

APPENDIX B –SUBDIVISIONS

ARTICLE I. – AUTHORITY, JURISDICTION AND APPLICATION

1.1. - Authority.

The general planning authority contained in Art. IX, § 2, ¶ 4 of the 1983 Constitution, grants authority to the governing body of each county and municipality to regulate subdivisions and land development.

State law reference— Such act is not included in the Official Code of Georgia; planning and zoning authority is contained in the 1983 Const., Art. IX, § 2, ¶ 4.

1.2. - Jurisdiction.

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

1.3. - Application.

These regulations shall apply to the following forms of land subdivision and development:

- (a) The division of land into two (2) or more parcels, lots, or tracts.
- (b) The dedication, vacation or reservation of any public or private easement or roadway through any tract of land regardless of the area involved, and
- (c) Planned developments such as manufactured home parks, apartment complexes, commercial complexes, and other developments where the site is not subdivided into lots and public streets as contained in article VIII.

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 Liberty County. In 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 encourage the development of economically sound, sustainable and stable municipalities and counties;
- (b) To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- (c) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (d) 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
- (e) To assure, in general, the wise and timely development of new areas, in harmony with the comprehensive plan of the municipalities and the county.

2.2. - Short title.

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

ARTICLE III. – RULES AND DEFINITIONS

3.1. - Rules.

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

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

3.2. - Definitions.

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

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

3.2.2.1 *Block:* A group of lots surrounded by streets or roads.

3.2.2.2 *Block length:* The longest dimension of a block along a street or road.

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

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

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

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

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

3.2.8. *Certified survey drawing:* 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 engineer, registered surveyor, architect, or other legally recognized person.

3.2.9. *Condominium (building)*: A building containing two (2) or more attached, individually owned dwelling units and related, jointly owned common areas under condominium or cooperative ownership.

3.2.9.1 *Conservation Subdivision*: A form of land subdivision that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. With land subdivided through a conservation subdivision regulation, local government can preserve unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat. Conservation subdivisions enable clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure (including paved surfaces and utility easements) necessary for residential development.

3.2.10. *Curb return*: The end of the radius of two intersecting curbs.

3.2.11. *Development*: Any construction or activity that results in a change in, or changes the use of, a parcel, or portion of a parcel, of land. The definition of development shall also include redevelopment.

3.2.11.1 *Development Plan, Proposed*: A site plan, complete with detailed construction specifications, submitted to the LCPC for review and approval.

3.2.11.2 *Development Plan, Approved*: A site plan approved by the LCPC staff, complete with construction specifications, that serves as a basis for permit issuance and final plat approval, if appropriate.

3.2.12. *Dwelling*: A building or portion thereof which is designed or used as living quarters for one (1) or more families or persons.

3.2.13. *Dwelling, single-family*: A detached dwelling designed for or occupied exclusively by one (1) family or group of persons.

3.2.14. *Dwelling, two-family (duplex)*: A building on a single lot or parcel designed exclusively for occupancy by two (2) families, or two (2) groups of people, living independently of each other, and does not include condominiums or townhouses.

3.2.15. *Dwelling, group*: A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident, persons or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, fraternity house, sorority house, YMCA, or YWCA. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

3.2.15.[1.]*Dwelling, multifamily*: A dwelling within a building containing three (3) or more dwellings designed for occupancy by three (3) or more families, or three (3) or more groups of persons, living independently of each other, including apartments, apartment houses, but not including auto or mobile home parks, subdivisions or camps, condominiums or townhouses designed for owner-occupancy, hotels or resort-type hotels.

3.2.16.*Dwelling unit*: One (1) or more rooms connected together and constituting a separate independent housekeeping establishment for use on a basis [sic] with provisions for cooking, eating, sleeping, and bath-room facilities and physically set apart from other rooms or dwelling units in the same structure.

3.2.17.*Easement*: A grant by the property owner to any person, firm, corporation, municipality or to the general public of the use of a strip or parcel of land for a specific purpose.

