

## **APPENDIX B SUBDIVISION REGULATIONS<sup>1</sup>**

### ***ARTICLE I. AUTHORITY AND JURISDICTION***

#### **1.1 Authority.**

The General Planning Enabling Act of 1957 as amended by the regular 1973 session of the General Assembly of Georgia, Section 14, and as amended by the Constitutional Revision of 1976, grants authority to the governing body of each county and municipality to regulate subdivisions and land development. The governing body may grant variances from these regulations pursuant to the provisions of section 9.1.

(Ord. of 4-18-06)

#### **1.2 Jurisdiction.**

These regulations shall apply to all unincorporated land located within the boundaries of the County of Effingham.

(Ord. of 4-18-06)

### ***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 Effingham County, Georgia. In

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<sup>1</sup>Editor's note(s)—Printed herein are the subdivision regulations of the county, as adopted by the board of commissioners on April 6, 1999. Amendments to these regulations are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original regulations. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. See the Code Comparative Table.

Editor's note(s)—An ordinance adopted Apr. 18, 2006, amended App. B in its entirety, in effect deleting App. B as superseded and enacting a new App. B to read as set out herein. Former App. B pertained to similar subject. For a complete history of former App. B see the Code Comparative Table.

Cross reference(s)—Alcoholic beverages, ch. 6; buildings and building regulations, ch. 14; soil erosion and sedimentation control, § 30-111 et seq.; flood damage prevention, ch. 34; planning, ch. 54; zoning ordinance, app. C.

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furtherance of the general intent of this ordinance, the regulation of land subdivision by municipal and county governing authorities is authorized for the following purposes, among others:

- (a) To protect and provide for the public health, safety, and general welfare of the county;
- (b) To encourage the development of economically sound and stable municipalities and counties;
- (3) To protect the character and the social and economic stability of all parts of the county 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.

(Ord. of 4-18-06)

**2.2 Short title.**

This ordinance shall be known as and may be cited as the "Effingham County Subdivision Regulations."

(Ord. of 4-18-06)

***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.

(d) The masculine gender includes the feminine and neuter.

(Ord. of 4-18-06)

### 3.2 Definitions.

**3.2.1 Accessory building.** A garage, or other building, use 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.

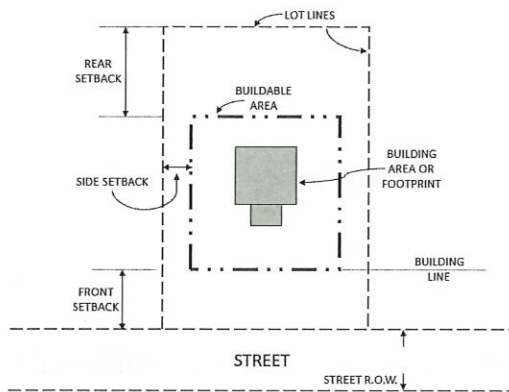
**3.2.2 Alley.** A narrow thoroughfare dedicated or used for public passageway up to 20 feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and is not generally used as a thoroughfare by both pedestrians and vehicles, is not used for general 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 Board of zoning appeals.** A board appointed by the local governing body whose duties are to hear and decide zoning appeals, special exceptions, and variances in a manner that conforms to the requirements of the zoning ordinance. The county commission serves as the appeal body for Effingham County.

**3.2.4 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.

**3.2.5 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.

**3.2.6 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).



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

**3.2.8 Building 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 Effingham County, to the ordinances of the county.

**3.2.9 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.



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3.2.10 *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.

3.2.11 *Conservation design subdivisions.* A development designed to maximize the conservation or preservation of natural areas where minimum lot size and/or dimensional requirements may be waived, provided that the overall density of the development in its entirety remains consistent with the density of the zoning district.

3.2.12 *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.

3.2.13 *Dwelling.* A building or portion of a building arranged or designed to provide living quarters for one or more families on a permanent or long-term basis.

3.2.14 *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.

3.2.15 *Engineer.* Any person having an acceptable degree from a recognized institution of higher learning and licensed by the State of Georgia 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 county engineer must be recognized by the State of Georgia as one.

3.2.16 *Expedited subdivision.* The adjustment or relocation of a lot line or lot lines, such that no additional lots are created and such that all resulting lots meet all the requirements of the zoning ordinance.

3.2.17 *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.

3.2.17 (a) *Minor Family subdivision.* Any subdivision containing not more than ~~three~~ five 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 family~~ subdivisions divided from one original parcel under common ownership constitutes a ~~major~~ minor subdivision. The subdivision of property for immediate family members may be granted as a ~~minor family~~ subdivision upon approval by ~~the board of commissioners;~~ development services staff.

