots.



**Lot Combination**



**Boundary Line Adjustment**

**ARTICLE XI  
RESERVED**



**ARTICLE XII  
ADMINISTRATIVE AND LEGAL STATUS PROVISIONS**

- Sec. 1201. Administration and Interpretation.
- Sec. 1202. Fees.
- Sec. 1203. Additional Specifications.
- Sec. 1204. Variances.
- Sec. 1205. Administrative Appeal.
- Sec. 1206. Enforcement, Violations, Remedies, and Penalties.
- Sec. 1207. Amendment.
- Sec. 1208. Severability.
- Sec. 1209. Liability.
- Sec. 1210. Repeal of Previous Ordinances.
- Sec. 1211. Effective Date.

**Sec. 1201. Administration and Interpretation.**

The Zoning Administrator shall administer and interpret the provisions of this Ordinance; provided, however, the Hoschton City Council may, in its discretion, overrule any action taken or interpretation of this Ordinance by the Zoning Administrator.

**Sec. 1202. Fees.**

The fees for various applications required by this Ordinance shall be as adopted by resolution of the Hoschton City Council.

**Sec. 1203. Additional Specifications.**

The City Engineer in consultation with the Zoning Administrator, is hereby authorized to prepare and recommend standard drawings and constructions specifications for private and public improvements not specified in this Ordinance. Upon their adoption by the Hoschton City Council, they shall become mandatory.

**Sec. 1204. Variances.**

- (a) **Standard for Approval of Variances.** Upon application by the subdivider or land developer, the Hoschton City Council shall be authorized to grant a variance or variances upon a showing that one or more of the following criteria has been met:  
*[Amended via Ordinance O-2021-04 adopted 4/19/21]*

1. There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
2. As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulties that render it difficult to carry out the provisions of this Ordinance.

3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this Ordinance.
4. The variance approved is the minimum variance that will reasonably make possible the legal use of the lots, land, building or structure.

**(b) Procedure for Obtaining Variance.**

1. **Application.** Application for a variance shall be filed with the Zoning Administrator on a form prescribed by the City. *[Amended via Ordinance O-2021-04 adopted 4/19/21]*
2. **Hearing before Hoschton City Council.** The Hoschton City Council shall consider and act upon (i.e., approve, conditionally approve, or deny) the variance application after conducting a public hearing and considering the findings and recommendations of the Zoning Administrator. The applicant shall be notified in writing of the date, time, and place of the hearing held by the Hoschton City Council, 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 the City's legal organ at least fifteen (15) days prior to the public hearing. At the public hearing, the applicant shall have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application for a variance. *[Amended via Ordinance O-2021-04 adopted 4/19/21]*
3. **Posted Notice of Hearing.** In addition to any notice of hearing already specified in this Section, at least fifteen (15) days prior to any public hearing referenced in this Section, the City shall post at least one (1) sign in a conspicuous location on the property where a variance is sought, stating the date, time, and place of the hearing and specifying the name and address of the current owner of the property, the location of the property, the current zoning district of the property, and the nature of the proposed variance. The sign shall remain on the property until the public hearing is held. The City is authorized to charge the applicant a fee for any such sign to cover any costs incurred for its preparation, installation, and removal. *[Amended via Ordinance O-2021-04 adopted 4/19/21]*

- (c) Compliance with Conditions of Variance and Approved Plans.** Compliance with any conditions imposed in the Hoschton City Council's approval of a variance, and adherence to the submitted plans, as approved, is required. Any departure from such conditions of approval and approved plans constitutes a violation of this Ordinance and invalidates any variance issued subject to such conditions.

**Sec. 1205. Administrative Appeal.**

- (a) Any person aggrieved by an interpretation or decision of the Zoning Administrator or Zoning Administrator in the administration or enforcement of this Ordinance may file an appeal to the Hoschton City Council.

- (b) If any person desires to appeal a decision or action of the Zoning Administrator in the administration or enforcement of this Ordinance, he or she shall file an appeal application with the Zoning Administrator within 30 days of the date of the action or decision being appealed.
- (c) Upon receipt of said application, the Zoning Administrator shall arrange a date and time before the Hoschton City Council on which the appeal shall be heard and shall notify the applicant in writing by first class mail.
- (d) The application for an appeal shall include specific information regarding the nature of the appeal, the basis for the appeal, statute or code references, and supporting documentation submitted with the appeal application.

**Sec. 1206. Enforcement, Violations, Remedies, and Penalties.**

- (a) **Generally.** Any person who violates the provisions of this Ordinance or the requirements of an approved plat, development plan or permit is subject to any or all of the enforcement actions and remedies described in this Section and, to the extent they are applicable, the enforcement, violations, remedies, and penalty provisions of Section 21-108 of the City of Hoschton stormwater management ordinance and Sections 35-106 and 35-107 of the City of Hoschton soil erosion, sedimentation and pollution control ordinance.
- (b) **Notice of Violation.** If the Zoning Administrator or his designee determines that an applicant or other responsible person has failed to comply with any provision of this Ordinance or any term or conditions of a permit, approved plat or development plan, he shall issue a written Notice of Violation to such applicant or other responsible person. Said Notice of Violation may be issued prior to or concurrent with the issuance of a stop work order. Where a person is engaged in activity covered by this Ordinance without having first secured the appropriate permit there for, the notice of violation shall be served on the owner or agent of the owner of the property where the activity is taking place.
- (c) **Content of Notice of Violation.** Each Notice of Violation shall contain the following:
  - 1. The name and address of the owner, applicant, or other person responsible for the site where the violation occurred or is occurring;
  - 2. The address or other description of the site where the violation occurred or is occurring;
  - 3. A statement specifying the nature of the violation;
  - 4. A description of the remedial measures necessary to correct the violation;
  - 5. The date for the completion of such remedial measures, after which further enforcement action will be taken; and
  - 6. A statement of the penalty or penalties that may be assessed against the person to whom the Notice of Violation is directed.

