

ORDINANCE NUMBER 2020-10

AN ORDINANCE BY THE MAYOR AND COUNCIL FOR THE CITY OF GUYTON TO AMEND AND RESTATE THE CITY OF GUYTON, GEORGIA SUBDIVISION REGULATIONS; TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Guyton, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the duly elected governing authority of the City of Guyton, Georgia have the authority to amend the City of Guyton, Georgia Subdivision Regulations from time to time and where necessary to maintain adequate regulations;

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

- Section 1.** That the City of Guyton, Georgia Subdivision Regulations be amended and restated in its entirety to now read as stated on Exhibit A hereto, which is attached hereto, incorporated herein by reference as if set forth verbatim herein, and becomes part of this Ordinance.
- Section 2** If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.
- Section 3.** This ordinance shall become effective immediately upon its adoption by the City Council.
- Section 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

APPROVED AND ADOPTED this ____ day of _____, 2020 by the duly elected governing authority of the City of Guyton, Georgia.

CITY OF GUYTON

Russ Deen, Mayor

ATTEST:

Tina L. Chadwick, City Clerk

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Bill Sawyer, City Manager

CITY OF GUYTON, GEORGIA SUBDIVISION REGULATIONS

ARTICLE I. - AUTHORITY AND JURISDICTION

1.1 - Authority.

The Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-70-3 et. seq. and O.C.G.A. § 36-66-1 et. seq., and the City of Guyton Charter, grant authority to the City of Guyton, Georgia to regulate and enact the following Articles and Sections related to subdivisions and land development. The governing body may grant variances from these regulations pursuant to the provisions of section 9.1.

1.2 - Jurisdiction.

These regulations shall apply to all that area within the corporate limits of the City of Guyton.

ARTICLE II. - PURPOSE AND SHORT TITLE

2.1 - Purpose.

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the City of Guyton, Georgia. In furtherance of the general intent of this ordinance, the regulation of land subdivision is authorized for the following purposes, among others:

- (a) To protect and provide for the public health, safety, and general welfare of the City;
- (b) To encourage the development of economically sound and stable municipalities and counties;
- (c) To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form, to protect environmentally critical areas and areas premature for urban development.
- (d) To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- (e) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (f) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.

- (g) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes and including the use of average density in providing for minimum width of and area of lots, while preserving the density of development as established in the zoning ordinance; and
- (h) To assure, in general, the wise and timely development of new areas, in harmony with the comprehensive plan of the municipalities and the county.

2.2 - Short title.

This ordinance shall be known as and may be cited as the "City of Guyton Subdivision Regulations."

ARTICLE III. - RULES AND DEFINITIONS

3.1 - Rules.

In the construction of these regulations, the rules and definitions contained in this section shall be observed and applied, except when the content clearly indicates otherwise:

- (a) Words used in the present tense shall include the future, and the words used in the singular number shall include the plural number, and the plural the singular.
- (b) The word "shall" is mandatory and not discretionary.
- (c) The word "may" is permissive.

3.2 - Definitions.

3.2.1 Accessory building. A secondary residence, garage, or other building or structure subordinated to and not forming an integral part of the main or principal building on a lot or parcel but pertaining to the use of the main building.

3.2.2 Alley. A narrow thoroughfare dedicated or used for public passageway up to 20 feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and is not generally used as a thoroughfare by both pedestrians and vehicles, is not used for general traffic, and is not otherwise officially designated as a street. A way which affords only a secondary means of access to abutting property.

3.2.3 Buildable area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located, once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area.

3.2.4 Building. A building is any structure having a roof entirely separated from any other structure by space or by walls, having no communicating doors or windows or any similar opening, and being erected for the purpose of providing support or shelter for persons, animals, things, or property of any kind, and having a foundation to which it is anchored.

3.2.5 Building line. A line delineating the minimum allowable distance between the street right-of-way and nearest extreme projection of a building (including all areas covered by any vertical projections to the ground or overhang, walls, roof, or any other part of the structure).

3.2.6 *Building site*. The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

3.2.7 *Building official or inspector*. Any person hired by the local governing authority to inspect, determine compliance with, and render minor decisions concerning the compliance of structures and lots within the City of Guyton, to the ordinances of the City.

3.2.8 *Certified survey*. A survey, sketch, plat, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineers, registered surveyor, architect, or other legally recognized person.

3.2.9 *Community water system*. A series of water lines providing water to two or more lots, either by a private well or public groundwater or surface water system. Community water systems shall conform to the rules of the Georgia Environmental Protection Division Safe Drinking Water Standards.

3.2.10 *Density*. The number of units or buildings per acre, or the number of people per unit, building, acre, or mile, the quantity of people, structures, or units within a specified area.

3.2.11 *Easement*. A grant to the general public, a corporation, or a certain person of a strip or a parcel of land for use for a specific purpose. No construction of any kind is permitted in or upon easements except that required in connection with the designated use.

3.2.12 *Engineer*. Any person having an acceptable degree from a recognized institution of higher learning who is capable of determining the correct manner in which to construct roads, streets, highways, water, and sewerage systems, drainage system, structures, or other technical related areas. The person to be a municipal engineer must be recognized by the State of Georgia as one.

3.2.13 *Family*. One person or a group of two or more persons, living together and interrelated by bond or consanguinity, marriage, or legal adoption, occupying a dwelling unit as a single-family unit, with a single set of kitchen facilities.

3.2.14 *Flood prone areas*. The land that is usually flooded whenever a rise in the water level of a creek, stream, river, or other body of water is experienced. That land adjacent to a creek, stream, river, channel, canal, or other body of water that is designated as a floodplain or flood profile area by a governmental agency.

3.2.15 *Group development*. A development comprising two or more principal structures, whether in single, condominium, or diverse ownership built on a single lot, tract, or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprise. Such development generally contains parcels or tracts of land in common and such land is controlled and maintained through a property owner's association or similar group.

3.2.16 *Governing authority*. The Mayor and Council of the City of Guyton ("CITY COUNCIL").

3.2.17 *Lot*. Parcel of land shown on a recorded plat or on the official city zoning maps, or any piece of land described by a legally recorded deed.

3.2.18 *Lot area*. The total area of the lot including easements.

3.2.19 *Lot, corner.* Any lot situated at the junction of and abutting on two or more intersections or intercepting streets or public highways. If the angle or intersection of the direction lines of two highways is more than 135 degrees, the lot fronting on said intersection is not a corner lot.

3.2.20 *Lot, double frontage.* A lot having frontage and access on two or more public streets. A corner lot shall not be considered as having double frontage.

3.2.21 *Lot, interior.* Any lot which is not a corner lot that has frontage only on one street other than an alley.

3.2.22 *Lot lines, front.* In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this ordinance, provided it is so designated by the building plans which meet the approval of the building inspector.

3.2.23 *Lot lines, rear.* The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the building inspector.

3.2.24 *Lot lines, side.* A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot, or lots, is an interior side lot line.

3.2.25 *Lot, reverse frontage.* A lot having frontage on two or more public streets, the access of which is restricted to one street.

3.2.26 *Major subdivision.* All subdivisions not classified as minor subdivision, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension or improvement of the local government facilities or the creation of any public improvements.

3.2.27 *Minor subdivision.* Any subdivision containing not more than three lots fronting on an existing public or private street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the zoning ordinance or these regulations. Two or more minor subdivisions divided from one original parcel under common ownership constitutes a major subdivision, unless one year or more has passed since the recording of the final plat of the first subdivision.

3.2.28 *Metes and bounds description.* A method of property description whereby properties are described by means of their direction and distances from an easily identifiable location or point.

3.2.29 *Reserved.*

3.2.30 *Planning and Zoning Commission (the "Commission").* A body of people appointed by the local governing authority of the City of Guyton whose responsibilities include the guidance of growth and development within the City of Guyton and interpretation of the various City regulatory ordinances. The Commission reviews proposed amendments to zoning

ordinances and regulations, site plans and plat applications, and also makes recommendations to the City Council regarding the current and future development of the City of Guyton.

3.2.31 *Plat*. A map showing the features of a proposed subdivision (lot split, metes and bounds description). This plat would show the entire tract, and the lot which is to be subdivided, the adjacent properties and owners, roads, or streets, and all necessary bearings and distances for the proposed split.

3.2.32 *Plat, final*. The map, plan, or record of a subdivision, and any accompanying materials, as described in article V.