3.2.18 *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.

3.2.19 *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.

3.2.20 *Governing authority.* The board of commissioners of Effingham County.

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

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



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3.2.23 *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.

3.2.24 *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.

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

3.2.26 *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.

3.2.27 *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.

3.2.28 *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.

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

3.2.30 *Major subdivision.* All subdivisions not classified as minor subdivision, including but not limited to subdivisions of ~~four or more~~ more than five residential 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.

3.2.31 *Minor subdivision*

~~Minor~~ *Family subdivision.* Any subdivision containing not more than ~~three~~ five residential lots fronting on an existing public or private street or private easement, 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~~ family subdivisions divided from one original parcel under common ownership constitutes a ~~major~~ minor subdivision. The subdivision of property for immediate family members may be granted as a ~~minor~~ family subdivision upon approval by ~~the board of commissioners;~~ development services staff.

3.2.32 *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.

3.2.33 *Planning board.* A body of people appointed by the local governing authority whose responsibilities include the guidance of growth and development within Effingham County and interpretation of the various county regulatory ordinances.

3.2.34 *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.

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

3.2.36 *Plat, 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 board for purposes of preliminary consideration.

3.2.37 *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.

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

3.2.39 *Private street.* Any paved street constructed to county standards and which is not dedicated to or accepted by the county 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.

3.2.40 *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.

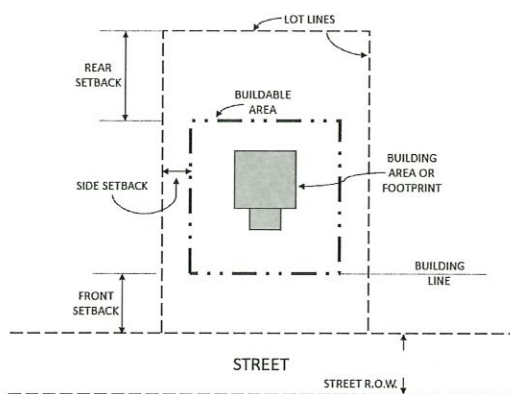
3.2.41 *Regulatory flood.* A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 100 years determined from an analysis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

3.2.42 *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.

3.2.43 *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.

3.2.44 *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.

3.2.45 *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.



3.2.46 *Sketch Plan.* A rough plan of a proposed subdivision or development as defined in section 5.1 of these regulations.



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

3.2.48 *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.

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

3.2.50 *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.

3.2.51 *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.

3.2.52 *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.

3.2.53 *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.

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

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

3.2.56 *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.

3.2.57 *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.

3.2.58 *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.

3.2.59 *Subdivider*. Any person, firm, or corporation who divides any land deemed to be a subdivision as herein defined.

3.2.60 *Subdivision*. Subdivision means all divisions of a tract or parcel of land, regardless of zoning classification or land use, ~~into two or more than two 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 exemption is included within this definition only for the purpose of requiring that the board of commissioners be informed and have record of such subdivisions:

*Exemption*: 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 zoning administrator, who shall indicate such fact on the plats.

*Subdivision, Expedited*. See *Expedited subdivision*.

*Subdivision, Major*. See *Major subdivision*.

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*Subdivision, Minor.* See Minor subdivision.

3.2.61 *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.

3.2.62 *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.

3.2.63 *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.

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

3.2.65 *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.

3.2.66 *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.

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

3.2.68 *Zoning ordinance.* An officially adopted ordinance that regulates the manner, type, size, and/or use to which a piece of property may be placed. [See app. C to this volume]

(Ord. of 4-18-06)

## **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 plat
3. Construction plans
4. Final plat

(b) *Minor subdivision.*

Final plat



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

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

(Ord. of 4-18-06; Ord. of 5-5-09)

## 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 shall 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 for review. 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 and a digital submittal of the sketch plan exhibit in pdf form as described in these regulations and complying in all respects with these regulations; and,
  4. The application shall include an email address, mailing 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 5 business days from the date that the sketch plan is submitted to the planning staff. If a parcel has a residential dwelling currently on the property at the time of the submittal, then the planning staff may, in his or her discretion, exempt the developed lot from counting as a lot in the subdivision for the purpose of classification as a major or minor subdivision.

The sketch plan for a major subdivision shall then be placed on the next available regular meeting agenda of the planning board for formal approval, disapproval or conditional approval of the sketch

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plan. The planning board shall review the sketch plan and shall approve, deny, or approve subject to modifications at the meeting at which it is presented. Pertinent comments and recommendations shall be recorded in the minutes of the planning board meeting.