- (d) **Stop Work Order.** Upon learning of or discovering a violation of this Ordinance or any approved site plan or permit issued pursuant to this Ordinance, the Zoning Administrator or his designee may immediately issue a Stop Work Order which forbids all further work at the job site until the Stop Work Order is withdrawn or otherwise removed. The Stop Work Order shall be posted on the job site and mailed to the applicant at the address shown on the permit or approved site plan. The Stop Work Order shall remain in effect until the remedial measures set forth in the Notice of Violation have been taken or any violation has otherwise been corrected to the satisfaction of the Zoning Administrator; provided, however, the Zoning Administrator may withdraw or modify any Stop Work Order to enable the applicant to take necessary remedial measures to cure any such violation.
- (e) **Failure of Remedial Measures.** In the event the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more actions or penalties described in this Section as appropriate may be taken or assessed against the person to whom the Notice of Violation was directed and/or the property where the violation occurred or is occurring.
- (f) **Withholding, Modification, Revocation, or Suspension of Approvals or Pending Approvals.** The Zoning Administrator or his designee may at any time refuse to issue, revoke, modify, or suspend a plat, plan, or permit for the building or other development activity or improvements constructed or being constructed on the site in violation of this Ordinance until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the enforcement officer may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (g) **Withholding of Utility Service.** The Zoning Administrator or his designee may request or direct any utility service provider to withhold utility service to any property on which a violation is alleged to have occurred.
- (h) **Citation.** The Zoning Administrator or his designee shall have authority to issue citations for violations of this Ordinance and to prosecute such violations before a court of competent jurisdiction.
- (i) **Penalty for Violating Ordinance.** Any person who violates or fails to comply with any provision of this Ordinance, or any plat, development plan or permit issued pursuant to this Ordinance, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding sixty (60) days, or both, for each such violation or failure to comply hereunder. Each day any violation of this Ordinance shall continue shall constitute a separate offense. Any violation or failure to comply that continues for more than one day shall constitute a public nuisance.

**Sec. 1207. Amendment.**

The Hoschton City Council may amend this Ordinance in a manner consistent with Georgia law. Before enacting such amendment to this Ordinance, the Hoschton City Council shall hold a public hearing thereon, notice of which shall be published at least fifteen (15) days prior to such hearing in the City's legal organ or a newspaper of general circulation in the City. *[Amended via Ordinance O-2021-04 adopted 4/19/21]*

**Sec. 1208. Severability.**

Should a court of competent jurisdiction find any provision of this Ordinance to be invalid or unenforceable, such invalid or unenforceable provision shall be severed from this Ordinance and shall not affect the validity or enforceability of the remainder of this Ordinance, which shall remain in full force and effect.

**Sec. 1209. Liability.**

Neither the approval of a plat or development plan under the provisions of this Ordinance nor the compliance with the provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law; provided, however, nothing in this Ordinance shall be construed to impose any liability upon the City for damage to any person or property.

**Sec. 1210. Repeal of Previous Ordinances.**

All Ordinances or parts thereof having the same purpose or subject matter are hereby repealed.

**Sec. 1211. Effective Date.**

This Ordinance shall take effect and be in force from and after the adoption and enactment of this Ordinance, the public health, safety, and welfare demanding it.

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Attest: City Clerk

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Mayor, City of Hoschton

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Approved as to form:  
City Attorney

Date of Adoption: \_\_\_\_\_

## APPENDIX HOSCHTON TREE SPECIES LIST

The Hoschton Tree Species List is intended to support site planning and design activities for tree conservation and establishment, and tree maintenance planning and decision-making. In the list, trees are arranged alphabetically by the tree’s common name with the “genus” listed first. For example, red maple is listed as “Maple, Red” (maple is the genus name). The Latin name is also listed for more definitive species identification. In some cases, the commonly planted varieties or cultivars of the species have been included apart from the species.

### Key to Symbols and Tree Species Characteristic Descriptions

| TREE CHARACTERISTIC   | DESCRIPTION and ENTRY CHOICES  |
|-----------------------|--|
| Species Common Name   | Entered with genus common name first, then species, then cultivar if applicable.   |
| Latin Name            | Genus, species, and variety or cultivar; always italicized or underlined.  |
| Square Feet of Canopy | The total area projection of the crown onto the ground in square feet as typically achieved in urban situations with less than optimal growing conditions. |
| Canopy Size Category  | Very Small - 150 square feet with a 15 foot crown diameter. The minimum open soil surface area is 25 sq. ft.   |
|                       | Small – 400 square feet with a 25 foot crown diameter. The minimum open soil surface area is 75 sq. ft.  |
|                       | Medium – 900 square feet with a 35 foot crown diameter. The minimum open soil surface area is 225 sq. ft.  |
|                       | Large – 1,600 square feet with a 45 foot crown diameter. The minimum open soil surface area is 400 sq. ft.   |
| RECOMMENDED USES      |  |
| Level of Use          | The level of use that the tree should receive.   |
|                       | P = Plant new trees and conserve existing trees  |
|                       | C = Conserve Existing Trees  |
|                       | L = For Limited Planting   |
| Area of Use           | Recommendations on the site situation where the tree may be planted and/or conserved; locations where the tree would adapt well.                           |
|                       | O = Tree to avoid, not suitable  |
|                       | Blank = may or may not be suitable   |
|                       | X = good   |