3.2.33 *Plan, preliminary*. A map showing the salient features of a proposed subdivision, including topographical data, as defined in section 5.2 of these regulations submitted to the Planning and Zoning Commission for purposes of preliminary consideration.

Plan, sketch. A rough plan of a proposed subdivision or development as defined in section 5.1 of these regulations.

3.2.34 *Principal building*. The building situated on, or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification of the district in which it is located.

3.2.35 *Private access road*. Any unpaved street otherwise constructed to City standards which is not dedicated to or accepted by the City and which is privately owned, operated and maintained.

3.2.36 *Private street*. Any paved street constructed to City standards and which is not dedicated to or accepted by the City and which is privately owned, operated and maintained and whose use is restricted by signage or by a gate, barrier, or other device intended to exclude the general public, or where such street is identified as "private" on a recorded subdivision plat.

3.2.37 *Public use*. Use of any land, water, or buildings by a municipality, public body, or board, commission, or authority, county, state, or federal government, or any agency thereof for a public service or purpose.

3.2.38 *Regulatory flood*. A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.

3.2.39 *Residential*. The term "residential" or "residence" is applied herein to lot, plot, parcel, tract, area, or piece of land and or any building used exclusively for family dwelling purposes or intended to be so used, including concomitant uses specified herein.

3.2.40 *Reserve strip*. A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.

3.2.41 *Right-of-way line*. The outside boundaries of a highway right-of-way, whether such right-of-way be established by usage, dedication, or by the official right-of-way.

3.2.42 *Setback*. The minimum horizontal distance between the right-of-way line, rear, or side lines of the lot, and the front, rear, or side lines of the building. When two or more lots under

one ownership are used, the exterior property line so grouped shall be used in determining offsets.

3.2.43 *Site*. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed.

3.2.44 *Street*. A public right-of-way affording primary access to abutting property. For the purposes of these regulations, the term shall also mean avenue, boulevard, road, lane, and other public ways.

3.2.45 *Street, arterial*. A street of exceptional continuity that is intended to carry the greater portion of through traffic from one area of the City to another.

3.2.46 *Street, collector*. Those streets which are neither local streets nor arterial streets. Their location and design are such that they are: of exceptional continuity; serve as routes passing through residential areas; serve as means of moving traffic from local streets and feeding it into arterial streets.

3.2.47 *Street, cul-de-sac*. A short local street having but one end open for vehicular traffic, the opposite end being terminated with a permanent turnaround.

3.2.48 *Street, dead end*. A street not intersecting with other streets at both ends, and distinguished from a cul-de-sac by not being terminated by a vehicular turnaround.

3.2.49 *Street, local*. Streets which provide only access to adjacent properties and by nature of their layout do not serve vehicles passing through the area with neither origin nor destination within the area.

3.2.50 *Street, marginal access*. A minor service street which parallels and is immediately adjacent to an arterial street (frontage road).

3.2.51 *Street, width*. The shortest distance between the lines delineating the right-of-way of a street.

3.2.52 *Street plug*. A segment of land at the terminus or adjacent to an existing or proposed street, created for the intention of connecting an existing or proposed road with adjacent property. The width of a street plug shall be determined by the right-of-way of the existing or proposed road.

3.2.53 *Surveyor*. A person who determines or delineates the form, extent, position, distance, or shape of a tract of land by taking linear and angular measurements, and by applying the principles of geometry and trigonometry.

3.2.54 *Structure*. Anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground, provided, however, that utility poles, fences, and walls (other than building walls) shall not be considered to be structures.

3.2.55 *Subdivider*. Any person, firm, or corporation who divides for sale, rent, or lease or develops any land deemed to be a subdivision as herein defined.

3.2.56 *Subdivision*. Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a

change in existing streets, and includes resubdivision and, where appropriate, also includes the process of subdividing of the land or area subdivided; provided, however, that the following exemptions are included within this definition only for the purpose of requiring that the Planning and Zoning Commission be informed and have record of such subdivisions:

(1) *Exemptions:*

- (a) 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 governing authority.

Plats of such exemption shall be received as information by the planning official, who shall indicate such fact on the plats.

Subdivision, Major. See Major subdivision.

Subdivision, Minor. See Minor subdivision.

- (b) The immediate transfer of property necessitated by death of the property owner to the said property owner's legal heirs, provided that the smallest parcel meets the minimum standards for the zoning district wherein that property is located and minimum sixty (60) foot access easement is available to serve a cumulative total of not more than three (3) parcels that do not abut a public road.
- (c) The transfer of property between family members within the third (3rd) degree of consanguinity, provided that the smallest parcel meets the minimum standards for the zoning district where the property is located and a minimum sixty (60) foot access easement is available to serve a cumulative total of not more than three (3) parcels that do not abut a public road.

Plats of such exemptions shall be received as information by the Guyton City Zoning Administrator, who shall indicate such fact on the plats.

(2) *Conditional exemptions:*

In order to provide property owners with an expeditious manner for subdividing a portion of a tract of land, conditional exemptions from the provisions of this ordinance are authorized and may be granted by the Guyton City Zoning Administrator, provided such requests for conditional exemptions comply with the following:

- (a) The division of land into two (2) parcels when the smallest parcel meets the minimum standards for the zoning district where that property is located and, when divided for residential purposes, meets health department requirements, and where no new street is involved; provided that the same tract cannot be divided using this conditional exemption more than one (1) time in any twelve (12) month period beginning on the date of recording.
- (b) Plats requesting conditional exemption will be received by the Guyton City Clerk for review by the Guyton City Zoning Administrator. Plats meeting the requirements stated above can be approved by the City Zoning Administrator who shall indicate such fact on the plats. If, in the determination of the City Zoning Administrator, a plat requesting

conditional exemption does not comply with the above requirements, or other factors peculiar to the individual circumstance of the property in question, the City Zoning Administrator is required to deny the conditional exemption and forward the plat, upon payment of the required application fee for subdivisions by the applicant, to the City Planning and Zoning Commission for processing as a subdivision.

- (3) For the limited purposes of processing exemptions and processing and granting conditional exemptions as provided herein, the Guyton City Zoning Administrator as contemplated herein shall be the City Manager, City Clerk of the City of Guyton, or other designee of the City Council.

3.2.57 Use. The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

3.2.58 Waterfront. Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water including creek, canal, river, or any other body of water natural or artificial, including marshland, not including a swimming pool, whether said lot line is front, rear, or side.

3.2.59 Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. As generally indicated on U.S. Fish and Wildlife Service National Wetland Inventory maps as generalized wetlands, but as specifically delineated by the U.S. Army Corps of Engineers: Generalized wetlands cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended.

3.2.60 Yard. An open space on the same lot with a building lying between the building and nearest lot or street line.

3.2.61 Yard, front. That area of open space to the front of the platted lot, the area immediately adjacent to the street side of the lot. If streets bound on two sides of the lot, the narrower portion fronting on a street shall be declared the front. See Lot lines, front.

3.2.62 Yard, rear. That area of open space that is opposite the area delineated as the front. That area of greatest distance from the street. See Lot lines, rear.

3.2.63 Yard, side. That area of open space that is immediately adjacent to the side lot lines. See Lot lines, side.

3.2.64 Zoning ordinance. An officially adopted ordinance that regulates the manner, type, size, and/or use to which a piece of property may be placed.

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 and Zoning Commission or City Council 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 City Council. Failure for the Planning and Zoning Commission or City Council to act on an incomplete application shall not constitute a violation of this or any other ordinance of the City.

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 and Zoning Commission. 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 and Zoning Commission for formal approval, disapproval or conditional approval of the sketch plan. The Planning and Zoning Commission 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 and Zoning Commission meeting. The Planning and Zoning Commission shall certify its recommendation to the City Council, who shall consider the recommendation of the Planning and Zoning Commission 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 the City of Guyton. Subsequent to approval or conditional approval by the City Council, 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 City 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 and Zoning Commission.
- b. The applicant shall have one year from the date that the sketch plan is approved by the City Council 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."
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 approved by 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 City Council.