1. *Major subdivision sketch plan.*

a. Approval shall be granted only if the sketch plan complies with all applicable laws governing the subdivision of land in Effingham County. Subsequent to approval or conditional approval by the planning commission, 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 plat to assist the applicant in obtaining preliminary plan approval.

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

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

4.2.2 *Preliminary plat 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 preliminary plat of the subdivision 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 plat submitted to the planning and engineering department shall contain the name, email address, and mailing address of the subdivider (or designee) to whom notice comments may be sent.

Supplemental information may be requested by the professional staff. The preliminary plat 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 plat is directed shall indicate any desired changes or comments on the preliminary plat and submit said changes or comments to the planning and engineering department prior to the formal approval of the preliminary plat.

(b) *Approval procedure.* The preliminary plat shall be reviewed from the departments as specified in section 5.2.4 of these regulations. The planning and engineering department, or designee, shall act on the preliminary plat 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 a subdivider to submit construction plans within six months from the approval of the preliminary plat will require resubmission of a preliminary plat to the planning and engineering



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department for approval unless an extension is requested by the subdivider and approved by the planning and engineering department.

Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Preliminary approval shall constitute approval of the proposed widths and alignments of streets and the dimensions and shapes of lots subject to the final approval of the public works director or other designee of the board of commissioners. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met. Upon approval of the preliminary subdivision plat 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 planning and engineering department. A professional engineer licensed in the State of Georgia shall provide construction supervision.

#### 4.2.3 Construction plan review procedures.

- (a) *Application procedure.* Application for approval of construction plans shall be submitted to the planning and engineering department. The application shall not be accepted until the 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 preliminary 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 construction plans submitted to the planning and engineering department shall contain the name, email address, and mailing address of the subdivider (or his designee) to whom notice comments may be sent.
- (b) *Approval procedure.* The construction plans shall be reviewed and approval from the departments as specified in section 5.3 of these regulations.

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

Upon approval of construction plans by the professional staff, the subdivider may proceed to comply with the other requirements of these regulations, construction of the subdivision, and the preparation of the final subdivision plat. Construction shall follow the plans as submitted and approved by the county engineer or their designee. A professional engineer licensed in the State of Georgia shall provide construction supervision.

#### 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:

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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 required improvements of all or part of the area as shown on the approved preliminary plat, the subdivider shall submit to the planning and engineering staff documents as required by the planning and engineering department, as defined by the document "Effingham County Final Plat Checklist and Submittal Form" prepared in accordance with the provisions of these regulations along with the required certificates executed by the appropriate officials;
  4. Comply in all respects with the sketch plan and preliminary plat, as approved;
  5. Be accompanied by all formal irrevocable offers of dedication to the public, if required, of all streets, utilities, parks, easements, and other government uses, in a form approved by the county attorney;
  6. Be accompanied by a maintenance bond, letter of credit, escrow account, or certified check, which is available to the county to cover any necessary repair of streets, utilities, parks, easements, etc. The maintenance security shall be for a minimum of ten percent of the total construction cost of such improvements. The county engineer may require a higher percentage (or an additional amount) when circumstances warrant, subject to the approval of the board of commissioners.

All required improvements must be completed before the approval of the final plat. The maintenance bond, letter of credit (LOC), escrow account, or certified check will be held by the county for a period of not less than 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 board of commissioners shall release the bond, LOC, escrow, or check. Maintenance bonds, LOCs, escrows, or checks shall remain in force until released by the board of commissioners after due inspection of said improvements and shall not automatically expire at the end of 12 months from the date of final plat approval.

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

7. Be accompanied by the water and sewer agreement, if applicable, in a form satisfactory to the county attorney.
8. The subdivider shall provide a digital set of construction plans as record drawings (as-built) geographically referenced to Georgia State Plane Coordinate System in a format as specified by the board of commissioners or their designee, as further described on the final plat checklist and submittal form and attachments thereto. Each sheet of the construction record drawings shall bear the stamp and signature of the professional engineer licensed in the State of Georgia who shall certify that the project has been constructed in accordance with the approved drawings. Inspection of the subdivision development shall be performed by the staff of the planning and engineering department, or designee, and all



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improvements required by this ordinance must be finished before the final plat application is deemed complete. Supplemental information may be requested.

The final plat 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 5.4 of these regulations.

(b) *Approval procedure.*

- (i) For a major subdivision, the final plat shall be placed on the agenda of the next meeting of the county commission once the application is deemed complete and in compliance with this ordinance 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 board of commissioners shall act on the final plat within 60 days after the applicant is deemed complete and in compliance with this ordinance.