**City of Hoschton Subdivision and Land Development Ordinance**

| Species<br>Common Name              | Latin Name                       | Canopy Size<br>Category | Square Feet<br>of Canopy | Level of Use | Parking Lots | Riparian<br>Zones and<br>Drainage | Utility<br>Corridors | Native Plant | Urban<br>Tolerant Tree |
|-------------------------------------|----------------------------------|-------------------------|--------------------------|--------------|--------------|-----------------------------------|----------------------|--------------|------------------------|
| Alder, Hazel (Tag)                  | <i>Alnus serrulata</i>           | Very small              | 150                      | P            |              | XX                                | X                    | Y            | X                      |
| Ash, Green                          | <i>Fraxinus pennsylvanica</i>    | Large                   | 1600                     | P            | X            | XX                                |                      | Y            |                        |
| Ash, White                          | <i>Fraxinus americana</i>        | Large                   | 1600                     | P            | X            | XX                                |                      | Y            | X                      |
| Baldcypress                         | <i>Taxodium distichum</i>        | Medium                  | 900                      | P            | X            | XX                                |                      | Y            |                        |
| Basswood,<br>American (Linden)      | <i>Tilia americana</i>           | Large                   | 1600                     | C            |              | XX                                |                      | Y            |                        |
| Beech, American                     | <i>Fagus grandifolia</i>         | Large                   | 1600                     | P            |              | XX                                |                      | Y            |                        |
| Birch, River                        | <i>Betula nigra</i>              | Medium                  | 900                      | P            | X            | XX                                | 0                    | Y            | X                      |
| Birch, River<br>'Heritage'          | <i>Betula nigra 'Heritage'</i>   | Medium                  | 900                      | P            | X            | XX                                | 0                    | Y            |                        |
| Blackgum (Tupelo)                   | <i>Nyssa sylvatica</i>           | Medium                  | 900                      | P            | X            | XX                                |                      | Y            |                        |
| Boxelder                            | <i>Acer negundo</i>              | Medium                  | 900                      | C            |              | XX                                | 0                    | Y            |                        |
| Buckeye,<br>Bottlebrush             | <i>Aesculus parviflora</i>       | Very small              | 150                      | P            |              |                                   | X                    | Y            |                        |
| Buckeye, Painted                    | <i>Aesculus sylvatica</i>        | Very small              | 150                      | P            |              | X                                 | X                    | Y            |                        |
| Buckeye, Red                        | <i>Aesculus pavia</i>            | Very small              | 150                      | P            |              |                                   | X                    | Y            |                        |
| Buckthorn, Carolina                 | <i>Rhamnus caroliniana</i>       | Medium                  | 900                      | P            | X            | X                                 |                      | Y            |                        |
| Buckthorn,<br>Common                | <i>Rhamnus cathartica</i>        | Medium                  | 900                      | L            | X            |                                   | X                    | N            | X                      |
| Buttonbush,<br>Common               | <i>Cephalanthus occidentalis</i> | Very small              | 150                      | P            |              | X                                 | X                    | Y            |                        |
| Catalpa, Southern                   | <i>Catalpa bignonioides</i>      | Medium                  | 900                      | C            | 0            | X                                 |                      | Y            |                        |
| Cedar, Deodar                       | <i>Cedrus deodara</i>            | Medium                  | 900                      | L            |              |                                   |                      | N            |                        |
| Cedar, Japanese                     | <i>Cryptomeria japonica</i>      | Medium                  | 900                      | L            |              |                                   |                      | N            | X                      |
| Chastetree (Vitex)                  | <i>Vitex agnus-castus</i>        | Very small              | 150                      | P            | X            |                                   | X                    | N            | X                      |
| Cherry, Black                       | <i>Prunus serotina</i>           | Medium                  | 900                      | C            |              | X                                 |                      | Y            |                        |
| Cherrylaurel,<br>Carolina           | <i>Prunus caroliniana</i>        | Medium                  | 900                      | C            | 0            | 0                                 |                      | Y            | X                      |
| Cherry, Japanese<br>Flowering       | <i>Prunus serrulata</i>          | Small                   | 400                      | L            |              |                                   | XX                   | N            |                        |
| Cherry, Yoshino                     | <i>Prunus x yedoensis</i>        | Small                   | 400                      | L            |              |                                   | XX                   | N            |                        |
| Chestnut, American                  | <i>Castanea dentata</i>          | Large                   | 1600                     | L            |              |                                   |                      | Y            |                        |
| Chestnut, Chinese                   | <i>Castanea mollissima</i>       | Large                   | 1600                     | P            |              |                                   |                      | N            | X                      |
| Chinquapin,<br>Allegheny            | <i>Castanea pumila</i>           | Small                   | 400                      | C            |              |                                   | X                    | Y            |                        |
| Cottonwood,<br>Eastern              | <i>Populus deltoides</i>         | Large                   | 1600                     | C            | X            | X                                 |                      | Y            | X                      |
| Crabapple,<br>Japanese<br>Flowering | <i>Malus floribunda</i>          | Small                   | 400                      | L            |              |                                   | XX                   | N            |                        |

