

STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO ARTICLE IV
OF THE EFFINGHAM COUNTY SUBDIVISION REGULATIONS

AN ORDINANCE TO AMEND ARTICLE IV OF THE EFFINGHAM COUNTY SUBDIVISION REGULATIONS AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof.

The text of the Effingham County Subdivision Regulations is amended as follows:

ARTICLE IV. PROCEDURE FOR PLAT APPROVAL

4.1 General procedure.

4.1.1. Classification of subdivisions. Before any land is subdivided the owner of the property proposed to be subdivided, or the authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures. The procedure for review and approval of a subdivision plat consists of the following sequential steps:

- (a) Major subdivision.
 - 1. Sketch plan
 - 2. Preliminary plan
 - 3. Final plat
- (b) Minor subdivision.
 - 1. Required items
 - 2. Final plat

Review and approval of preliminary plan for a major subdivision shall be completed prior to making any street improvement, installing any utilities or selling any lots. Final plat approval for a major or minor subdivision shall be completed prior to the sale of any lots in the proposed subdivision and subsequent to required improvements.

Time frames for action by the planning board or county commission on a sketch plan, preliminary plan or final plat are based on the complete application of the required information for each stage. The professional staff of the planning and engineering department shall determine the completeness of an application as specified in these regulations and by the appropriate submittal forms as adopted by the county commission. Failure for the planning board or county commission to act on an incomplete application shall not constitute a violation of this or any other ordinance of the county.

4.2 Review procedure.

The following procedure shall be followed in the submission, review, and action upon all subdivision plats:

4.2.1 Sketch plan review procedures for major subdivisions.

(a) Pre-application meeting. Before preparing the sketch plan for a subdivision, the applicant is strongly encouraged to schedule a meeting with the planning staff to discuss the procedure for approval and the requirements as to general layout of streets, required improvements, and similar matters. A subdivider must submit a sketch plan of the entire contiguous tract prior to the filing of a preliminary plan for all or a portion of the tract to be developed.

Included with the sketch plan should be a sketch map that shows the subdivision in relation to the surrounding area. The purpose of the sketch plan is to assist the subdivider prior to extensive site planning necessary for the preparation of the preliminary plan, and to enable him or her to become familiar with the regulations affecting the land to be subdivided.

(b) Application procedure and requirements. Prior to subdividing land and after meeting with the planning staff, application for approval of a sketch plan shall be submitted to the professional staff of the planning and engineering department at least 19 days prior to the regularly scheduled meeting date of the planning board. The application shall:

1. Be made on forms available at the planning and engineering office;
2. Include all contiguous holdings of the owner with an indication of the portion proposed to be subdivided;
3. Be accompanied by one copy of the sketch plan no larger than 11 inches × 17 inches or ten copies if larger than 11 inches × 17 inches as described in these regulations and complying in all respects with these regulations; and,
4. The application shall include an address and telephone number of a local agent who shall be authorized to receive all notices required by these regulations.

(c) Classification and approval procedure. The planning staff shall determine whether the sketch plan constitutes a minor or major subdivision and notify the applicant of the classification within 19 days from the date that the sketch plan is submitted to the planning staff. If a parcel has a structure currently on the property at the time of the submittal, then the planning staff may, in his or her discretion, exempt the developed lot from counting as a lot in the subdivision for the purpose of classification as a major or minor subdivision.

The sketch plan for a major subdivision shall then be placed on the next available regular meeting agenda of the planning board for formal approval, disapproval or conditional approval of the sketch plan. The planning board shall review the sketch plan and shall recommend approval, denial, or approval subject to modifications at the meeting at which it is presented. Pertinent comments and recommendations shall be recorded in the minutes of the planning board meeting. The planning board shall certify its recommendation to the board of commissioners, who shall consider the recommendation of the planning board and vote on the proposed sketch plan.

1. Major subdivision sketch plan.
 - a. Approval shall be granted only if the sketch plan complies with all applicable laws governing the subdivision of land in Effingham County. Subsequent to approval or conditional approval by the board of commissioners, the planning staff shall issue a notice to proceed to the applicant. The notice to proceed shall include, as appropriate,

recommended changes in the sketch plan to be incorporated into the preliminary plan to assist the applicant in obtaining preliminary plan approval.

i. Upon approval, the sketch plan may be forwarded to the county engineer or designee, adjoining counties or municipalities, school board, or any other agency as deemed necessary. Such reviewers shall have ten business days to submit comments to the planning board.

b. The applicant shall have one year from the date that the sketch plan is approved by the board of commissioners to submit a preliminary plan, after which time a new sketch plan must be submitted for approval.