Upon the approval of the final plat by the board of commissioners, the signed copy shall be stamped with the appropriate certificate of the board of commissioners. A digital copy shall be kept on file with the planning and engineering department. The final plat shall be recorded in the office of the clerk of the Superior Court of Effingham County. Approval of the final plat shall be deemed to constitute or affect an acceptance by the county of the dedication of any street or other ground shown upon the plat that is intended to become public domain.

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

- (a) Meets the requirements of a final plat as set forth in these regulations;
  - (b) Conforms to an approved preliminary plat; and
  - (c) Has all the required improvements installed and approved.
- (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 5.4.1 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 final plat shall be signed by the zoning administrator. A digital copy shall be kept on file with the planning and engineering department. The final plat 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.

(Ord. of 4-18-06; Ord. of 5-5-09)

#### **4.3 Reserved.**

Editor's note(s)—Section 4.3, pertaining to sketch plans and preliminary plats not required, was deleted in its entirety by an ordinance adopted July 1, 1997.

#### **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 Chapter 34, Flood Damage Prevention of the Effingham County Code of Ordinances and 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.



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- (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.

(Ord. of 4-18-06)

#### **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 board 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 plat.* The preliminary plat 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 plat for the first phase of the development. Drainage plans shall be based on anticipated post-development conditions and shall be designed in accordance with the Effingham County Water Resources Protection Ordinance and the 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 county 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.

(Ord. of 4-18-06)

### **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 plat 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 county 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.

If an applicant chooses to utilize professional resources (engineer, surveyor, etc.) in preparation of the sketch plan, this shall in no way obligate the county 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.

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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, email address, mailing 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 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 Effingham County Sketch Plan Review Checklist.

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

(Ord. of 4-18-06)

## 5.2 Preliminary plat for major subdivisions.

The preliminary plat 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 "Effingham County Preliminary Plan and Subdivision Plan Review Checklists,":

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 1000 feet showing the relationship of the subdivision to the surrounding area.
- (7) Acreage to be subdivided.



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- (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)
- (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. Existing features, including water bodies, wetlands, and flood zone limits, are required to be surveyed. Determination of the presence or absence of natural features shall be made by a professional qualified to delineate wetlands.
  - 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.
- (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, proposed road names, or designations, grades, and cross-sections.
- (2) At least one permanent survey reference point (Benchmark) established per plan or plat which is referenced to any nearby U.S. Coast and Geodetic Survey station, U.S. Geological Survey marker, Georgia Coordinated Grid System marker, paved street intersection or other reliable and permanent designation. Subdivisions require a minimum of 2 benchmarks located on opposite corners of the property being subdivided. Subdivisions with more than 15 lots shall provide one additional benchmark for every additional 100 lots or fraction thereof.
- (3) Detailed layout of all lots, including building setback lines, required buffers, scaled dimensions on lots, lot and block numbers, and utility easements with width, and use.
- (4)

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- (5) Designation of all land (if any) to be reserved or dedicated for public use. In mixed use or residential development, provide designation for open space, and pedestrian and amenity areas.
  - (6) Designation of proposed use of all lots
  - (7) Proposed major contour changes in areas where substantial cut and/or fill is to be done.
  - (11)
  - (8) Total number of lots, total acreage, and total length of new streets.
  - (9) Any additional information as specified by the Effingham County Preliminary Plat Review Checklist.

5.2.4 *Review and approval.* The preliminary plat shall be reviewed and approved by the professional staff of the planning board only after review and approval by the following:

- (a) The health department and/or the Georgia Environmental Protection Division shall review the water supply and sewage disposal facilities to be provided on all preliminary plats. In addition, the health department shall make determinations in all matters concerning the public health, as specified herein. Such determinations and recommendations shall be forwarded to the planning board in writing.
- (b) The public works official or other designee of the board of commissioners shall review the preliminary plat for conformity of its proposed streets with adopted design standards and existing and proposed public street improvements. The GIS department shall review proposed street names for compliance with public safety requirements.

(Ord. of 4-18-06)

#### **5.4 Construction plans for major subdivisions.**

The construction plans 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 "Effingham County Construction Plan Checklist":

##### *5.4.1 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 1000 feet 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.

##### *5.4.2 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



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owners. If all or part of the area does not display a 1.0 linear feet vertical variation, "spot elevations" shall be shown on a 50.0 by 50.0 linear feet (2,500 square feet) scaled grid, when the total surveyed area is less than 1.0 acre, or on a 100.0 by 100.0 linear feet (10,000 square feet) scaled grid when the total surveyed area is more than 1.0 acre.

- (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. Existing features, including water bodies, wetlands, and flood zone limits, are required to be surveyed. 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.