**City of Hoschton Subdivision and Land Development Ordinance**

| Species<br>Common Name                | Latin Name                            | Canopy Size<br>Category | Square Feet<br>of Canopy | Level of Use | Parking Lots | Riparian<br>Zones and<br>Drainage | Utility<br>Corridors | Native Plant | Urban<br>Tolerant Tree |
|---------------------------------------|---------------------------------------|-------------------------|--------------------------|--------------|--------------|-----------------------------------|----------------------|--------------|------------------------|
| Crabapple,<br>Southern                | <i>Malus angustifolia</i>             | Small                   | 400                      | C            |              |                                   | XX                   | Y            |                        |
| Crapemyrtle,<br>Common                | <i>Lagerstroemia indica</i>           | Very small              | 150                      | P            | XX           | 0                                 | XX                   | N            | X                      |
| Cypress, Leyland                      | <i>Cupressocyparis<br/>leylandii</i>  | Very small              | 400                      | L            | X            |                                   | 0                    | N            |                        |
| Devil's Walking<br>Stick              | <i>Aralia spinosa</i>                 | Small                   | 150                      | N            |              |                                   |                      | Y            |                        |
| Devilwood                             | <i>Osmanthus<br/>americanus</i>       | Very small              | 400                      | C            |              |                                   |                      | Y            |                        |
| Dogwood,<br>Flowering                 | <i>Cornus florida</i>                 | Small                   | 400                      | P            | 0            |                                   | XX                   | Y            |                        |
| Dogwood,<br>Flowering Pink            | <i>Cornus florida var.<br/>rubra</i>  | Small                   | 400                      | P            | 0            |                                   | X                    | Y            |                        |
| Dogwood, Kousa                        | <i>Cornus kousa</i>                   | Small                   | 400                      | P            |              |                                   | X                    | N            |                        |
| Dogwood, Swamp                        | <i>Cornus stricta</i>                 | Small                   | 400                      | C            |              | X                                 | X                    | Y            |                        |
| Elm, American                         | <i>Ulmus americana</i>                | Large                   | 1600                     | C            |              | X                                 |                      | Y            |                        |
| Elm, Chinese (Lace<br>Bark)           | <i>Ulmus parvifolia</i>               | Medium                  | 900                      | L            | XX           | 0                                 |                      | N            | X                      |
| Elm, Slippery                         | <i>Ulmus rubra</i>                    | Large                   | 1600                     | C            |              | X                                 |                      | Y            |                        |
| Elm, Winged                           | <i>Ulmus alata</i>                    | Large                   | 1600                     | P            | XX           | 0                                 |                      | Y            | X                      |
| Flametree, Chinese<br>(Bougainvillea) | <i>Koelreuteria bipinnata</i>         | Small                   | 400                      | P            |              |                                   |                      | N            | X                      |
| Fringetree (Grancy<br>Gray Beard)     | <i>Chionanthus virginicus</i>         | Very small              | 150                      | P            |              |                                   | X                    | Y            |                        |
| Fringetree, Chinese                   | <i>Chionanthus retusus</i>            | Very small              | 150                      | P            |              |                                   | X                    | N            |                        |
| Ginkgo (Female)                       | <i>Ginkgo biloba</i>                  | Large                   | 1600                     | L            | 0            |                                   |                      | N            | X                      |
| Ginkgo (Male)                         | <i>Ginkgo biloba</i>                  | Large                   | 1600                     | P            | X            |                                   |                      | N            | X                      |
| Goldenraintree                        | <i>Koelreuteria paniculata</i>        | Small                   | 400                      | P            | X            |                                   |                      | N            |                        |
| Hackberry,<br>Common                  | <i>Celtis occidentalis</i>            | Large                   | 1600                     | C            |              | X                                 |                      | Y            | X                      |
| Hackberry, Georgia                    | <i>Celtis tenuifolia</i>              | Large                   | 1600                     | C            |              | X                                 |                      | Y            |                        |
| Hawthorne,<br>Washington              | <i>Crataegus<br/>phaenopyrum</i>      | Small                   | 400                      | P            |              |                                   | X                    | Y            |                        |
| Hemlock, Eastern                      | <i>Tsuga canadensis</i>               | Large                   | 1600                     | L            |              |                                   |                      | Y            |                        |
| Hickory, Bitternut                    | <i>Carya cordiformis</i>              | Large                   | 1600                     | C            | 0            |                                   |                      | Y            |                        |
| Hickory, Mockernut                    | <i>Carya tomentosa</i>                | Large                   | 1600                     | C            | 0            |                                   |                      | Y            |                        |
| Hickory, Pignut                       | <i>Carya glabra</i>                   | Large                   | 1600                     | C            | 0            |                                   |                      | Y            |                        |
| Hickory, Sand                         | <i>Carya pallida</i>                  | Large                   | 1600                     | C            | 0            |                                   |                      | Y            |                        |
| Hickory, Shagbark                     | <i>Carya ovata</i>                    | Large                   | 1600                     | C            | 0            |                                   |                      | Y            |                        |
| Hickory, Southern<br>Shagbark         | <i>Carya ovata var.<br/>australis</i> | Large                   | 1600                     | C            | 0            |                                   |                      | Y            |                        |