4.2.2 Preliminary plan procedures for major subdivisions.

(a) Application procedure. Application for preliminary approval of a subdivision plat shall be submitted to the planning and engineering department. The application shall not be accepted until sketch plan approval has been granted. The application shall:

1. Be made on forms available at the planning and engineering office;
2. Include all contiguous holdings of the owner with an indication of the portion proposed to be subdivided;
3. The plat of the subdivision, construction drawings, hydrology reports, water/sewer calculations, land disturbing activity permit application and any other pertinent information shall be submitted as required by the planning and engineering department, as defined by section 5.2 of these regulations and the document "Effingham County Instructions for Subdivision Review."
4. Any preliminary plan submitted to the planning and engineering department shall contain the individual's name and address of the subdivider (or his designee) to whom notice comments may be sent.

Additional copies of the plat and supplemental information may be requested by the professional staff. The above-mentioned copies shall be distributed as required by section 5.2.4 of these regulations and additionally as deemed necessary by the planning and engineering department. The person or agency to which a copy of the preliminary plan is directed shall indicate any desired changes or comments on the preliminary plan and submit said changes or comments to the planning and engineering department prior to the formal approval of the preliminary plan.

(b) Approval procedure. The preliminary plan shall be reviewed and approval from the departments as specified in section 5.2.4 of these regulations. The planning and engineering department, or designee, shall act on the preliminary plan within 90 days after formal submission, and, if recommending approval shall indicate in writing, stating the conditions of such approval, if any, or if recommending disapproval, shall express in writing its disapproval and its reasons therefore. Failure of the planning and engineering department, or designee, to act within 90 days after formal submission of the preliminary plan shall be deemed to constitute a recommendation of approval, and certificate to that effect shall be issued by said staff on demand; provided, however, that the subdivider may waive this requirement and consent in writing to the extension of such period.

Failure of a subdivider to initiate any development within six months from the approval of the preliminary plan will require resubmission of a preliminary plan to the planning and engineering department for approval unless an extension is requested by the subdivider and approved by the county commission.

Approval of a preliminary subdivision plan shall not constitute approval of the final subdivision plat. Preliminary approval shall constitute approval of the proposed widths and alignments of streets and the dimensions and shapes of lots subject to the final approval of the public works director or other designee of the board of commissioners. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met. Upon approval of the preliminary subdivision plan by the professional staff, the subdivider may proceed to comply with the other requirements of these regulations, construction of the subdivision, and the preparation of the final subdivision plat. Construction shall follow the plans as submitted and approved by the county commission or their designee. A professional engineer licensed in the State of Georgia shall provide construction supervision.

4.2.3 Required information for minor subdivisions.

(a) Plat submittal procedure.

1. A plat by a land surveyor registered in the State of Georgia with the appropriate signature blocks for the Zoning Administrator and the Health Department, and a digital file geographically referenced to Georgia State Plane Coordinate System in a format as specified by the board of commissioners or their designee, as further described on attachments to the Final Plat Checklist and Submittal Form;
2. Include all contiguous holdings by the owner with an indication of the portion proposed to be subdivided;
3. Show all necessary easements; and
4. The application shall include the information specified in section 5.3 of these regulations.

4.2.4 Final plat review procedures.

(a) Application procedure.

(i) Application for final approval of a major subdivision plat shall be submitted to the planning and engineering department. The application shall:

1. Be made on forms available at the planning and engineering office;
2. Include all contiguous holdings of the owner with an indication of the portion proposed to be subdivided;
3. After completion of the final drawings of all or part of the area as shown on the approved preliminary plan, the subdivider shall submit to the planning and engineering staff documents as required by the planning and engineering department, as defined by the document "Effingham County Final Plat Checklist and Submittal Form" prepared in accordance with the provisions of these regulations along with the required certificates executed by the appropriate officials;
4. Comply in all respects with the sketch plan and preliminary plan, as approved;
5. Be accompanied by all formal irrevocable offers of dedication to the public, if required, of all streets, utilities, parks, easements, and other government uses, in a form approved by the county attorney;
6. Be accompanied by a maintenance bond, letter of credit, escrow account, or certified check, which is available to the County to cover any necessary repair of

streets, utilities, parks, easements, etc. The maintenance security shall be for a minimum of 10% of the total construction cost of such improvements. The County Engineer may require a higher percentage (or an additional amount) when circumstances warrant, subject to the approval of the Board of Commissioners.

7. Be accompanied by the subdivision improvement agreement and security, if required, in a form satisfactory to the county attorney; and
8. Be accompanied by the water and sewer agreement, if required, in a form satisfactory to the county attorney.

The subdivider shall provide one complete set of construction plans as record drawings (as-built) on Mylar film, three sets on paper, and a digital copy geographically referenced to Georgia State Plane Coordinate System in a format as specified by the board of commissioners or their designee, as further described on the Final Plat Checklist and Submittal Form and attachments thereto. Each sheet of the construction record drawings shall bear the stamp and signature of the professional engineer licensed in the State of Georgia who shall certify that the project has been constructed in accordance with the approved drawings. Inspection of the subdivision development shall be performed by the staff of the planning and engineering department, or designee, and all improvements required by this ordinance must be finished before the final plat application is deemed complete. Additional copies of the final plat and supplemental information may be requested. The above-mentioned copies shall be distributed as required by this ordinance and as deemed necessary by the planning and engineering staff. The person or agency to which a copy of the final plat is directed shall indicate any desired changes or comments, or its approval on the plat and shall submit it to the planning and engineering staff.