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 City Council. 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 City Council 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 City Council 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 "City of Guyton 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 City attorney;
 6. Be accompanied by a maintenance bond, letter of credit, escrow account, or certified check, which is available to the City to cover any necessary repair of streets, utilities, parks, easements, etc. The maintenance security shall be for a minimum of ten percent of the total construction cost of such improvements. The City engineer may require a higher percentage (or an additional amount) when circumstances warrant, subject to the approval of the City Council.
 7. Be accompanied by the subdivision improvement agreement and security, if required, in a form satisfactory to the City attorney; and
 8. Be accompanied by the water and sewer agreement, if required, in a form satisfactory to the City 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 City Council 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 City Council 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 City Council 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 City Council and added to the City Council agenda upon unanimous approval. The City Council 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 City Council, the original Mylar shall be stamped with the appropriate certificate of the City Council. 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 City 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 City for a period of not less than 12 months after final plat approval to assure the maintenance of the subdivision development. At the end of the 12 months, the developer shall request an inspection, and if no faults or failures have developed, the City Council shall release the bond, LOC, escrow, or check. Maintenance bonds, LOCs, escrows, or checks shall remain in force until released by the City Council after due inspection of said improvements and shall not automatically expire at the end of 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 City may allow him or her to do so. If the subdivider is not willing, the City may draw on any maintenance security given by the subdivider to ensure the maintenance of said improvements. The subdivider shall reimburse the City for all costs incurred by the City 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 City, the subdivider shall immediately pay the balance due to the City.

- (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.

4.3 - Reserved.

4.4 - Federal Housing Administration approval.

In the event the subdivider plans to secure approval of his or her subdivision by the Federal Housing Administration, it is suggested that such approval be secured after submission and approval of a preliminary plan by the City Council.

4.5 - Approval of subdivision in flood prone area.

No portion of a subdivision shall be approved which is subject to inundation by a flood of 100 years frequency or less, which fails to conform to the following restrictions:

4.5.1 Standards for flood prone area uses. All subdivisions must be designed to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage; adequate drainage must be provided to reduce exposure to flood hazards; water supply systems and/or sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters; on-site waste disposal systems must be located so as to avoid impairment of water supply systems and/or sanitary sewage systems or contamination from them during flooding. The following additional standards shall also apply to flood prone areas:

4.5.1.1 Fill.

- (1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- (2) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulk-heading.
- (3) No fill is allowed in marshlands.
- (4) No fill is allowed in wetlands without the necessary 404 permit(s) from the U.S. Army Corps of Engineers.

4.5.1.2 Structures (temporary or permanent).

- (1) All structures shall be designed consistent with all federal flood insurance standards.
- (2) Structures shall have low flood damage potential.
- (3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

- (a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - (b) So far as practicable, structures shall be placed approximately on the same flood flow lines as those adjoining structures.
- (4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures and/or restriction of bridge openings and other narrow sections of the stream or river;
- (5) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area or shall be flood-proofed.

4.5.1.3 Storage of material and equipment.

- (1) The storage or processing of materials that are, in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

4.6 - Phased developments.

4.6.1 An applicant may submit a general master plan of a phased development for review and comment from the Planning and Zoning Commission pertaining to general layout, number of lots, etc. Such application may serve as the sketch plan for the development if said submittal conforms to the requirements of a sketch plan as defined by these regulations.

4.6.2 *Phased preliminary plan.* The preliminary plan may be phased upon meeting the following conditions:

- (a) Fifty percent of the value of the recreational amenities shall be provided in the first phase and all recreational amenities shall be provided when two-thirds of the units are finished.
- (b) Master plans for the entire development for drainage, water, and sewer shall be submitted for review and approval prior to or concurrent with the approval of the preliminary plans for the first phase of the development. Drainage plans shall be based on anticipated post-development conditions and shall be designed in accordance with applicable ordinances and those standards set forth in the Effingham County Stormwater Management Local Design Manual.
- (c) The drainage structures for the entire development shall be in place prior to the signing of the final plat for the first phase. This requirement may be waived at the discretion of the City engineer or other designee if the drainage for subsequent phases is not linked or otherwise reliant on the drainage structure(s) of earlier phases.

4.6.3 *Phased final plat.* The final plat may be submitted in phases as construction is completed and all requirements are met.

ARTICLE V. - PLAN AND PLAT REQUIREMENTS

5.1 - Sketch plan.

An applicant must submit a sketch plan of the entire contiguous tract prior to the filing of a preliminary plan of the portion to be developed. If a sketch plan is not presented for the entire property, the property directly adjacent to the contiguous tract and under the same ownership not included in the sketch plan may not be subdivided for 24 months following the approval of the final plat of the original contiguous property.

The purpose of a sketch plan is to provide both the applicant and the City an opportunity to review the proposed development before significant financial resources have been invested. Therefore, the sketch plan does not require the certification of an engineer, surveyor, or other professional. Existing features, including water bodies, wetlands, and flood zone limits, are required to be surveyed for the sketch plan.

If an applicant chooses to utilize professional resources (engineer, surveyor, etc.) in preparation of the sketch plan, this shall in no way obligate the City to approve such plans based on the expenditure of time or resources premature to sketch plan approval.

5.1.1 Scale. The sketch plan shall be drawn at a scale of not less than 100 feet to one inch.

5.1.2 Vicinity map. The sketch plan shall include a vicinity map at a scale of approximately one inch equals one mile showing the relationship of the proposed subdivision to surrounding development.

5.1.3 Other requirements. The sketch plan shall show:

- (1) Proposed name of subdivision.
- (2) Name, address, and telephone number of petitioner and architect, surveyor, engineer, or designer.
- (3) Location of natural and/or manmade water bodies, if present.
- (4) Location of jurisdictional wetlands, if present.
- (5) If septic systems are to be used for wastewater treatment then a soil survey is required.
- (6) Extent of 100-year flood zone, if present.
- (7) Date of preparation.
- (8) Total acreage in the tract to be subdivided.
- (9) Existing and proposed uses of land throughout the subdivision.
- (10) Other existing features, including buildings, easements, utilities, etc.
- (11) Approximate topography.
- (12) Approximate location and width of all streets, lots, detention structures, and other permanent features, excluding utilities.
- (13) Zoning classification, owners name, and existing uses of adjacent property.
- (14) Any additional information as specified by the City of Guyton Sketch Plan Review Checklist, as adopted by the City Council.

5.1.4 Subdivision of part of property. The subdivider shall submit a sketch plan of his entire tract even though his present plans call for the actual development of only a part of the property.

(Ord. of 4-18-06)

5.2 - Preliminary plan for major subdivisions.

The preliminary plan shall be drawn to a scale of not less than one inch equals 100 feet, meet the minimum standards of design set forth in these regulations, and shall include the following information and any additional information as specified by the "the City of Guyton Preliminary Plan and Subdivision Plan Review Checklists," as adopted by the City Council:

5.2.1 General conditions.

- (1) Full name of subdivision.
- (2) Name, address, and telephone number of petitioner and architect, surveyor, engineer, and designer.
- (3) All names and addresses of all property owners of the site.
- (4) All names and addresses of all deed record owners of the land adjacent to the site.
- (5) Graphic scale, north point, and date. The north point shall be identified as magnetic, true, or grid north.
- (6) Vicinity map at a scale of not less than one inch equals one mile showing the relationship of the subdivision to the surrounding area.
- (7) Acreage to be subdivided.
- (8) Proper identification of the boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is not greater than 1:7500.

5.2.2 Existing conditions.

- (1) Topography by contours at vertical intervals of one foot and a certificate from an authorized engineer stating that the drainage from the property is adequate and will not adversely affect adjacent property owners.
- (2) Zoning district classification of land to be subdivided and adjoining land.
- (3) In case of resubdivision, a copy of the existing plat with proposed resubdivisions superimposed thereon.
- (4) Location of natural features such as streams, lakes, swamps, wetlands, and land subject to flood based on a 100-year flood frequency on the property to be subdivided. Determination of the presence or absence of natural features shall be made by a professional qualified to delineate wetlands. Subdivisions of three lots or less may follow the procedure for minor subdivisions as determined by section 5.3(2) of these regulations.
 - a. Wetlands delineation shall be conducted and signed by a professional qualified to conduct such delineation. If the applicant is in the process of jurisdictional determination from the U.S. Army Corps of Engineers at the time of the plan

submittal, all wetlands shall be indicated on the plan until such time as the Corps determines such wetlands are non-jurisdictional.