**City of Hoschton Subdivision and Land Development Ordinance**

| Species<br>Common Name                      | Latin Name                                  | Canopy Size<br>Category | Square Feet<br>of Canopy | Level of Use | Parking Lots | Riparian<br>Zones and<br>Drainage | Utility<br>Corridors | Native Plant | Urban<br>Tolerant Tree |
|---|---|-------------------------|--------------------------|--------------|--------------|-----------------------------------|----------------------|--------------|------------------------|
| Holly, American                             | <i>Ilex opaca</i>                           | Very small              | 150                      | P            | X            |                                   | 0                    | Y            | X                      |
| Holly, Deciduous<br>(Possumhaw)             | <i>Ilex decidua</i>                         | Very small              | 150                      | C            |              | X                                 | X                    | Y            |                        |
| Holly, Fosters                              | <i>Ilex x attenuata</i><br>'Fosteri'        | Very small              | 150                      | P            | X            |                                   |                      | N            | X                      |
| Holly, Ornamental<br>Variety                | <i>Ilex species</i>                         | Very small              | 150                      | L            | X            |                                   | X                    | N            |                        |
| Holly, Savannah                             | <i>Ilex x attenuata</i><br>'Savannah'       | Very small              | 150                      | P            | X            |                                   | 0                    | N            |                        |
| Holly, Yaupon                               | <i>Ilex vomitoria</i>                       | Very small              | 150                      | P            | X            |                                   | X                    | N            | X                      |
| Honeylocust                                 | <i>Gleditsia triacanthos</i>                | Medium                  | 900                      | C            | 0            |                                   |                      | Y            | X                      |
| Hophornbeam,<br>American                    | <i>Ostrya virginiana</i>                    | Medium                  | 900                      | P            | X            | X                                 |                      | Y            | X                      |
| Hornbeam, Am.<br>(Ironwood, Blue<br>Beech)  | <i>Carpinus caroliniana</i>                 | Medium                  | 900                      | P            | X            | XX                                |                      | Y            |                        |
| Hornbeam,<br>European                       | <i>Carpinus betulus</i>                     | Medium                  | 900                      | P            | XX           |                                   |                      | N            | X                      |
| Hornbeam,<br>Japanese                       | <i>Carpinus japonica</i>                    | Small                   | 400                      | L            | X            |                                   |                      | N            |                        |
| Katsuratree                                 | <i>Cercidiphyllum</i><br><i>japonicum</i>   | Medium                  | 900                      | L            | X            |                                   |                      | N            |                        |
| Locust, Black                               | <i>Robinia pseudoacacia</i>                 | Medium                  | 900                      | C            | 0            | X                                 |                      | Y            | X                      |
| Magnolia,<br>Cucumber                       | <i>Magnolia acuminata</i>                   | Large                   | 1600                     | C            | 0            | X                                 |                      | Y            |                        |
| Magnolia,<br>Japanese (Saucer)              | <i>Magnolia x</i><br><i>soulangiana</i>     | Medium                  | 900                      | L            | 0            |                                   | X                    | N            |                        |
| Magnolia, Southern                          | <i>Magnolia grandiflora</i>                 | Large                   | 1600                     | P            | 0            |                                   | 0                    | Y            |                        |
| Magnolia, Southern<br>'Little Gem'          | <i>Magnolia grandiflora</i><br>'Little Gem' | Very small              | 150                      | P            | X            |                                   | XX                   | Y            |                        |
| Magnolia, Star                              | <i>Magnolia stellata</i>                    | Very small              | 150                      | L            | 0            |                                   | X                    | N            |                        |
| Magnolia,<br>Sweetbay                       | <i>Magnolia virginiana</i>                  | Medium                  | 900                      | P            | X            | XX                                |                      | Y            |                        |
| Maple, Amur                                 | <i>Acer ginnala</i>                         | Small                   | 400                      | P            |              |                                   | X                    | N            |                        |
| Maple, Chalk                                | <i>Acer leucoderme</i>                      | Medium                  | 900                      | P            | X            |                                   |                      | Y            | X                      |
| Maple, Hedge                                | <i>Acer campestre</i>                       | Medium                  | 900                      | P            | X            |                                   |                      |              | X                      |
| Maple, Japanese                             | <i>Acer palmatum</i>                        | Small                   | 400                      | L            | 0            |                                   | X                    |              |                        |
| Maple, Red                                  | <i>Acer rubrum</i>                          | Medium                  | 900                      | P            | X            | XX                                | 0                    | Y            |                        |
| Maple, Silver                               | <i>Acer saccharinum</i>                     | Large                   | 1600                     | L            | 0            |                                   |                      | N            |                        |
| Maple, Southern<br>Sugar (Florida<br>Sugar) | <i>Acer barbatum</i>                        | Medium                  | 900                      | P            | X            | X                                 |                      | Y            | X                      |
| Maple, Sugar                                | <i>Acer saccharum</i>                       | Large                   | 1600                     | P            | X            | X                                 | 0                    | Y            |                        |