(ii) Application for final approval of a minor subdivision plat shall be submitted to the planning and engineering department. The application shall include the information specified in section 5.3 of these regulations.

(b) *Approval procedure.*

(i) For a major subdivision, the final plat shall be placed on the agenda of the next meeting of the county commission once the application is deemed complete by the planning and engineering staff, and following review and approval from the departments as specified in section 5.2.4 of these regulations. The applicant may petition to have an item placed on the agenda of the next meeting of the county commission prior to such approvals by submitting a written request to the planning and engineering department, specifying the reason for the request. Such requests shall be heard by the county commission and added to the county commission agenda upon unanimous approval. The board of commissioners shall act on the final plat within 60 days after formal submission. Failure to act within that time period shall be deemed to constitute final approval, and a certificate to that effect shall be issued upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to the extension of such period.

Upon the approval of the final plat by the board of commissioners, the original Mylar shall be stamped with the appropriate certificate of the board of commissioners. At least three prints shall then be made of the original, two to be kept on file with the planning and engineering department and one to accompany the original which shall be recorded in the office of the clerk

of the Superior Court of Effingham County. Approval of the final plat shall be deemed to constitute or affect an acceptance by the county of the dedication of any street or other ground shown upon the plat that is intended to become public domain.

In the event a final plat is disapproved, the subdivider shall be notified in writing, by certified mail, of the grounds for such disapproval. In no case shall a final plat be disapproved that:

- (a) Meets the requirements of a final plat as set forth in these regulations;
- (b) Conforms to an approved preliminary plan; and
- (c) Has all the required improvements installed and approved.

A subdivider who fails to initiate any development associated with the subdivision within 18 months from the approval of the preliminary plan shall be required to resubmit the preliminary plan to the planning and engineering department for approval. Any additional requirements placed upon the plan that were not placed upon the plan when it was first submitted shall be implemented in the final plan. All applicable fees shall be payable upon resubmission of the plat.

All required improvements must be completed before the approval of the final plat. The maintenance bond, letter of credit (LOC), escrow account, or certified check will be held by the county for a period of not less than twelve (12) months after final plat approval to assure the maintenance of the subdivision development. At the end of the twelve (12) months, the developer shall request an inspection, and if no faults or failures have developed, the Board of Commissioners shall release the bond, LOC, escrow, or check. Maintenance bonds, LOCs, escrows, or checks shall remain in force until released by the Board of Commissioners after due inspection of said improvements and shall not automatically expire at the end of twelve (12) months from the date of final plat approval.

Where faults or failures develop and the subdivider is willing to make repairs at his cost, the County may allow him to do so. If the subdivider is not willing, the county may draw on any maintenance security given by the subdivider to ensure the maintenance of said improvements. The subdivider shall reimburse the county for all costs incurred by the county in maintaining said improvements, plus 100 percent of such costs as an administrative expense. In the event the amount of the letter of credit or other security is not sufficient to cover the total amount due the county, the subdivider shall immediately pay the balance due to the county.

(ii) For a minor subdivision, the final plat may be approved by the Zoning Administrator once the application is deemed complete by the planning and engineering staff, and following review and approval from the departments as specified in section 5.3.1 of these regulations. Upon review of a plat that complies with all of the requirements of the minor subdivision regulations including but not limited to zoning district, lot size, access, and frontage requirements, the original Mylar shall be signed by the Zoning Administrator. At least three prints shall then be made of the original, two to be kept on file with the planning and engineering department and one to accompany the original which shall be recorded in the office of the clerk of the Superior Court of Effingham County.

The Zoning Administrator shall act on the plat within 30 days after formal submission. If approved, the plat shall be signed in the appropriate signature block. If recommending disapproval, an explanation in writing shall be attached to the plat. Failure of the Zoning Administrator to act within 30 days after formal submission of the required information shall be deemed to constitute approval; provided, however, that the subdivider may waive this requirement and consent in writing to the extension of such period.

6.4 Letters of credit.

(a) In order to assure the maintenance of required improvements and installations after the approval of a final plat, the board of commissioners may accept a commitment of the subdivider to maintain said improvements, for a time specified by the board, or security in the form of an irrevocable letter of credit, maintenance bond, escrow account, or certified check, in an amount established by the board as sufficient to pay all costs of maintaining said improvements.

(b) In all cases in which a subdivider posts any form of security for the maintenance of subdivision improvements after the approval of a final plat, said subdivider shall pay to the county a nonrefundable administrative fee in the amount of \$100.00.

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

This day 19th of May, 2009.

BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA

BY: 
C.D. ZEIGLER, CHAIRMAN

ATTEST:


PATRICE CRAWLEY
EFFINGHAM COUNTY CLERK

FIRST READING: 04/21/09

SECOND READING: 05/05/09