- b. If no wetlands exist on the property, such statement shall be indicated on the plan and signed by a professional qualified to make such determination.
- (5) Location of existing adjoining property lines and existing buildings on the property to be subdivided.
- (6) Location and right-of-way of streets, roads, railroads, and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or right-of-way and show location of poles or towers.
- (7) Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
- (8) The acreage of each drainage area affecting the proposed subdivision.
- (9) All elevations shall refer to mean sea level datum (if available) where public water and/or public sewers are to be installed.
- (10) Location of city limits lines and county lines, if applicable.

5.2.3 Proposed conditions.

- (1) Layout of streets, roads, alleys, and public crosswalks, with widths, road names, or designations, grades, and cross-sections.
- (2) Profile of proposed streets showing natural and finished grades.
- (3) Detailed layout of all lots, including building setback lines, scaled dimensions on lots, lot and block numbers, and utility easements with width, and use.
- (4) Construction drawings of sanitary sewers (if applicable) with grade, pipe size, location of manholes, points of discharge, soil map, and wells as specified by the public works department or other designee of the City Council. The soil map shall be submitted as part of the construction drawings and shall bear the seal and signature of the soil scientist who prepared the report.
- (5) Construction drawings and hydraulic calculations of proposed storm drainage system including storm sewer pipe, inlets, catch basins, etc. Storm sewer shall be sized in accordance with applicable ordinances and the Effingham County Stormwater Management Local Design Manual.
- (6) Plans of all drainage provisions, retaining walls, cribbage, planting, anti-erosion devices, or other protective devices to be constructed together with a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drains.
- (7) Construction drawings of water supply system with pipe sizes and location of hydrants and valves.
- (8) Designation of all land (if any) to be reserved or dedicated for public use.

- (9) Designation of proposed use of all lots to be used for other than single-family residential (if any).
- (10) Proposed major contour changes in areas where substantial cut and/or fill is to be done.
- (11) A timing schedule indicating the anticipated starting and completion dates of the development and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- (12) Total number of lots, total acreage, and total length of new streets.
- (13) Any additional information as specified by the City of Guyton Sketch Plan Review Checklist, as adopted by the City Council.

5.2.4 Review and approval. The preliminary plan shall be reviewed and approved by the professional staff of the Planning and Zoning Commission only after review and approval by the following:

- (a) The City of Guyton and/or the Georgia Environmental Protection Division shall review the water supply and sewage disposal facilities to be provided on all preliminary plans. In addition, the City of Guyton shall make determinations in all matters concerning the public health, as specified herein. Such determinations and recommendations shall be forwarded to the Planning and Zoning Commission in writing.
- (b) The public works official or other designee of the City Council shall review the preliminary plan for conformity of its proposed streets with adopted design standards and existing and proposed public street improvements.
- (c) The public works official, City engineer or other designee of the City Council shall review all construction plans for conformance with City standards, regulations, policies, and good engineering practices. Review shall include: paving, soils, water systems, wastewater systems, drainage systems, stormwater management systems, sidewalks, street lighting, buffers, landscaping, subdivision entrances and curb cuts, neighborhood grading and drainage plans, design considerations, hydraulic design, and all other reports and certifications as required for a complete submission.
- (d) The coastal soil and water conservation district shall review the preliminary plan and make comments and determinations regarding slopes and soil erosion, drainage and water runoff, floodplain areas, and other related areas. The conservationist shall forward in writing to the Planning and Zoning Commission comments and/or recommendations and approval or disapproval.
- (e) If the project requires a wetlands permit or jurisdictional determination from the U.S. Army Corps of Engineers, the subdivider shall provide documentation of such permit or determination. If the permit application is still pending from the Corps of Engineers, a copy of the permit application shall accompany the preliminary plan application.

5.3 - Required information for minor subdivision.

Required information shall be submitted at a scale of not less than one inch equals 100 feet, meet the minimum standards of design set forth in these regulations, and shall include the

following information and any additional information as specified or adopted by the City Council:

- (1) Topography by contours at vertical intervals of one foot and a certificate from an authorized engineer stating that the drainage from the property is adequate and will not adversely affect adjacent property owners.
- (2) Location of natural features such as streams, lakes, swamps, wetlands, and land subject to flood based on a 100-year flood frequency on the property to be subdivided. Determination of the presence or absence of natural features shall be made by a qualified professional. Delineation of wetlands is not required for a minor subdivision if the National Wetlands Inventory (NWI) map does not indicate generalized wetlands are present in the developable area of the property.
 - a. Wetlands delineation shall be conducted and signed by a professional qualified to conduct such delineation. If the applicant is in the process of jurisdictional determination from the U.S. Army Corps of Engineers at the time of the plan submittal, all wetlands shall be indicated on the plan until such time as the Corps determines such wetlands are non-jurisdictional.
 - b. If no wetlands exist on the property, such statement shall be indicated on the plan and signed by a professional qualified to make such determination.

5.3.1 Review and approval. The required information shall be reviewed and approved by the planning staff only after review and approval by the following:

- (a) The public works official, City engineer or other designee of the City Council shall review all plans for conformance with City standards, regulations, policies, and good engineering practices. Review shall include: drainage systems, stormwater management systems, curb cuts, neighborhood grading and drainage plans, design considerations, hydraulic design, and all other reports and certifications as required for a complete submission.
- (b) The coastal soil and water conservation district shall review land disturbing activity permit application and make comments and determinations regarding slopes and soil erosion, drainage and water runoff, floodplain areas, and other related areas. The conservationist shall forward in writing to the planning director comments and/or recommendations and approval or disapproval.
- (c) If the project requires a wetlands permit or jurisdictional determination from the U.S. Army Corps of Engineers, the subdivider shall provide documentation of such permit or determination. If the permit application is still pending from the Corps of Engineers, a copy of the permit application shall accompany the preliminary plan application.

5.4 - Final plat.

If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections. The final plat shall contain the following specific information and any additional information as specified by the "the City of Guyton Final Plat Checklist," as adopted by the City Council:

- (1) Name of owner of record.

- (2) Name of subdivision, date, north arrow, and graphic scale.
- (3) Name, registration number, and seal of registered surveyor or civil engineer.
- (4) Name of city and/or county or counties in which subdivision is located and location map.
- (5) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of tangency, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.
- (6) Names of owners of record of all adjoining land and all property boundaries, water courses, streets, easements, utilities, and other such improvements, which cross or form any boundary line of the tract being subdivided.
- (7) Exact boundaries and original property lines within the tract of land being subdivided shown with bearings and distances.
- (8) The magnetic declination from magnetic north to true north for the date of the survey.
- (9) Street and alley names.
- (10) Location, widths, and purposes of rights-of-way or easements.
- (11) Accurate description of the location of all monuments and markers.
- (12) The final plat must conform to the requirements of the Georgia Plat Act.
- (13) The following signed certificate from the design professional engineer:

"I hereby certify that the streets, drainage system, sewer system, and water system in the Subdivision known as _____ shown on the Plat dated _____ prepared by _____ have (has) been installed in accordance with the preliminary plan (Construction Drawings) approved (Date)."

- (14) The following signed certificates shall appear on the final plat which is submitted to the City Council by the subdivider.

- (a) *Certificate of approval for recording.* (To be placed on an original of the approved final plat and returned to the subdivider for recording.)

The subdivision plat known as _____ has been found to comply with the City of Guyton, Georgia Subdivision Regulations and was approved by the Council of the City of Guyton, Georgia for recording in the office of the Clerk of Superior Court of Effingham County, Georgia (date):

_____ Mayor of the Council of the City of Guyton, Georgia,

_____ Clerk of the Guyton City Council.

- (b) *Certificate of accuracy.*

I hereby certify that this Plat is a true, correct, and accurate survey as required by City of Guyton Subdivision Regulations; and was prepared from an actual survey

of the property made under my supervision, and that monuments shown have been located and placed to the specifications set forth in said regulations.

(c) *Certificate of ownership and dedication—Individuals.*

It is hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private use as noted.

(d) *Certificate of ownership and dedication—Corporation.*

It is hereby certify that a corporation duly organized and existing under the laws of the State of Georgia by, (principles authorized to sign the certificate) is the owner of the property shown and described thereon, and that all streets, alleys, walks, parks, and other sites shown hereon, are dedicated to public or private use as noted.

5.4.1 Final plat approval. The final plat shall be approved by the City Council after review and approval by the following:

- (a) City board of health engineer or equivalent;
- (b) City public works director or equivalent;
- (c) City planning official or equivalent.