#### *5.4.3 Proposed conditions.*

- (1) Layout of streets, roads, alleys, and public crosswalks, with widths, proposed road names, or designations, grades, and cross-sections. If grading occurs within the limits of the 100-year floodplain, cut and fill calculations shall be provided. If the result of the calculation is a net-fill, a No-Rise Certification shall be submitted for review.
- (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 board of commissioners. 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. All proposed lift stations shall be accompanied by an engineering report as specified by the county engineer.

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- (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 the Effingham County Water Resources Protection Ordinance and the 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 and water main profiles.
  - (8) All projects shall provide an engineering report including Needed Fire Flow, Expected Domestic Demand, and the Results of a Fire Hydrant Flow Test. If proposing a new Water Main, Engineering Report shall include a model of the proposed system, demonstrating that Fire Flow and Domestic Demand can be achieved simultaneously at the most remote location in the system.
  - (9) Designation of all land (if any) to be reserved or dedicated for public use.
  - (10) Designation of proposed use of all lots to be used for other than single-family residential (if any).
  - (11) Proposed major contour changes in areas where substantial cut and/or fill is to be done.
  - (12) 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.
  - (13) Total number of lots, total acreage, and total length of new streets.
  - (14) Any additional information as specified by the Effingham County Construction Plan Review Checklist.

*5.4.4 Review and approval.* The preliminary plan shall be reviewed and approved by the professional staff of the planning board only after review and approval by the following:

- (a) The health department 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 health department shall make determinations in all matters concerning the public health, as specified herein. Such determinations and recommendations shall be forwarded to the planning board in writing.
- (b) The public works official or other designee of the board of commissioners 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, county engineer or other designee of the board of commissioners shall review all construction plans for conformance with county 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 board 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.



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## 5.5 Required information for minor subdivision.

Required information for minor subdivisions 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 by the "Effingham County Minor Subdivision Plan Review Checklist",

- (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. The county health department shall determine the presence or absence of generalized wetlands 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.

Expedited subdivisions may be submitted as a final plat in conformance with Section 5.6.

*5.5.1 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 county engineer or other designee of the board of commissioners shall review all plans for conformance with county 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 Ogeechee River 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.

## 5.6 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 be in compliance with the Georgia Plat Act and contain the following specific information and any additional information as specified by the "Effingham County Final Plat Review Checklist":

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- (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 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 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)."

- (13) The following signed certificates shall appear on the final plat which is submitted to the county commission 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 Effingham County Subdivision Regulations and was approved by the Effingham County Board of Commissioners for recording in the office of the Clerk of Superior Court of Effingham County, Georgia (date), \_\_\_\_\_ Chairman of Effingham County Board of Commissioners, witness \_\_\_\_\_ Clerk of Effingham County Board of Commissioners.
  - (b) *Certificate of accuracy.*

I hereby certify that this Plat is a true, correct, and accurate survey as required by Effingham County 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.*



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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.

*5.6.1 Final plat approval.* The final plat shall be approved by the board of commissioners after review and approval by the following:

- (a) County board of environmental health, if required;
- (b) County public works director;
- (c) County planning official.

*5.6.2 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:

*5.6.2.1 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.

*5.6.2.2 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.

*5.6.2.3 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.

*5.6.2.4 Accuracy.* Land surveys, shall be at an accuracy of at least 1:7500.

(Ord. of 4-18-06)

## **ARTICLE VI. REQUIRED IMPROVEMENTS**

### **6.1 Number of lots vs. improvement standards.**

Subdivision Type	Number of Lots	Required Improvements
Minor subdivision	3 or less	Street signs
Major subdivisions	4 or more	Paved streets Street signs Street lights (Requirement may be waived by the county commission) 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 county commission) Storm drainage system

(Ord. of 4-18-06)

### **6.2 Required improvements.**

A well-designed subdivision means little to a prospective lot buyer until necessary improvements are 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 the improvements required by these regulations necessary to serve the 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 county. 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 board of commissioners. 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

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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 State of Georgia, and the county engineer or other designee of the board of commissioners. Major subdivisions and phased developments shall provide a sewer master plan for the entire development.

*6.2.5 Curbs and gutters.* If concrete curbs are required, they shall be installed in accordance with plans and specifications approved by the county engineer or other designee of the board of commissioners.

*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 county engineer or other designee of the board of commissioners and meeting the specifications and requirements of the Effingham County. The subdivider shall provide a written guarantee to the county 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 the Effingham County Water Resources Protection Ordinance and the 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 county engineer or other designee of the board of commissioners.

- (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 or right-of-way. 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 the board of commissioners in accordance with rules and regulations adopted by the board of commissioners 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) Sec. 2A.09 in addition to all other MUTCD standards for sign size and location.

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

*6.2.9 Street lights and poles.* Installation of streetlights 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 county commission for residential subdivisions of lots five acres or more.