**City of Hoschton Subdivision and Land Development Ordinance**

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|----------------------------------|--|-------------------------|--------------------------|--------------|--------------|-----------------------------------|----------------------|--------------|------------------------|
| Maple, Sugar<br>'Green Mountain' | <i>Acer saccharum</i><br>'Green Mountain'              | Large                   | 1600                     | P            | X            |                                   | 0                    | Y            |                        |
| Maple, Sugar<br>'Legacy'         | <i>Acer saccharum</i><br>'Legacy'                      | Large                   | 1600                     | P            | X            |                                   | 0                    | Y            |                        |
| Maple, Trident                   | <i>Acer buergeranum</i>                                | Small                   | 400                      | P            | XX           |                                   | XX                   | N            | X                      |
| Mulberry, Red                    | <i>Morus rubra</i>                                     | Medium                  | 900                      | C            | 0            | X                                 |                      | Y            |                        |
| Oak, Black                       | <i>Quercus velutina</i>                                | Large                   | 1600                     | C            | X            | X                                 |                      | Y            |                        |
| Oak, Cherrybark                  | <i>Quercus falcata</i> var.<br><i>pagodifolia</i>      | Large                   | 1600                     | P            | X            | X                                 |                      | Y            |                        |
| Oak, Chestnut                    | <i>Quercus prinus</i>                                  | Large                   | 1600                     | P            | 0            | 0                                 |                      | Y            |                        |
| Oak, Diamond Leaf<br>(Laurel)    | <i>Quercus laurifolia</i>                              | Large                   | 1600                     | P            |              |                                   |                      | N            |                        |
| Oak, English                     | <i>Quercus robur</i>                                   | Large                   | 1600                     | L            |              |                                   |                      | N            |                        |
| Oak, Georgia                     | <i>Quercus georgiana</i>                               | Large                   | 1600                     | C            |              |                                   |                      | Y            |                        |
| Oak, Laurel                      | <i>Quercus</i><br><i>hemisphaerica</i>                 | Large                   | 1600                     | P            | X            |                                   |                      | N            |                        |
| Oak, Laurel<br>'Darlington'      | <i>Quercus</i><br><i>hemisphaerica</i><br>'Darlington' | Large                   | 1600                     | P            | X            |                                   |                      | N            |                        |
| Oak, Live                        | <i>Quercus virginiana</i>                              | Large                   | 1600                     | L            |              |                                   |                      | Y            |                        |
| Oak, Northern Red                | <i>Quercus rubra</i>                                   | Large                   | 1600                     | P            | X            |                                   |                      | Y            |                        |
| Oak, Nuttall                     | <i>Quercus nuttalli</i>                                | Large                   | 1600                     | P            | X            |                                   |                      | Y            |                        |
| Oak, Oglethorpe                  | <i>Quercus</i><br><i>oglethorpensis</i>                | Large                   | 1600                     | C            |              |                                   |                      | Y            |                        |
| Oak, Overcup                     | <i>Quercus lyrata</i>                                  | Large                   | 1600                     | P            | X            | X                                 |                      | Y            |                        |
| Oak, Pin                         | <i>Quercus palustris</i>                               | Large                   | 1600                     | L            | 0            | 0                                 |                      | Y            |                        |
| Oak, Post                        | <i>Quercus stellata</i>                                | Large                   | 1600                     | C            | X            |                                   |                      | Y            |                        |
| Oak, Sawtooth                    | <i>Quercus acutissima</i>                              | Large                   | 1600                     | L            | 0            | 0                                 |                      | N            |                        |
| Oak, Scarlet                     | <i>Quercus coccinea</i>                                | Large                   | 1600                     | P            | X            |                                   |                      | Y            |                        |
| Oak, Shumard                     | <i>Quercus shumardii</i>                               | Large                   | 1600                     | P            | XX           |                                   |                      | Y            |                        |
| Oak, Southern Red                | <i>Quercus falcata</i>                                 | Large                   | 1600                     | P            | X            | X                                 |                      | Y            |                        |
| Oak, Swamp<br>Chestnut           | <i>Quercus michauxii</i>                               | Large                   | 1600                     | P            | 0            | X                                 |                      | Y            |                        |
| Oak, Swamp White                 | <i>Quercus bicolor</i>                                 | Large                   | 1600                     | P            |              | X                                 |                      | Y            |                        |
| Oak, Water                       | <i>Quercus nigra</i>                                   | Large                   | 1600                     | P            |              | XX                                | 0                    | Y            |                        |
| Oak, White                       | <i>Quercus alba</i>                                    | Large                   | 1600                     | P            |              |                                   |                      | Y            |                        |
| Oak, Willow                      | <i>Quercus phellos</i>                                 | Large                   | 1600                     | P            | XX           | XX                                | 0                    | Y            | X                      |
| Orange, Osage                    | <i>Maclura pomifera</i>                                | Medium                  | 900                      | L            | 0            | 0                                 |                      | Y            | X                      |

**City of Hoschton Subdivision and Land Development Ordinance**

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|-------------------------------|---|-------------------------|--------------------------|--------------|--------------|-----------------------------------|----------------------|--------------|------------------------|
| Parrotia                      | <i>Parrotia persica</i>                       | Small                   | 400                      | L            |              |                                   | X                    | N            |                        |
| Pear, Bradford                | <i>Pyrus calleryana</i><br>'Bradford'         | Medium                  | 900                      | L            |              |                                   |                      | N            |                        |
| Pear, Callery<br>Variety      | <i>Pyrus calleryana</i>                       | Medium                  | 900                      | L            |              |                                   |                      | N            |                        |
| Pecan                         | <i>Carya illinoensis</i>                      | Large                   | 1600                     | P            | 0            |                                   |                      | Y            |                        |
| Persimmon,<br>Common          | <i>Diospyros virginiana</i>                   | Medium                  | 900                      | P            | 0            | X                                 |                      | Y            | X                      |
| Pine, Eastern White           | <i>Pinus strobus</i>                          | Large                   | 1600                     | L            | 0            |                                   |                      | Y            |                        |
| Pine, Loblolly                | <i>Pinus taeda</i>                            | Large                   | 1600                     | P            | XX           | X                                 | 0                    | Y            |                        |
| Pine, Longleaf                | <i>Pinus palustris</i>                        | Large                   | 1600                     | C            | X            | 0                                 |                      | Y            |                        |
| Pine, Shortleaf               | <i>Pinus echinata</i>                         | Large                   | 1600                     | P            | X            | X                                 | 0                    | Y            |                        |
| Pine, Slash                   | <i>Pinus elliotii</i>                         | Large                   | 1600                     | C            | X            | 0                                 |                      | Y            |                        |
| Pine, Virginia                | <i>Pinus virginiana</i>                       | Medium                  | 900                      | P            | X            | X                                 |                      | Y            | X                      |
| Pistache, Chinese             | <i>Pistacia chinensis</i>                     | Medium                  | 900                      | P            | XX           | 0                                 |                      | N            | X                      |
| Planetree, London             | <i>Platanus x acerifolia</i>                  | Large                   | 1600                     | P            | XX           |                                   |                      | N            | X                      |
| Plum, Chickasaw               | <i>Prunus angustifolia</i>                    | Very small              | 150                      | C            |              |                                   | X                    | N            |                        |
| Plum, Purpleleaf              | <i>Prunus cerasifera</i>                      | Small                   | 400                      | L            |              |                                   | X                    | N            |                        |
| Poplar, Lombardy              | <i>Populus nigra var.</i><br><i>italica</i>   | Medium                  | 900                      | L            |              |                                   |                      | N            |                        |
| Poplar, Yellow<br>(Tuliptree) | <i>Liriodendron tulipifera</i>                | Large                   | 1600                     | P            | X            | XX                                | 0                    | Y            |                        |
| Redbud, Eastern               | <i>Cercis canadensis</i>                      | Small                   | 400                      | P            |              | X                                 | XX                   | Y            |                        |
| Redbud, Eastern<br>White      | <i>Cercis canadensis var.</i><br><i>alba</i>  | Small                   | 400                      | P            |              | X                                 | XX                   | Y            |                        |
| Redbud, 'Forest<br>Pansy'     | <i>Cercis canadensis</i><br>'Forest Pansy'    | Small                   | 400                      | P            |              | X                                 | XX                   | Y            |                        |
| Redbud,<br>'Oklahoma'         | <i>Cercis reniformis</i><br>'Oklahoma'        | Small                   | 400                      | P            | X            |                                   | XX                   | Y            | X                      |
| Redbud, 'Texas<br>White'      | <i>Cercis reniformis</i><br>'Texas White'     | Small                   | 400                      | P            | X            |                                   | XX                   | Y            |                        |
| Redcedar, Eastern             | <i>Juniperus virginiana</i>                   | Medium                  | 900                      | P            | X            | X                                 | 0                    | Y            |                        |
| Redwood, Dawn                 | <i>Metasequoia</i><br><i>glyptostroboides</i> | Medium                  | 900                      | P            | X            |                                   |                      | N            | X                      |
| Sassafras                     | <i>Sassafras albidum</i>                      | Medium                  | 900                      | C            |              | X                                 |                      | Y            |                        |
| Serviceberry,<br>Downy        | <i>Amelanchier arborea</i>                    | Small                   | 400                      | P            |              | X                                 | X                    | Y            |                        |
| Silverbell, Carolina          | <i>Halesia carolina</i>                       | Medium                  | 900                      | P            | X            | X                                 |                      | Y            |                        |
| Smoketree,<br>American        | <i>Cotinus obovatus</i>                       | Very small              | 150                      | P            |              |                                   | X                    | Y            | X                      |
| Smoketree,<br>Common          | <i>Cotinus coggygria</i>                      | Very small              | 150                      | P            |              |                                   | X                    | N            | X                      |