5.4.2 Permanent reference points. Prior to the approval of the final plat, all of the subdivision's permanent reference points shall [have] been placed in accordance with the following requirements:

5.4.2.1 Subdivision corner tie.

- (1) At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U.S. Coast and Geodetic Station, U.S. Geological Survey, or Georgia Grid System coordinated monument, then this corner shall be marked with a monument so designated by computed X and Y coordinates which shall appear on the map with a statement identifying this station or monument to an accuracy of 1:10,000. When such a monument or station is not available, the tie shall designate a reference marker and the X and Y coordinates shall be obtained using sub-meter Global Positioning System (GPS) technology. All subdivision surveys shall be tied to the target coordinate system.
- (2) The target coordinate system is Georgia State Plane, East Zone, North American Datum (NAD) 1983. All survey tie monuments shall reference this coordinate system.

5.4.2.2 Monuments.

- (1) Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection of the lines of streets with boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature, points of tangency, points of reverse curvature, and angle points in the side lines of streets and alleys; and at all angles of an intermediate transverse line.

- (2) It is not intended or required that monuments be placed within the traveled portion of a street to marker angles in the boundary of the subdivision if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
- (3) All required monuments shall be placed flush with the ground where practicable.
- (4) If the required location of monument is in an inaccessible place, or where the location of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby, provided that the precise location thereof be clearly indicated on the plat and referenced to the true point.
- (5) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- (6) If a point required to be monumented is on bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.

5.4.2.3 Property markers. A steel or wrought iron pipe or the equivalent not less than one-half inches in diameter and at least 30 inches in length shall be set at all corners, except those located by monuments.

5.4.2.4 Accuracy. Land surveys shall be at an accuracy of at least 1:7500.

ARTICLE VI. - REQUIRED IMPROVEMENTS

6.1 - Number of lots vs. improvement standards.

Subdivision Type	Number of Lots	Required Improvements
Minor subdivision	3 or less	Drainage study and storm drainage system, if needed Street signs Site grading for adequate drainage
Major subdivisions	4 or more	Paved streets Street signs Street lights (Requirement may be waived by the City Council) Community water supply and system (if required by EPD or Health Department) Fire protection (if community water system required) Appropriate sewerage system Sidewalks (Requirement may be waived by the City Council) Storm drainage system

6.2 - Required improvements.

A well-designed subdivision means little to a prospective lot buyer until he can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a well-designed subdivision is not an asset to the community until the necessary improvements have been installed. In order that prospective lot purchasers may get useable products and new subdivisions may be an asset rather than a liability to the community, the subdivider shall install and/or pay for the improvements required by these regulations necessary to serve his subdivision prior to the approval of the final plat.

6.2.1 Natural gas. When gas lines are located in a street right-of-way, where possible, such lines shall be located outside the portion of the street to be surfaced to prevent having to cut into the paved surface to serve abutting properties.

6.2.2 Water supply. If a water system is installed in a subdivision, water mains, valves, and fire hydrants shall be installed according to plans approved by and in accordance with the rules and administrative regulations of the City. When the water main is located in the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced. Major subdivisions and phased development shall provide a water supply master plan for the entire development.

6.2.3 Sanitary sewerage. If sanitary sewer is installed in a subdivision, sanitary sewers shall be installed to the plans and specifications approved by and in accordance with the rules and administrative regulations of the public works department or other designee of the City Council. When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street. Major subdivisions and phased developments shall provide a sewer master plan for the entire development.

6.2.4 Sewage disposal systems. Prior to the construction of any community sewerage disposal system such as private septic tanks, an oxidation pond, or other facility, the location, size, plans, and specifications of such a facility shall be approved by and be in accordance with the rules and administrative regulations of the Planning and Zoning Commission and the public works department or other designee of the City Council. Major subdivisions and phased developments shall provide a sewer master plan for the entire development.

6.2.5 Curbs and gutters. If concrete curbs or paved valley-type gutters are required, they shall be installed in accordance with plans and specifications approved by the public works department or other designee of the City Council.

6.2.6 Street grading and surfacing. Street grading, base preparation, and surfacing shall be carried out by the subdivider according to plans and specifications approved by the public works department or other designee of the City Council and meeting the specifications and requirements of the City of Guyton. The subdivider shall provide a written guarantee to the city public works guaranteeing the construction of all new roads within a subdivision for one year following the construction of said roads.

6.2.7 Storm drainage. An adequate drainage system that is compliant with applicable ordinances and the Effingham County Stormwater Management Local Design Manual, to include necessary open ditches, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges,

and other necessary appurtenances shall be installed by the subdivider according to plans and specifications approved by the public works department or other designee of the City Council.

- (a) A storm drainage plan shall be prepared for the entire site proposed for subdivision based on anticipated post-development conditions.
- (b) Retention/detention facilities shall be provided to maintain a post-development runoff rate equal to or less than the pre-development runoff rate with adequate emergency overflow structure to discharge the 100-year storm event without overtopping.
- (c) Drainage structures, including ponds and ditches, shall be placed within an easement. The easement shall be of adequate width to allow for the access of maintenance equipment, with a minimum width of 12 feet on one side of the structure.
- (d) Percolation through swales or other pervious surfaces is preferred to direct discharge of stormwater. Swales cannot intersect driveways.
- (e) Maintaining the existing tree canopy and other existing vegetation is encouraged and may be included in calculations of runoff rates and retention/detention facilities.

6.2.8 Street names and traffic control signs. The location and design of street name signs and traffic control signs shall be approved by the public works department or other designee of City Council in accordance with rules and regulations adopted by the City Council and the Georgia Department of Transportation. The developer shall pay for the cost of such signs.

All street name and traffic control signs must meet minimum retroreflectivity requirements as stated in the current Manual on Uniform Traffic Control Devices (MUTCD) in addition to all other MUTCD standards for sign size and location.

The developer may either purchase signs from the City or must prove that signs purchased elsewhere meet the above standards.

6.2.9 Street lights and poles. Installation of street lights and poles shall be carried out by the subdivider and be approved by the appropriate electric power company. This requirement may be waived by the City Council for residential subdivisions of lots five acres or more.

6.2.10 Topsoil. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and at least four inches of cover between sidewalks and curbs, and shall be stabilized by seeding or planting. The excavation and treatment of overburden during construction shall be inspected by the soil and water conservationist.

6.2.11 Major subdivision access. In a major subdivision, access to lots not fronting on existing City roads must be provided by the developer with a minimum 60-foot right-of-way. Additional right-of-way above the 60-foot minimum may be recommended by the Planning and Zoning Commission and required by the City Council if: [(1)] streets within a subdivision will eventually provide access to adjoining property; or (2) the City engineer determines that, due to cut and fill requirements or location of utilities, additional right-of-way is needed above the minimum. Preparation and maintenance of the access road will be the responsibility of the developer until accepted by the City of Guyton for maintenance.

6.2.12 Minor subdivision access or subdivision of three lots or less. Lots in a minor subdivision or subdivision of three lots or less shall be served by a public street. The City Council may allow a private access road with the following conditions:

1. A private unpaved road with a minimum easement of 60 feet in width may serve no more than three lots, including the remaining tract, in a single-family residential zoning district.
2. The subject property may not have been rezoned subsequent to the adoption of this revision.
3. The land to be divided existed as a lot of record on the effective date of these regulations and has not been subdivided since the effective date of these regulations.
4. It is unlikely, because of existing development, natural features, or other conditions, that the private road will be extended or otherwise connect with an existing or future street or serve other adjacent properties.
5. One of the lots within the subdivision abuts on a public street. This lot shall be included as one of the three lots. This requirement may be waived if the parcel to be subdivided is currently served by a private road at the time of the adoption of these regulations.
6. The private access road shall intersect with an existing public street.
7. Lots served by a private access road may not be re-subdivided unless the private road is upgraded to city street standards.
8. The plat of each lot served by a private easement shall state the following: "This lot is served by a private road, not to be maintained by the City of Guyton nor accepted as a public road unless such road, at the property owner's expense, is brought in compliance with City standards as specified by the City of Guyton, including, but not limited to, paving. This lot may not be re-subdivided until said road, at the subdivider's expense, is brought into compliance with City road standards to be accepted as a public road by the City Council." This statement shall also be recorded in a covenant to be recorded in the deed of each lot.