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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 county 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 board and required by the county commission if: [(1)] streets within a subdivision will eventually provide access to adjoining property; or (2) the county 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 Effingham County 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 county commission may allow a private access road with the following conditions:

1. A private unpaved access 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 is zoned AR-1 or AR-2 and was not 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 access 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 access road at the time of the adoption of these regulations.
6. The private access road shall intersect with an existing public street. The developer shall install and maintain signs along private access road rights-of-way which read: "Private Road - Not County Maintained." Such sign shall be installed at intersections of the public street and private access road.
7. Lots served by a private access road may not be re-subdivided unless the private road is upgraded to county street standards.
8. The plat of each lot served by a private easement shall state the following: "This lot is served by a private access road, not to be maintained by Effingham County nor accepted as a public road unless such road, at the property owner's expense, is brought in compliance with county standards as specified by Effingham County, 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 county road standards to be accepted as a public road by the Effingham County Board of Commissioners. If the road remains private, all maintenance of the right-of-way or easement, including drainage and road surface, shall be the responsibility of the abutting property owners. The road surface shall be no less than 20 feet wide. Further, I/we understand that it shall be my/our responsibility to properly grant the easement shown on this plat by deed or separate easement agreement to any transferee of the property. The easement may serve no more than three (3) lots. The original remaining parcel shall be included as one of the three lots. If location of easement on plat changes, I/we shall revise the plat and resubmit to Effingham County for approval. I/we understand that this subdivision and any easements are subject to all state and local



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ordinances and rules and regulations adopted by Effingham County. " 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 frontage or access 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. The subdivider shall obtain the necessary permit(s) from the Georgia Department of Transportation prior to submitting the preliminary plat for review.

*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 Effingham County 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. This requirement may be waived by the county commission for subdivisions in an AR-1 zoning district.

(Ord. of 4-18-06; Ord. of 1-3-11, § 1)

### **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 county commission chair or designee has approved and signed the revised plat.

(Ord. of 4-18-06)

### **6.5 Dedications.**

The county commission 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 county 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 county commission for acceptance as a public street, provided the street meets the following conditions:

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

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

*6.5.2 Acceptance of new roads and streets.*

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1. Any street constructed after the date of this ordinance must be constructed to county standards unless otherwise approved in accordance with Section 6.2.12. Public streets shall be accepted upon approval of the final plat by the county commission. A performance bond or letter of credit shall be required for a minimum of one year to ensure the condition of the street in the amount of 150 percent of the cost of the street. The county engineer may require an extension of the performance bond to 24 months based on the condition of the street. Subdivision entry signs (such as monument signs) shall not be accepted by the county for maintenance.
  2. Any road which is initially constructed as a private access road may be presented to the county commission for dedication if such road meets all county standards. Such road must meet all requirements as detailed in section 6.5.1 of this article. The road must be paved at the applicant's expense prior to acceptance by the county commission. The owner(s) of the road may petition the county manager or designee to upgrade the road to county standards, provided the improvements are made at the expense of the owner(s) of the private access road.
  3. A special service district for the upgrading and/or maintenance of private access roads may be established upon approval of 75 percent of the property owners who own 75 percent of the assessed value of property accessed by the private access road.

(Ord. of 4-18-06)

## 6.6 Maintenance Agreements

Maintenance agreements shall be required for any improvements made which are not dedicated to Effingham County, which may include but is not limited to, stormwater facilities, entry signs, neighborhood recreation facilities, etc. Such maintenance agreements shall detail the party(ies) responsible for maintaining and operating shared facilities. Maintenance for private access roads shall be the responsibility of the adjacent property owners as specified in 6.2.12.

## 6.7 Resubdivision.

Any lot in a residential zoning district that is ten acres or less and that was previously approved by the board of commissioners as part of a major subdivision of four or more lots and recorded in the office of the superior court clerk cannot be resubdivided except with the approval of the board of commissioners, 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 Effingham County subdivision regulations.

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

(Ord. of 4-18-06; Ord. of 5-15-07)



## **ARTICLE VII. DESIGN STANDARDS**

The following design standards shall be considered minimum requirements in the platting of all subdivisions:  
(Ord. of 4-18-06)

### **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 board.

*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 county engineer or designee of the county 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 county engineer or designee of the county commission. 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 GIC department or designee of the county 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.* Tree preservation and/or planting of new trees shall be in conformity with the Effingham County Tree Ordinance.

*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 accordance with Section 3.4 of the zoning ordinance in addition to the normal depth of the lot required in the district shall be provided adjacent to the 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."

In residential districts, a buffer strip not less than 15 feet in depth or a combination of a five-foot buffer and a privacy fence (minimum 6' in height) shall be erected adjacent to the railroad right-of-way.

