

STATE OF GEORGIA

COUNTY OF HALL

**A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY
WITH REGARD TO THE INSTALLATION OF SIDEWALKS**

WHEREAS, Hall County has enacted an ordinance entitled “Sidewalk Installation” found in Code Section 16.70.330 of the Official Code of Hall County, Georgia; and

WHEREAS, Code Section 16.70.330 of the Hall County, Georgia Official Code currently requires that all residential subdivisions (with one exception) must have sidewalks installed; and

WHEREAS, Code Section 16.70.330 of the Hall County, Georgia Official Code currently requires that developers comply with one of three options in timing their installation of sidewalks in residential developments; and

WHEREAS, all three options for timing of sidewalk installation found in Code Section 16.70.330 require that sidewalks be installed either prior to final platting of the subdivision or within two years after final platting of the subdivision; and

WHEREAS, the Board of Commissioners wishes to provide additional options to developers in timing the construction of sidewalks; and

WHEREAS, the County recognizes that developers of larger proposed subdivisions, particularly subdivisions with more than 35 proposed lots, find it difficult to complete the construction of sidewalks within the entire subdivision within two years of final plat approval; and

WHEREAS, the County wishes to implement sidewalk construction timing options based at least in part upon the size of the proposed development; and

WHEREAS, the County’s Board of Commissioners believes that the changes to its Code of Ordinances relating to “Sidewalk Installation” will serve the best interests of Hall County and will promote the public health, safety, and general welfare of the community.

NOW, THEREFORE, the Board of Commissioners does hereby amend the Official Code of Hall County, Georgia as follows:

1.

Section 16.70.330 is hereby amended by deleting Section 16.70.330 in its entirety and by inserting in lieu thereof a new Section 16.70.330 which provides as follows:

16.70.330 – Sidewalk installation options.

All residential subdivisions will have sidewalks with one exception: Those subdivisions in which average lot size is equal to, or greater than, 1.25 acres shall be exempt from the sidewalk requirements. Developers will be required to construct sidewalks in accordance with one of the following three subsections and in compliance with the final plat review requirements found in Code section 16.30.360.

(a) All sidewalks may be installed as a unit prior to final platting of the subdivision.

(1) Developers choosing this option will complete the installation of the entire sidewalk system in the subdivision prior to final plat approval. The sidewalks must be constructed as one unit.

(2) All sidewalk inspections in subdivisions choosing this option will be performed by county engineering. Developers utilizing this option will be required to notify county engineering prior to pouring in order to allow the county's engineers to inspect formwork and subgrade, and shall also notify county engineering after pouring and finishing of the sidewalks to allow for re-inspection by the county if the county deems it necessary.

(3) If a developer utilizes this option, the following items must be clearly shown on the final plat of each such subdivision:

(A) The construction details of sidewalks as shown in Plate 3A of the county's subdivision regulations.

(B) The typical road section for residential streets with sidewalks as shown on the plates as set forth in this chapter. Plate 1A shall be utilized for the final plat in subdivisions that will have sidewalks on both sides of the street, and Plate 1C shall be utilized for the final plat in subdivisions that will have sidewalks on a single side of the street.

(C) A note that reads as follow:

“This development will utilize a sidewalk system throughout the project. The sidewalk system will be installed as a unit prior to final plat approval. Said sidewalks will comply with the Hall County Subdivision Regulations. The entire sidewalk system must be completed prior to release of any maintenance bond, prior to the release of any maintenance agreement, and prior to final platting.”

(b) All sidewalks may be installed on a lot-by-lot basis after final platting based upon the following criteria.

(1) Developers choosing this option will construct sidewalks in concurrence with the development of each lot and pour the sidewalks in conjunction with the pouring of the driveway for each lot.

(2) If the proposed subdivision has 35 or fewer lots, developers choosing this option must build sidewalks on a lot-by-lot basis within two (2) years of final plat approval, provided that within two (2) years, all sidewalks are required to be installed. Any incomplete areas of the sidewalk system must be constructed as one unit before two years expire from the final plat approval.