6.2.13 Access to state and federal highways. If a road can be provided for lots, then a road shall be required, rather than permitting the stripping of lots along the road frontage with individual and direct access to the roadway.

6.2.14 Speed limits. Unless otherwise provided herein or by ordinance, the speed limit in all subdivisions shall be 25 miles per hour. The location of speed limit signs shall be approved by the public works director. The subdivider shall reimburse the City of Guyton for the cost of erecting speed limit signs throughout the subdivision as deemed necessary for public safety.

6.2.15 Utilities. All utilities shall be underground.

6.3 - Final plat revisions.

If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the clerk of the superior court for final recording after the planning staff has approved and signed the revised plat.

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 City Council may accept a commitment of the subdivider to maintain said improvements, for a time specified by the Planning and Zoning Commission, or security in the form of an irrevocable letter of credit, maintenance bond, escrow account, or certified check, in an amount established by the Planning and Zoning Commission 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 City a nonrefundable administrative fee in the amount set forth in the applicable Building Permits and Fee Schedule.

6.5 - Dedications.

The City Council shall not improve, grade, pave, or light any street or authorize the laying of water mains, sewer connections, or other public facilities or utilities in any street within the territorial jurisdiction of the city unless such street has been accepted or opened as, or shall otherwise have received the legal status of, a public street.

6.5.1 Acceptance of existing roads and streets. Any street existing at the date of these regulations that is a private road or street may be presented by the owners to the City Council for acceptance as a public street, provided the street meets the following conditions:

1. Constructed to City standards and in good condition according to such standards. Dirt roads shall be paved at the owner's expense;
2. Drainage complies with the applicable ordinances and the Effingham County Stormwater Management Local Design Manual;
3. The street and drainage have been inspected and approved by public works or other designee of the City Council; and,
4. Existing right-of-way is adequate for maintenance by the City Council.

The City Council or their designee reserves the right to request information as needed to be provided at the applicant's request to determine the condition of the road and drainage, including, but not limited to borings and elevations. The City Council may require improvements as needed prior to the acceptance of any roads or streets.

6.5.2 Acceptance of new roads and streets.

1. Any street constructed after the date of this ordinance must be constructed to City standards. The subdivider may request the dedication of new streets after such roads or streets have been utilized for a period of one year or more after the date of the approval of the final plat by the City Council. The City Council may accept a road or street prior to this date if a performance bond or letter of credit is posted for one year to ensure the condition of the street in the amount of 150 percent of the cost of the street. The City Council may also request a letter or credit or performance bond upon acceptance of the street if deemed necessary based on the condition of the street.
2. Any road which is initially constructed as a private road may be presented to the City Council for dedication if such road meets all City standards. The road must be paved at

the applicant's expense prior to acceptance by the City Council. Such road must meet all requirements as detailed in section 6.5.1 of this article.

6.6 - Resubdivision.

Any lot in a residential zoning district that is ten acres or less and that was previously approved by City Council as part of a subdivision of four or more lots and recorded in the office of the superior court clerk cannot be resubdivided except with the approval of City Council, after giving consideration to the following factors:

Whether the size of the proposed lots is compatible with the size of the lots created by the previously approved subdivision,

Whether the intended use of the property as previously subdivided has been frustrated by changing economic conditions, by the exercise of eminent domain, or other circumstances,

Whether the proposed resubdivision will adversely affect the values of other property within the previously platted subdivision in which the property is located, and

Whether the proposed resubdivision is compatible with the purposes of the City of Guyton subdivision regulations.

Parcels that are zoned as commercial and industrial would be exempt from these regulations.

ARTICLE VII. - DESIGN STANDARDS

The following design standards shall be considered minimum requirements in the platting of all subdivisions:

7.1 - Streets and roads.

7.1.1 Conformity to existing maps or plans. The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the Planning and Zoning Commission.

7.1.2 Continuation of adjoining street system. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing major streets shall be extended.

7.1.3 Access to adjacent properties. Proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided, unless prevented by topography, other physical conditions, or unless in the opinion of the Planning and Zoning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous for future development of adjacent tracts. Where future extension of streets is desirable, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround upon approval by the Planning and Zoning Commission and City Council. Street plugs may be required to preserve the objectives of street extensions.

7.1.4 Street names. Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name of the proposed streets duplicate or be phonetically similar to existing street names, irrespective

of the use of suffix, street, avenue, boulevard, drive, place, court, etc. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by marking, or in any deed or instrument, without first getting approval of the Planning and Zoning Commission.

7.1.5 Local streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

7.1.6 Trees. As many trees as possible shall remain on the site during the initial clearing and grading and all healthy trees, as determined by an arborist or other tree professional, having a trunk diameter of six inches or more, measured four feet above the ground, shall remain unless they lie within a planned public right-of-way, within a planned building site, or within the necessary paved areas surrounding or adjacent to the primary structure.

7.1.7 Railroads and highways (freeways, expressways). Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (a) In residential districts, a buffer strip not less than 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be so designated on the plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited."
- (b) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites.
- (c) All other streets which are parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

7.1.8 Reserved strips and street plugs. Reserved strips parallel to a new street shall be prohibited. Street plugs at the terminus of a street or adjacent to a street shall be created to control access onto any street which terminates upon any undeveloped land through which the street might logically extend. In such cases, the street shall be provided to within one foot of the boundary line of the tract with the remaining one foot being dedicated to the City as a part of said street. This dedication will be automatic and without further action by the City. The connection to existing streets via street plugs shall be the responsibility of the developer of the adjoining property.

7.1.9 Street jogs. Street jogs with centerline offsets of less than 200 feet shall be prohibited.

7.1.10 Right angle intersection. Street intersections shall be as nearly at right angles as practicable.

7.1.11 Cul-de-sac. A minor street not to extend more than 800 feet in length and provided with a turnaround. Design standards shall be as follows:

- (a) *Paved cul-de-sac.*

- [i. Reserved.]
 - ii. Roadway diameter of at least 80 feet
 - iii. Right-of-way diameter of at least 100 feet. Temporary dead-end streets shall be provided with a turnaround having a radius of at least 30 feet.
- (b) *Vegetated islands in a cul-de-sac permitted.*
- i. Internal turning radius of at least 20 feet.
 - ii. Paved lane of 18 feet.
 - iii. Vegetation may be landscaped or natural and shall remain the responsibility of the subdivider or neighborhood association for maintenance.
 - iv. The vegetated central space may be used as part of a swale system to accept stormwater runoff.

When potential future connections to adjacent properties exist, cul-de-sacs may be utilized as a temporary turnaround. When used for this purpose, it is preferred that the center of the cul-de-sac is a vegetated island. At the time of extension, the cul-de-sac will then become a traffic calming measure for the street.

7.1.12 *Alleys.* Service alleys or drives may be required in multiple dwelling, commercial, and industrial developments and shall have a minimum surface treatment width of 15 feet. Alleys may be utilized in residential developments. Required right-of-way, surface condition, and cart way width shall be determined during the sketch plan stage.

7.1.13 *Street right-of-way widths.* Minimum street right-of-way widths shall be as follows:

Curb and gutter:

(a)	Local Street	Pavement Width	Right-of-Way
	2 lane, no parking	22'	60'
	2 lane, one side parking	28'	60'
	2 lane with parking	36'	60'
(b)	Collector Street		
	2 lane with left turn lane	40'	80'
	2 lane with left turn and service lanes	56'	80'
	4 lane	54'	80'

	4 lane with service lanes	78'	90'
(c)	Arterial Street		
	4 lane	56'	80'
	4 lane with service lanes	74'	100'
	4 lane with left turn lane	68'	90'
	4 lane with left turn lane and service lanes	86'	110'
	Shoulder (figure)		

(a)	Local	Pavement	Shoulder	Ditch	Right-of-Way
	2 lane	22'	4'	12'-16'	60'
(b)	Collector or Arterial				
	2 lane	24'	10'	18'	80'
	4 lane	48'	10'	18'	104'
	4 lane with left turn lane	62'	10'	18'	118'

Notes:

- (1) Pavement widths shown do not provide for on-street parking unless indicated. Service lanes are intended only for loading and unloading of passengers and goods and for disabled vehicles and not for the storage of vehicles.
- (2) Right-of-way (henceforth referred to as R/W) width listed is for only that portion of the typical section between the limits indicated. Sloping rights of additional R/W will be required for cut and fill slopes outside these limits; these future slope areas beyond indicated R/W limits should also be kept clear of development until slopes have been constructed.