- (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.

- I 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. The county engineer or designee may impose additional design standards as necessary for safety.

*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 county as a part of said street. This dedication will be automatic and without further action by the county. 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, roadway widths, and pavement thickness.* 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, with alley access	22'	60'



	2 lane, one side parking designated	28'	60'
	2 lane with parking	36'	60'
(b)	Collector Street		
	2 lane	24'	80'
	2 lane with left turn lane	40'	80'
	4 lane	48' - 54'	80'
(c)	Arterial Street		
	4 lane	56'	80'
	4 lane with left turn lane	68'	90'

Open drainage:

(a)	Local	Pavement	Shoulder	Ditch	Right-of-Way
	2 lane, no parking, alley access	22'	4'	12'-16'	60'
	2 lane, one side parking designated	28'	4'	12'-16'	60'
	2 lane with parking	36'	4'	12'-16'	
(b)	Collector				
	2 lane	24'	10'	12' - 18'	80'
	2 lane with left turn lane	40'	10'	12' - 18'	80'
	2 lane with left turn and service lanes	56'	10'	12' - 18'	80'
	4 lane	48'	10'	18'	104'
	4 lane with left turn lane	62'	10'	18'	118'
(c)	Arterial Street				
	4 lane	56'	10'	18'	110'
	4 lane with service lanes	74'	10'	18'	130'
	4 lane with left turn lane	68'	10'	18'	124'
	4 lane with left turn lane and service lanes	86'	10'	18'	142'

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 access roads, serving no more than three lots, may have a driving surface of 20 feet with a private easement of 60 feet. Shoulder and ditch requirements will be determined on a case-by-case

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basis. Private access roads may be unpaved but shall be designed based on county standards and sound engineering practices. Property owners are responsible for ensuring that the surface of the road is maintained at all times in an adequate condition for emergency vehicles.

- (4) Pavement thickness design and construction shall be defined as outlined in Standard Construction details P-1A and P-1B for residential subdivisions

*7.1.14 Roadway geometry.* Roadway geometry shall be designed in accordance with industry standards as specified in AASHTO Policy on Geometric Design of Highways & Streets, AASHTO Geometric Design of Low Volume Local Roads, GDOT Design Policy Manual, and Applicable NCHRP Reports.

*7.1.16 Street grades.* Grades on major thoroughfares shall be established by the state department of transportation or county engineers. 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.

Streets with curb and gutter shall have a minimum of 0.05% Slope and a minimum K-Value of 167 for sag vertical curves, which is needed to achieve adequate drainage.

Streets without curb and gutter have no minimum required Longitudinal Slope.

*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 county standards at his or her cost or through a cost-share arrangement with the county. Minor subdivisions may be permitted as served by an existing dirt road with approval from the county commission, 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 a private access 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 private access road is established shall provide the county commission with a maintenance agreement, consisting of covenants running with title to all lots served by such private street or private access 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 private access road established.
- (3) The developer shall notify the initial purchasers of lots served by a private street or private access 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 private access road may be dedicated to and accepted by the county for public street purposes, provided such private street or private access road meets the minimum design and construction standards for the county.
- (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 private access roads.
- (6) *Development standards for private streets.*
  - i. All private streets shall conform to the design and construction standards for county streets.
  - ii. A registered civil engineer shall prepare all design, grading, drainage and construction plans for all private streets.



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(7) *Development standards for private access roads.*

- i. Private access roads may be unpaved but shall be designed based on county standards and sound engineering practices.
- ii. A registered civil engineer shall prepare all design, grading, drainage and construction plans for all private access roads.
- iii. The access easement shall not be less than 60 feet.
- iv. The driving surface of the private access road shall not be less than 20 feet.

(Ord. of 4-18-06; Ord. of 4-10-20 )

## **7.2 Easements.**

*7.2.1 Utility easements.* Utility easements having a minimum width of 15 feet combined 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.

*7.2.3 Drainage easements.* All stormwater features and drainage infrastructure shall be located within a drainage easement and shall remain unobstructed in order to provide access for maintenance. No fences or other structures shall be placed or erected within any drainage easement.

(Ord. of 4-18-06)

## **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.

(Ord. of 4-18-06)

## **7.4 Lots.**

Residential lots shall meet the minimum lot width, depth, and area requirements of this and other ordinances. Setbacks, lot dimensions, and other development standards shall be determined by the zoning district as defined in Article V of the zoning ordinance.

*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. When a new lot is created adjacent to a prescriptive easement, a dedicated access easement shall be required.