**City of Hoschton Subdivision and Land Development Ordinance**

| <b>Species<br/>Common Name</b> | <b>Latin Name</b>                               | <b>Canopy Size<br/>Category</b> | <b>Square Feet<br/>of Canopy</b> | <b>Level of Use</b> | <b>Parking Lots</b> | <b>Riparian<br/>Zones and<br/>Drainage</b> | <b>Utility<br/>Corridors</b> | <b>Native Plant</b> | <b>Urban<br/>Tolerant Tree</b> |
|--------------------------------|---|---------------------------------|----------------------------------|---------------------|---------------------|--|------------------------------|---------------------|--------------------------------|
| Sourwood                       | <i>Oxydendrum arboreum</i>                      | Medium                          | 900                              | C                   | X                   |  |                              | Y                   |                                |
| Sparkleberry, Tree             | <i>Vaccinium arboreum</i>                       | Very small                      | 150                              | C                   |                     | X  | X                            | Y                   |                                |
| Spruce Varieties               | <i>Picea species</i>                            | Medium                          | 900                              | L                   |                     |  |                              | N                   |                                |
| Sugarberry                     | <i>Celtis laevigata</i>                         | Large                           | 1600                             | C                   |                     | X  |                              | Y                   |                                |
| Sweetgum                       | <i>Liquidambar styraciflua</i>                  | Large                           | 1600                             | C                   | 0                   | X  |                              | Y                   |                                |
| Sweetgum,<br>Fruitless         | <i>Liquidambar styraciflua</i><br>'Rotundiloba' | Large                           | 1600                             | P                   | X                   |  |                              | Y                   |                                |
| Sycamore                       | <i>Platanus occidentalis</i>                    | Large                           | 1600                             | P                   | X                   | X  | 0                            | Y                   |                                |
| Walnut, Black                  | <i>Juglans nigra</i>                            | Large                           | 1600                             | C                   | 0                   | X  |                              | Y                   |                                |
| Waxmyrtle,<br>Southern         | <i>Myrica cerifera</i>                          | Very small                      | 150                              | P                   | X                   | 0  | X                            | Y                   |                                |
| Willow, Black                  | <i>Salix nigra</i>                              | Medium                          | 900                              | C                   | 0                   | X  | 0                            | Y                   |                                |
| Willow, Weeping                | <i>Salix babylonica</i>                         | Large                           | 1600                             | L                   | 0                   |  | 0                            | N                   |                                |
| Winterberry,<br>Common         | <i>Ilex verticillata</i>                        | Very small                      | 150                              | P                   |                     | X  | X                            | Y                   |                                |
| Witchhazel,<br>Common          | <i>Hamamelis virginiana</i>                     | Small                           | 400                              | P                   |                     | X  | X                            | Y                   |                                |
| Yellowwood,<br>American        | <i>Cladrastis kentukea</i>                      | Medium                          | 900                              | P                   | X                   |  |                              | Y                   |                                |
| Zelkova, Japanese              | <i>Zelkova serrata</i>                          | Large                           | 1600                             | P                   | X                   | 0  | 0                            | N                   | X                              |