- (3) Private roads, serving no more than three lots, may have a driving surface of 18 feet with a private easement of 60 feet. Shoulder and ditch requirements will be determined on a case-by-case basis. Property owners are responsible for ensuring that the surface of the road is maintained at all times in an adequate condition for emergency vehicles.

7.1.14 Sight distance for vertical curves. Where vertical curves are used, the minimum sight distance shall be as follows:

	Design Speed (MPH)	Minimum Curve Radii	Minimum Stopping Sight Distance
Local	25 MPH	275 feet	200 feet
Collector	35 MPH	350 feet	240 feet
Arterial	40 MPH	500 feet	275 feet

7.1.15 Horizontal curves. Where a deflection angle of more than ten degrees occurs in the alignment of a marginal access or minor street or road, a curve of reasonable radius shall be introduced. A curve shall be introduced at any change in direction of a collector, industrial, or commercial service street or major thoroughfare. On major thoroughfares the centerline radius of curvature shall be determined by the state department of transportation or city or county engineer. On collector, industrial, or commercial service streets, the centerline radius of curvature shall not be less than 350 feet. On minor streets, the centerline radius of curvature shall not be less than 150 feet unless the topography of the land to be subdivided makes this impractical.

7.1.16 Street grades. Grades on major thoroughfares shall be established by the state department of transportation or city engineer(s). Grades on collector streets shall not exceed eight percent unless topographic conditions make this impractical. Grades on minor residential streets shall not exceed 15 percent, unless topographic conditions make this impractical. All streets shall have a minimum grade of not less than one-half of one percent.

7.1.17 Street improvements necessary. No major subdivision served by an existing dirt road shall be permitted, unless the developer upgrades the road to City standards at his or her cost or through a cost-share arrangement with the City. Minor subdivisions may be permitted as served by an existing dirt road with approval from the City Council, as specified in section 6.2.12.

7.1.18 Private access roads and private streets.

- (1) A notation shall be placed on all plats for any subdivision in which a private street or road is utilized for access stating that all maintenance of the right-of-way or easement, including drainage and road surface, shall be the responsibility of the abutting property owners only.

- (2) The developer of any subdivision in which a private street or road is established shall provide the City Council with a maintenance agreement, consisting of covenants running with title to all lots served by such private street or road, indicating that the owners of such lots agree to assume the financial and legal responsibility for maintenance and operation of any such private street or road established.
- (3) The developer shall notify the initial purchasers of lots served by a private street or road, in writing, that the responsibility of maintenance and operation of the private street or road and private drainage features such as canals, ditches and swales, shall remain with such lot owners. Failure to notify each such lot purchasers shall constitute violation of this chapter.
- (4) A private street or road may be dedicated to and accepted by the City for public street purposes, provided such private street or road meets the minimum design and construction standards for the City.
- (5) All governmental entities shall have right of entry to and right of passage on any private street for the purposes of providing necessary public services to the residents or owners or areas serve by such private streets or roads.
- (6) *Development standards for private streets.*
 - i. All private streets shall conform to the design and construction standards for City streets.
 - ii. A registered civil engineer shall prepare all design, grading, drainage and construction plans for all private streets.
- (7) *Development standards for private roads.*
 - i. Private roads may be unpaved but shall be designed based on City standards and sound engineering practices.
 - ii. A registered civil engineer shall prepare all design, grading, drainage and construction plans for all private roads.
 - iii. The access easement shall not be less than 60 feet.
 - iv. The driving surface of the private road shall not be less than 18 feet.

7.1.19 Municipal Acceptance of Dedicated Streets and Rights-of-Way.

- (a) *Municipal acceptance of streets and rights-of-way constructed by private parties.* Streets and rights-of-way constructed by private parties may be accepted by the City if all provisions of Section 7.1.18 and other relevant provisions of these Regulations have been met, and the developer(s) or owner of such streets and rights-of-way elects to dedicate them to the City.
- (b) *Annexed areas.* Streets previously accepted by the City of Guyton and traversing areas annexed into the City shall be accepted by the City.
- (c) *Streets and rights-of-way placed in service prior to the adoption of this Section.* Streets and rights-of-way built and placed into service prior to the adoption of this Section, may be accepted by the City, provided that (i) appropriate core tests are conducted as to the

street or right-of way, and (ii) the samples derived from such core tests meet the criteria set forth by the City Engineer. Alternatively, construction logs, certified by the owner of such streets and indicating adherence to the aforementioned standards, shall be acceptable in lieu of core test results.

(1) *Responsibility for testing.* The cost of any testing required under this subsection shall be borne by the developer or owner of the streets or rights-of-way proposed for acceptance.

(d) *Procedures.* Any such proposed street and/or right-of-way dedications shall be made by deed with appropriate plat references. City Council shall accept any dedications of a street or right-of-way by resolution, identifying such streets and/or rights-of-way for which the City elects to accept dedication. A certified copy of this resolution shall be attached to both the deed of dedication and acceptance and the final plat depicting such streets and/or rights-of-way."

7.2 - Easements.

7.2.1 Utility easements. Utility easements having a minimum width of 15 feet shall be provided as required for utility lines and underground mains and cables.

7.2.2 Pedestrian ways. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs, to pass through oddly-shaped or unusually long blocks, or to provide access to schools, parks, or other public areas.

7.3 - Blocks.

Block lengths and widths shall be as follows:

7.3.1 Lengths. Block lengths shall not exceed 800 feet nor be less than 400 feet.

7.3.2 Along existing streets. When a parcel with a minimum frontage of 1,200 feet along an existing road is subdivided, an entrance to the property shall be provided at a maximum distance of every 800 feet. If a road is not necessary for the currently proposed development, then an easement shall be left to provide for future development. This requirement may be waived or modified for development along a state highway when acceleration/deceleration lanes are required by the Georgia Department of Transportation for each entrance and the development is not projected to generate enough traffic to justify the expense to the developer.

7.4 - Lots.

Residential lots shall meet the minimum lot width, depth, and area requirements of this and other ordinances.

7.4.1 Orientation of lot lines. Side lot lines shall be substantially at right angles or radial to street lines.

7.4.2 Lots abutting public streets. Each lot shall abut upon a dedicated public street unless all conditions of section 6.2.12 are met.

7.4.3 With public water and public sewer.

(a) *Minimum area:* Determined by zoning district.

- (b) *Minimum width*: Determined by zoning district.
- (c) *Minimum depth*: Determined by zoning district.

7.4.4 *Without public water and sewer.*

- (a) *Minimum area*: 43,560 square feet for a single housing unit, subject to the approval of the Effingham County Health Department. The Effingham County Health department shall have notified the City Council and the developer of its approval. Such notification shall include identification of individual lots by number.
- (b) *Minimum width*: Determined by zoning district.
- (c) *Minimum depth*: Determined by zoning district.

7.4.5 *With public water but not public sewer.*

- (a) *Minimum area*: 21,780 square feet for a single housing unit, subject to the approval of the Effingham County Health Department. The Effingham County Health Department shall have notified the City Council and the developer of its approval. Such notification shall include identification of individual lots by number.
- (b) *Minimum width*: Determined by zoning district.
- (c) *Minimum depth*: Determined by zoning district.

7.4.6 *Setback lines.* Determined by zoning district.

7.4.7 *Building setback lines.* A building line meeting the front yard setback requirements of this ordinance shall be established on all lots.

7.5 - General suitability.

7.5.1 *Soils.* The Planning and Zoning Commission shall not approve a subdivision where the soil conditions have been determined not suitable for development purposes of the kind proposed.

7.5.2 *Flooding.* Flood prone areas shall be designed consistent with all flood insurance regulations.

7.6 - Benchmarks.

At least two benchmarks shall be established within a subdivision. Such benchmarks shall be at opposite corners of the property being subdivided. For subdivisions consisting of more than 15 lots, there shall be provided one additional benchmark for every 100 additional lots or fraction thereof.

ARTICLE VIII. - PLANNED DEVELOPMENTS

8.1 - Planned developments.