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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 or without public water but with public sewer*

- (a) *Minimum area:* One acre for a single housing unit, subject to the approval of the county health department. The county health department shall notify the board of commissioners and the developer of its approval. Such notification shall include identification of individual lots by number on the final plat.
- (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:* One-half acre for a single housing unit, subject to the approval of the county health department. The county health department shall notify the board of commissioners and the developer of its approval. Such notification shall include identification of individual lots by number on the final plat.
- (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.

(Ord. of 4-18-06)

## **7.5 General suitability.**

7.5.1 *Soils.* The planning board shall not be required to approve a subdivision where the soil conditions have been determined not suitable for development purposes of the kind proposed. A soil survey may be required by the county engineer or designee.

7.5.2 *Flooding.* Flood prone areas shall be consistent with all flood insurance regulations and Chapter 34, Flood Damage Prevention of the Effingham County Code of Ordinances.

(Ord. of 4-18-06)

## **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.

(Ord. of 4-18-06)



## ***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 board of commissioners may vary such requirements provided the intent and purpose of these regulations are not violated. The board of commissioners 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.

(Ord. of 4-18-06)

### **9.2 Conditions.**

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

(Ord. of 4-18-06)

### **9.3 Procedures.**

A petition for a variance shall be submitted in writing by the subdivider at the time when the sketch plan is filed for the consideration of the planning board. 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 board of commissioners.

(Ord. of 4-18-06)

## ***ARTICLE X. APPLICATION OF REGULATIONS***

From and after the date of the adoption of these regulations and notification of the county clerk of the court.

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### **10.1 Filing and recording.**

No plat of a subdivision within the county shall be filed or recorded by the county clerk of the court until the final plat shall have been submitted to and approved by the board of commissioners and such approval entered in writing on the final plat by the chair of the board of commissioners.

(Ord. of 4-18-06)

### **10.2 Improvements—Streets.**

The governing authority or other public authority shall not hereafter accept, lay out, open, improve, grade, pave, or lay or authorize the laying of any water mains, sewers, connections, or other public facilities or utilities in any street unless it has been accepted as, opened as, or otherwise received the legal status of, a public street shown on the final plat approved by the county commission. The governing authority may locate and construct or may accept any other street provided that the ordinance of [or] resolution or other measure for such approval be first submitted to the board of commissioners 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 county commission.

(Ord. of 4-18-06)

### **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 county manager or designee.

The county manager or designee may, after reasonable notice in a newspaper having general circulation in Effingham County, recommend to the governing authority, a change in the name of any street or road in Effingham County (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 board. 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.

(Ord. of 4-18-06)

### **10.4 Schedule of filing fees.**

The subdivider shall pay to the Effingham County Development Services 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 county clerk.

(Ord. of 4-18-06)

## ***ARTICLE XI. VIOLATIONS AND PENALTIES***



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### **11.1 Filing or recording.**

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

(Ord. of 4-18-06)

### **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 county commission as shown by the signature of the county commission chair. Should any public official violate the provisions of this section, he shall, in each instance, be subject to the penalty provided in this article 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.

(Ord. of 4-18-06)

### **11.3 Transfer of lots in unapproved subdivisions.**

The owner or agent of the owner of any land to be subdivided within Effingham County 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 county commission and recorded in the office of the clerk of the court in and for the county 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 county may enjoin such transfer or sale or agreement by appropriate action.

(Ord. of 4-18-06)

### **11.4 Erection of buildings or structures.**

Any building or structure erected in violation of these regulations shall be deemed an unlawful structure, and the county manager or designee or other official designated by the county commission may bring appropriate action to enjoin such erection or cause it to be vacated or removed at the owner's expense.

(Ord. of 4-18-06)

### **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 getting the approval of the county manager or designee. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be punished in the discretion of the court.

(Ord. of 4-18-06)

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### **11.6 Penalties.**

The owner or agent of the owner of any land to be subdivided within Effingham County 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 county commission, 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.

(Ord. of 4-18-06)

## ***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.

(Ord. of 4-18-06)

### **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.

(Ord. of 4-18-06)

### **12.3 Separability.**

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.

(Ord. of 4-18-06)

### **12.4 Repeal of conflicting ordinances.**

Upon adoption of these regulations according to law, the Subdivision Regulations of Effingham County adopted April 6, 1999, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

(Ord. of 4-18-06)



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### **12.5 Amendments.**

The planning board 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 30 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 board shall certify its recommendation as to the proposed amendment to the board of county commissioners. The board of commissioners 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 30 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 county commissioners shall consider the recommendation of the planning board and vote on the proposed amendment.

(Ord. of 4-18-06)

### **12.6 Effective date.**

These regulations shall take effect on and after April 18, 2006.

(Ord. of 4-18-06)