

**ARTICLE I - GENERAL PROVISIONS****Section 100 - Short Title**

This ordinance shall be known and may be cited as the "Subdivision Regulations of Barnesville, Georgia".

**Section 110 - Purpose and Intent**

These regulations shall apply only in and to the incorporated areas of Barnesville, Georgia and are enacted for the following purposes:

- (1) To project and promote the public health, safety, and general welfare of the people of the incorporated area of Barnesville, Georgia.
- (2) To encourage economically sound and stable land development.
- (3) To assure the provision of required streets, utilities, and other facilities and service to new land developments in conformance with public improvement plans of the incorporated areas of Barnesville, Georgia.
- (4) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
- (5) To assure equitable handling of all subdivision plats and plans by providing uniform procedures and standards for observance by the subdivider, the Mayor and Council of the City of Barnesville and the Lamar County Health Department.

**Section 120 - Authority and Jurisdiction****120.1**

These regulations are adopted in accordance with, and under the authority conferred by Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia (Revised January 1985) and for the purpose of promoting the health, safety, and general welfare of the community; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements and in accordance with the comprehensive plan; and for other purposes.



**Section 130 - Interpretation, Conflict and Severability****130.1 - Interpretation**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the protection and promotion of the public health, safety, and welfare.

**130.2 - Conflict with Public and Private Provisions**

- (1) **Public Provisions** - These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or provision of law, whichever provision is more restrictive, or imposes higher standards, shall control.
- (2) **Private Provisions** - These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

**130.3 - Severability**

If any part or provision of these regulations or application thereof or any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Mayor and Council of the City of Barnesville hereby declares that it would have enacted the remainder of these regulations even without such part, provision, or application.

**Section 140 - Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue of prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any entity.

**Section 150 - Repeal of Existing Regulations**

Upon the adoption of this ordinance, the existing Subdivision Regulations of Barnesville, Georgia, as amended, are hereby repealed.



**Section 160 - Amendments**

For the purposes of protecting and providing for the public health, safety, and welfare, the Mayor and Council of the City of Barnesville may from time to time amend the provisions of these subdivision regulations. Before enacting any amendment to this ordinance, the Barnesville/Lamar County Planning Commission, acting for the Mayor and Council of the City of Barnesville, shall hold a public hearing. Not less than fifteen (15) days, nor more than forty-five (45) days prior to the date of the said public hearing, the Secretary of the Barnesville/Lamar County Planning Commission shall advertise the date, time, place and purpose of the public hearing in a newspaper of general circulation in Lamar County. The Barnesville/Lamar County Planning Commission shall hold said hearing and make a recommendation to the Mayor and Council of the City of Barnesville.

**Section 165 - Variances****165.1 General**

Where the Mayor and Council of the City of Barnesville finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may, approve a variance to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. Before approving any variance to this ordinance the Mayor and Council of the City of Barnesville, shall hold a public hearing. Not less than fifteen (15) days, nor more than forty-five (45) days prior to the date of the said public hearing, the City Clerk shall advertise the date, time, place and purpose of the public hearing in a newspaper of general circulation in Lamar County. The Mayor and Council of the City of Barnesville shall not approve a variance unless it shall find, based on the evidence presented, that all of the following criteria are met:

- (1) The granting of the variance shall not be detrimental to the public safety, health, or welfare, or injurious to other property.
- (2) The conditions upon which the request for a variance are based are unique to the property for which the variance is sought and are not generally applicable to the other property.
- (3) Because of the particular physical surroundings, shape, or topography of the specified property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out.
- (4) The variance will not in any manner vary the provisions of the Barnesville Zoning Ordinance and Official Zoning Map, and the Comprehensive Plan.



165.2 Conditions

In approving variances, the Mayor and Council of the City of Barnesville may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

165.3 Procedure

A plat of survey and a petition for any variance shall be submitted in writing by the subdivider for the consideration by the Mayor and Council of the City of Barnesville. The petition shall state fully the grounds for the request and address the criteria described above in Sections 165.

Section 170 - Enforcement, Violations, and Penalties170.1 General

- (1) It shall be the duty of the Zoning Department to enforce these regulations, and to bring to the attention of the City any violation or lack of compliance herewith.
- (2) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision, or an existing subdivision meeting the requirements of Article I, Section 1.3 (4), shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Barnesville Zoning Department in accordance with provisions of this ordinance, and filed with the Clerk of the Superior Court of Lamar County.
- (3) The subdivision of any lot or parcel of land, by the use of a metes and bounds description for the purposes of sale, transfer, or lease shall not be permitted except as provided for in the requirements set forth in these regulations.
- (4) No building permit shall be issued for the construction of any building or structure located on a lot site subdivided or sold in violation of the provisions of these regulations.

170.2 Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations; to prevent unlawful construction to recover damages; to restrain, correct, or abate a violation; to prevent illegal occupancy of a building, structure, or premises; and these remedies shall be in addition to the criminal penalties authorized by law. Any action brought hereunder may be brought in the Municipal Court of Barnesville, Georgia.

**Section 180 - Appeals**

- (1) Any person or persons, jointly or severally aggrieved by any decision of the City Manager or his designee shall have the right of appeal to the Mayor and Council, if such appeal is filed with the City Clerk within thirty (30) days of rendering of the decision by the City Manager or his designee.
- (2) Any person or persons, jointly or severally aggrieved by any decision of the Mayor and Council or the City of Barnesville shall have the right of appeal to a court of law if such appeal is filed with the Clerk of Court within thirty (30) days of the rendering of the decision by the Mayor and Council of the City of Barnesville.