**Shrubs – these plants are not eligible for tree canopy credit**

| Species Common Name        | Latin Name   | Native |
|----------------------------|--|--------|
| Abelia, Glossy             | <i>Abelia x grandiflora</i>                        | N      |
| Anise-tree, Small          | <i>Illicium parviflorum</i>                        | N      |
| Beautyberry, American      | <i>Callicarpa americana</i>                        | Y      |
| Blueberry                  | <i>Vaccinium ashei</i>                             | Y      |
| Bottlebrush, Dwarf         | <i>Fothergilla gardenii</i>                        | Y      |
| Cherry Laurel, Otto Luyken | <i>Prunus laurocerasus "Otto Luyken"</i>           | N      |
| Cherry Laurel, Schip       | <i>Prunus laurocerasus "Schipkaensis"</i>          | N      |
| Cleyera, Japanese          | <i>Ternstroemia gymnanthera</i>                    | N      |
| Holly, Dwarf Yaupon        | <i>Ilex vomitoria 'Nana'</i>                       | N      |
| Holly, Inkberry Shamrock   | <i>Ilex glabra 'Shamrock'</i>                      | Y      |
| Holly, Winterberry         | <i>Ilex verticillata</i>                           | Y      |
| Hydrangea, Oakleaf         | <i>Hydrangea quercifolia</i>                       | Y      |
| Loropetalum                | <i>Loropetalum chinense</i>                        | N      |
| Rose, Knockout             | <i>Rosa radras "Knockout"</i>                      | N      |
| Sumac, Fragrant            | <i>Rhus aromatica</i>                              | Y      |
| Summersweet                | <i>Clethra alnifolia</i>                           | Y      |
| Sweetspire, Virginia       | <i>Itea virginica</i>                              | Y      |
| Walter's Viburnum, Dwarf   | <i>Viburnum obovatum 'Mrs. Schiller's Delight'</i> | N      |
| Waxmyrtle                  | <i>Morela cerifera</i>                             | Y      |

**Grasses – these plants are not eligible for tree canopy credit**

| Species Common Name            | Latin Name                                     | Native |
|--------------------------------|--|--------|
| Little Bluestem                | <i>Schizachyrium scoparium</i>                 | Y      |
| Little Bluestem, Prairie Blues | <i>Schizachyrium scoparium 'Prairie Blues'</i> | Y      |
| Muhly Grass, Pink              | <i>Muhlenbergia capillaris</i>                 | Y      |
| Muhly Grass, White Cloud       | <i>Muhlenbergia capillaris 'White Cloud'</i>   | Y      |
| Switchgrass                    | <i>Panicum virgatum</i>                        | Y      |
| Switchgrass, Dallas Blues      | <i>Panicum virgatum 'Dallas Blues'</i>         | Y      |
| Switchgrass, Heavy Metal       | <i>Panicum virgatum 'Heavy Metal'</i>          | Y      |
| Switchgrass, Shenandoah        | <i>Panicum virgatum 'Shenandoah'</i>           | Y      |

**Vines and ground covers – these plants are not eligible for tree canopy credits**

| Species Common Name        | Latin Name                         | Native |
|----------------------------|------------------------------------|--------|
| Ajuga                      | <i>Ajuga reptans</i>               | N      |
| Creeping Fig               | <i>Ficus pumila</i>                | N      |
| Crossvine                  | <i>Bignonia capreolata</i>         | Y      |
| Honeysuckle, Coral         | <i>Lonicera sempervirens</i>       | Y      |
| Jasmine, Asian             | <i>Trachelospermum asiaticum</i>   | N      |
| Jasmine, Florida           | <i>Jasminum floridum</i>           | Y      |
| Jasmine, Star              | <i>Trachelospermum jasminoides</i> | N      |
| Jasmine, Winter            | <i>Jasminum nudiflorum</i>         | N      |
| Jasmine, Yellow            | <i>Gelsemium sempervirens</i>      | Y      |
| Juniper, Shore             | <i>Juniperus conferta</i>          | N      |
| Lantana                    | <i>Lantana camara</i>              | Y      |
| Liriope                    | <i>Liriope muscari</i>             | N      |
| Mondo Grass                | <i>Ophiopogon japonicus</i>        | N      |
| Passion Flower             | <i>Passiflora incarnata</i>        | Y      |
| Sedum                      | <i>Sedum acre</i>                  | N      |
| Sumac, Frangrant "Gro-low" | <i>Rhus aromatica "Gro-low"</i>    | Y      |
| Trumpet Vine               | <i>Campsis radicans</i>            | Y      |
| Virginia Creeper           | <i>Parthenocissus quinquefolia</i> | Y      |

**Non-Native, Invasive Species -- will not be approved for any landscape plantings**

| <b>Species Common Name</b>          | <b>Latin Name</b>              |
|-------------------------------------|--------------------------------|
| Autumn Olive                        | <i>Elaeagnus umbellata</i>     |
| Chinaberry                          | <i>Melia azedarach</i>         |
| Elm, Siberian                       | <i>Ulmus pumila</i>            |
| Honeysuckle, Amur                   | <i>Lonicera maackii</i>        |
| Honeysuckle, Morrow's               | <i>Lonicera morrowii</i>       |
| Honeysuckle, Sweet-breath-of-spring | <i>Lonicera fragrantissima</i> |
| Honeysuckle, Tartarian              | <i>Lonicera, tatarica</i>      |
| Maple, Norway                       | <i>Acer platanoides</i>        |
| Mimosa                              | <i>Albizia julibrissin</i>     |
| Nandina, Sacred Bamboo              | <i>Nandina domestica</i>       |
| Poplar, White                       | <i>Populus alba</i>            |
| Privet, Chinese                     | <i>Ligustrum sinense</i>       |
| Privet, Japanese                    | <i>Ligustrum japonicum</i>     |
| Rose, Multiflora                    | <i>Rosa multiflora</i>         |
| Royal Paulownia (Princess-Tree)     | <i>Paulownia tomentosa</i>     |
| Silverthorn (Thorny Eleagnus)       | <i>Elaeagnus pungens</i>       |
| Tallowtree, Chinese                 | <i>Sapium sebiferum</i>        |
| Tree-of-Heaven (Ailanthus)          | <i>Ailanthus altissima</i>     |
| Winged Burning Bush                 | <i>Euonymus alata</i>          |