In order to prevent creation of traffic hazards and insure the provision of off-street parking and the provision of necessary utilities, plans for planned developments such as Manufactured Housing Parks, apartment complexes, and commercial complexes where the site is not subdivided into lots and public streets, but is retained in one ownership, shall be submitted to the Planning and Zoning Commission for review and approval. In addition, any planned development as referenced in the zoning ordinance shall conform to not only these regulations, but also all requirements stated in the zoning ordinance under planned development. Such plans shall show the following information:

8.1.1 Scale. A plat of the property drawn to a scale of at least 100 feet to one inch.

8.1.2 Location. The location of the parcel of land with respect to adjacent rights-of-way.

8.1.3 Buildings. The shape, dimensions, and location of all buildings, existing and proposed, on said parcel.

8.1.4 Nature of use. The nature (commercial, industrial, etc.) of the proposed uses of the buildings and/or land.

8.1.5 Utilities. The location and dimensions of all water, sewer, utilities and easements.

8.1.5 Topography. Topography of the site by contours at vertical intervals of not more than two feet.

8.1.6 Parking. The location and dimensions of off-street parking and loading space and the means of ingress and egress to and from such space.

8.1.7 Drainage. The location and size of all proposed utilities and storm drainage facilities in compliance with the City of Guyton Sketch Plan Review Checklist, as adopted by the city council

8.1.8 Other information. Such other information as the Planning and Zoning Commission may deem necessary because of the physical characteristics peculiar to the particular development.

8.1.9 Enforcement of group development requirements. No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the plans for the planned development have been approved by the City Council and so noted on prints of the development plan.

8.2 - Experimental developments.

8.2.1 Intent. It is not the intent of these regulations to freeze new developments into any single type of design. It is, however, the intent of these regulations to insure that all new developments shall contribute to the building of economically sound and desirable living areas within the community with all necessary services and facilities.

8.2.2 Authority to modify standards. In order to provide the subdivider with maximum flexibility in the design and character of new residential developments, the City Council is hereby authorized to modify the standards and requirements but not the intent of these regulations in the case of a plan for an experimental subdivision or planned neighborhood unit,

which, in the judgment of the City Council, provides adequate public spaces for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provision as will assure conformity to and achievement of the comprehensive development plan.

8.2.3 Maintenance of spirit of regulations. Any development or subdivision approved under this section shall maintain the objectives, purposes, and intent of these regulations.

8.2.4 Types of developments. Experimental developments may include, but are not limited to, the following:

- (a) Planned developments as defined in article VIII of these regulations and any so designated within the City of Guyton, Georgia Zoning Ordinance.
- (b) Conservation design subdivisions.

ARTICLE IX. - VARIANCES

9.1 - General.

When, due to a particular hardship experienced by an owner of a tract of land such as inadequate size, shape, drainage, etc., it is impractical for a developer to comply with these regulations, the City Council may vary such requirements provided the intent and purpose of these regulations are not violated. The City Council shall not grant such variances unless it finds based on the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property, and;
- b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, and;
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, and;
- d. The relief sought will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.

9.2 - Conditions.

In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in section 2.1.

9.3 - Procedures.

A petition for a variance shall be submitted in writing by the subdivider at the time when the preliminary plan is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. Such variance requests, and the reasons for granting or denying them, shall be entered into the minutes of the City Council.

ARTICLE X. - APPLICATION OF REGULATIONS

10.1 - Filing and recording.

No plat of a subdivision within the City shall be filed or recorded by the county clerk of the Superior Court until the final plat shall have been submitted to and approved by the City Council and such approval entered in writing on the final plat by the planning official.

10.2 - Improvements—Streets.

The governing authority may locate and construct or may accept any other street provided that the ordinance, resolution, or other measure for such approval be first submitted to the Planning and Zoning Commission for its approval or disapproval as provided for in the procedure on plats and, upon approval, any such street shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the Planning and Zoning Commission.

10.3 - Street names.

No street or road shall hereafter be named on a plat or in a deed or other instrument without approval by the Planning and Zoning Commission.

The Planning and Zoning Commission may, after reasonable notice in a newspaper having general circulation in the City of Guyton, recommend to the governing authority, a change in the name of any street or road in City of Guyton: (a) when there is duplication of names or other conditions which tend to confuse the public, (b) when it is found that a change may simplify marking or identification of streets, or (c) upon any other good and just reason that may appear to the Planning and Zoning Commission. After reasonable opportunity for a public hearing and approval of the name change, the governing authority shall issue its certificate designating the change, which shall be recorded with the clerk of court, and the name shall thereafter be the legal name of the street or road.

10.4 - Schedule of filing fees.

The subdivider shall pay to the City of Guyton at the time a plat is submitted a sum as set forth in the schedule of fees and charges on file in the office of the City Clerk.

ARTICLE XI. - VIOLATIONS AND PENALTIES

11.1 - Filing or recording.

The filing or recording of a final plat of a subdivision without the approval of the City Council as required by these regulations, or the filing and recording of any sketch plan or preliminary plan as a record plat is hereby declared a misdemeanor and, upon conviction, is punishable as provided by:

- a. A fine not less than \$100.00 and not exceeding \$1,000.00, which fine shall not, except as otherwise provided by applicable law or ordinance, be subject to suspension, stay, or probation;

- b. A period of confinement or not fewer than one day nor more than 12 months, which period or confinement may, at the sole discretion of the judge, be suspended, stayed, or probated, in such place of confinement as may be designated by the judge;
- c. Community service for a period of time not fewer than ten hours and not exceeding 200 hours; or
- d. Any combination of fine, confinement, or community service as provided herein and designated by the judge.

11.2 - Recording Official.

The Clerk of Superior Court shall not accept, file, or record any sketch plan or any preliminary plan as a record plat; nor accept, file, or record any final plat that has not been approved by the City Council as shown by the signature of the planning official. Should any public official violate the provisions of this section, he or she shall, in each instance, be subject to the same penalty or penalties outlined in Section 11.1 and the governing authority shall have such rights and remedies as to enforcement or collection as are provided by law and may enjoin any violations hereof.

11.3 - Transfer of lots in unapproved subdivisions.

The owner or agent of the owner of any land to be subdivided within the City of Guyton who transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat or subdivision of such land before such final plat has been approved by the City Council and recorded in the office of the clerk of the court in and for the City shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in the discretion of the court; and the description of 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 these penalties. The City may enjoin such transfer or sale or agreement by appropriate action.

11.4 - Erection of buildings.

Any building erected in violation of these regulations shall be deemed an unlawful structure, and the building official or the City of Guyton attorney or other official designated by the City Council may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

11.5 - Street names.

It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by any marking, or in any deed or instrument without first obtaining the approval of the Planning and Zoning Commission. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be punished in the discretion of the court.

11.6 - Penalties.

The owner or agent of the owner of any land to be subdivided within the City of Guyton who transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the City Council, and recorded in the office of the clerk of the superior court in Effingham County, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law; and 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 such penalties.

ARTICLE XII. - LEGAL STATUS PROVISIONS

12.1 - Interpretation.

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

12.2 - Conflict with other laws, ordinances, or regulations.

These regulations are not intended to interfere with or annul any other statute or local ordinance or regulation. Where any provision of these regulations imposes restrictions or requirements different from those imposed by this or any other rule or regulation, the provision that is more restrictive or imposes higher standards shall control.

12.3 - Severability.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such a declaration shall not affect the ordinance as a whole, or any other part thereof other than the part so declared to be unconstitutional or invalid.

12.4 - Repeal of conflicting ordinances.

Upon adoption of these regulations according to law, any of the City of Guyton, Georgia Subdivision Regulations previously existing are hereby repealed, except as to those sections expressly retained in these regulations.

12.5 - Amendments.

The Planning and Zoning Commission shall hold a public hearing on any amendment to these regulations prior to its adoption, notice of which shall be given not less than 15 nor more than 45 days prior to the hearing date. The notice of hearing shall be made in a newspaper having general circulation in the area of jurisdiction.

The Planning and Zoning Commission shall certify its recommendation as to the proposed amendment to the City Council. If the Planning and Zoning Commission fails to hold a hearing or to certify its recommendation as to the proposed amendment within forty-five (45) days of its submission, such amendment shall be deemed recommended by the Planning and Zoning Commission. The City Council shall consider the recommendation of the Planning and Zoning Commission and vote on the proposed amendment.

12.6 - Effective date.

These regulations shall take effect on and after the date of approval by the governing authority of the City of Guyton, Georgia.