

House Bill 321

By: Representatives Floyd of the 132nd and Twiggs of the 8th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads, so as to provide that proposed or existing subdivisions that access a state highway system shall be required to obtain Department of Transportation approval prior to undertaking additions or changes to plats that might affect road safety; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads, is amended by striking Code Section 32-6-150, relating to the definition of the term "subdivision," and inserting in lieu thereof the following:

"32-6-150.

As used in this part, the term 'subdivision' means all divisions of a tract or parcel of land into two or more lots, buildings, sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development; includes all division of land involving a new public road or a change in existing public roads or new drives, driveways, access ways, or changes that require access to the state right of way; includes resubdivision; and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality; and
- (2) The division of land into parcels of five acres or more where no new street is involved."

SECTION 2.

Said chapter is further amended by striking Code Section 32-6-151, relating to the department's recommendation as to approval or rejection of plats submitted by the planning commission, and inserting in lieu thereof the following:

"32-6-151.

A planning commission shall submit two copies of the proposed subdivision plat to the department if such proposed subdivision includes or abuts on any part of the state highway system or where the proposed subdivision requires access to the state highway system. The department, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the planning commission or recommend rejection. Failure of the department to act within this 30 day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given the commission in writing; ~~but such recommendation shall be advisory only and shall not be binding on the planning commission concerned~~ such rejection shall be binding on the planning commission unless the planning commission, by official action recorded in its minutes, overrules such department action."

SECTION 3.

Said chapter is further amended by striking Code Section 32-6-152, relating to the department's recommendation as to approval or rejection of plats submitted by the proprietor of a subdivision, and inserting in lieu thereof the following:

"32-6-152.

The proprietor of a subdivision to be developed within a county or municipality which has not created a planning commission shall submit three copies of the plat to the department if such a proposed subdivision includes or abuts on any part of the state highway system or where the proposed subdivision requires access to the state highway system. The department, within 30 days of receipt of the plan, shall approve or reject it, with written reasons for such rejection and requirements for approval, and note such action on the copy to be returned to the proprietor as well as on the copy to be returned to the county or municipal governing authority concerned. Such rejection shall be binding on the county or municipality concerned unless the county or municipal governing authority concerned, by official action recorded in its minutes, overrules such department action. Failure of the department to act within the 30 day period provided in this Code section shall constitute approval."

SECTION 4.

Said chapter is further amended by striking Code Section 32-6-153, relating to the factors that must be considered by the department in making recommendations for approving or rejecting plats, and inserting in lieu thereof the following:

"32-6-153.

Where the department is required to make recommendations to a planning commission under Code Section 32-6-151 or to approve a proposed plat under Code Section 32-6-152, the department, in addition to considering other factors, shall base its recommendation or approval on the following being provided for in the plat:

(1) Dedication to the department in fee simple of any portion of the subdivision which includes any part of the state highway system, such dedication to include land necessary for future widening of the state highway system; and

(2) An adequate provision for traffic safety in laying out public roads, drives, driveways, or access ways which enter the state highway system."

SECTION 5.

This Act shall become effective on July 1, 2003.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.