- (3) If the proposed subdivision has more than 35 lots but 150 lots or fewer, developers choosing this option must build sidewalks on a lot-by-lot basis within three (3) years of final plat approval or until 90% of platted lots have received certificates of occupancy (whichever is less), provided that within three (3) years, all sidewalks are required to be installed. Any incomplete areas of the sidewalk system must be constructed as one unit before three years expire from the final plat approval.
- (4) If the proposed subdivision has more than 150 lots, developers choosing this option must build sidewalks on a lot-by-lot basis within four (4) years of final plat approval or until 90% of platted lots have received certificates of occupancy (whichever is less), provided that within four (4) years, all sidewalks are required to be installed. Any incomplete areas of the sidewalk system must be constructed as one unit before four years expire from the final plat approval.
- (5) Sidewalks poured on a lot-by-lot basis will be inspected by the county's building inspection department in conjunction with other inspections. Certificates of occupancy will not be issued for any lot until a properly constructed sidewalk is in place on that lot.
- (6) The county's engineering department will perform all inspections of sidewalks poured as one unit under this option at the end of the two, three, or four-year period after final platting. Developers utilizing this option will be required to notify county engineering prior to pouring in order to allow the county's engineers to inspect formwork and subgrade, and shall also notify county engineering after pouring and finishing of the sidewalks to allow for re-inspection by the county if the county deems it necessary.

(7) If a developer utilizes this option, the following items must be clearly shown on the final plat of each such subdivision:

(A) The construction details of sidewalks as shown in Plate 3A of the county's subdivision regulations.

(B) The typical road section for residential streets with sidewalks as shown on the plates as set forth in this chapter. Plate 1A shall be utilized for the final plat in subdivisions that will have sidewalks on both sides of the street, and Plate 1C shall be utilized for the final plat in subdivisions that will have sidewalks on a single side of the street.

(C) A note that reads as follows:

“This development will utilize a sidewalk system throughout the project. The sidewalks will be installed on a lot-by-lot basis. Therefore, property owners of parcels shown on this plat are required to construct sidewalks along the road frontage of their property. Said sidewalks will comply with the Hall County Subdivision Regulations. The entire sidewalk system must be completed prior to release of the maintenance bond, prior to the release of any maintenance agreement, and prior to the elapsing of the number of years required for the completion of the sidewalk system under Hall County Code Section 16.70.330 (b) based upon the number of lots in the subdivision.”

(c) All sidewalks may be installed as a unit within two years after final platting based upon the following criteria.

(1) Upon the elapsing of two years after final platting the entire sidewalk system must be constructed as one unit.

- (2) All sidewalk inspections in subdivisions choosing this option will be performed by county engineering. Developers utilizing this option will be required to notify county engineering prior to pouring in order to allow the county's engineers to inspect formwork and subgrade, and shall also notify county engineering after pouring and finishing of the sidewalks to allow for re-inspection by the county if the county deems it necessary.
- (3) If a developer utilizes this option, the following items must be clearly shown on the final plat of each such subdivision:
- (A) The construction details of sidewalks as shown in Plate 3A of the county's subdivision regulations.
- (B) The typical road section for residential streets with sidewalks as shown on the plates as set forth in this chapter. Plate 1A shall be utilized for the final plat in subdivisions that will have sidewalks on both sides of the street, and Plate 1C shall be utilized for the final plat in subdivisions that will have sidewalks on a single side of the street.
- (C) A note that reads as follow:
- “This development will utilize a sidewalk system throughout the project. The sidewalk system will be installed within two years after final plat approval. Said sidewalks will comply with the Hall County Subdivision Regulations. The entire sidewalk system must be completed prior to release of the maintenance bond, prior to the release of any maintenance agreement, and prior to the elapsing of two years after final platting.”

SO RESOLVED, this the _____ day of _____, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
Richard Higgins, Chairman

ATTEST:

Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

Van Stephens, County Attorney