3.2.18.*Engineer*: Any person having an acceptable degree from a recognized institution of higher learning who is capable of determining the correct manner in which to construct roads, streets, highways, water and sewerage systems, drainage systems, structures or other technical related areas. The person must be a registered professional engineer in good standing with the state board of registration. An engineer may be designated by the governing authority or by the planning commission to review and approve the engineering design for all subdivisions and planned developments.

3.2.19.*Enforcing official*: Where reference is made to the duties of certain officials named herein, that designated official who has duties corresponding to those named officials herein shall be deemed to be the responsible official insofar as enforcing these regulations.

3.2.20.*Family*: One (1) or more persons occupying a single dwelling unit, including service or health providers employed on the premises, may be housed on the premises.

3.2.21.*Floodprone area*: 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 floodprone area by a governmental agency.

3.2.22.*Group development*: A development comprising two (2) 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 enterprises. Such development generally contains parcels or tracts of land in common and such land is controlled and maintained through a property owners' association or similar group.

3.2.23.*Governing authority*: The board of commissioners of Liberty County.

3.2.24. *Improvement*: Any permanent structure on real property or any work on the property (such as planting trees) which increases its value.

3.2.24.1. *Improvement, Primary*: Streets, drainage, lighting, signage, water, non-potable reuse water lines, and sewer or other improvements required to provide for the health, safety and welfare of residents. Primary improvements also include sidewalks fronting non-lot common areas such as detention ponds, wetlands, green spaces or other similar lands.

3.2.24.1. *Improvement, Secondary*: Sidewalks (and landscaping if any) fronting lots.

3.2.25. *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.

3.2.26. *Lot area*: Gross lot area shall mean the total area of the lot including easements. Net lot area shall mean the area, minus any portions of the lot or parcel that do not represent usable space. For such a lot or parcel, the unusable space consists of wetlands, utility, drainage, and other easements and other such areas that cannot be used and enjoyed by the individual property owner. The net lot area shall be the area defined in the zoning ordinance as the minimum lot area for any zoning district.

3.2.27. *Lot, corner*: Any lot situated at the junction of and abutting on two (2) or more intersections or intersecting streets or public highways. If the angle or intersections of the direction lines of two (2) highways is more than one hundred thirty-five (135) degrees, the lot fronting on said intersection is not a corner lot.

3.2.28. *Lot, double frontage*: A lot having frontage and access on two (2) or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three (3) or more streets.

3.2.29. *Lot, interior*: Any lot which is not a corner lot that has frontage only on one (1) street other than an alley.

3.2.30. *Lot line, front*: In the case of a lot abutting upon only one (1) 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 (1) 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 and zoning inspector.

3.2.31. *Lot line, 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 building and zoning inspector shall determine the rear lot line.

3.2.32. *Lot line, 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.

3.2.33. *Lot, reverse frontage*: A lot having frontage on two (2) or more public streets, the access of which is restricted to one (1) street.

3.2.34. *Lot width*: The distance between the side boundaries of the lot measured at the minimum required front yard setback line.

3.2.34.[1.] *Manufactured home*: A nonself-propelled vehicle or conveyance that is towable and supported on its own chassis, permanently equipped to travel upon the public highways, that is used, either temporarily or permanently, as a residence or living quarters. Such unit shall be considered a "manufactured home" whether or not the wheels have been removed and whether or not set on jacks, skirts, masonry blocks or other foundation. A "modular home" is a house that does not have its own chassis, is not towable, and is constructed at some site other than the parcel on which it is located, and then installed on a permanent foundation.

3.2.35. *Manufactured home park*: A parcel of land under single ownership or management which is used or intended to be used for rental or lease of spaces or lots and the provision of services for two (2) or more manufactured homes.

3.2.36. *Manufactured home space*: A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

3.2.37. *Manufactured home subdivision*: A manufactured home park except that manufactured home spaces are for sale rather than, or as well as, for rent.

3.2.37.1 Mean sea level datum: North American Vertical Datum 1988

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

3.2.39. *Planning commission*: The Liberty Consolidated Planning Commission is the appointed body of people established by the local governing authority whose responsibilities include the guidance of growth and development within the county and all municipalities in the county and interpreting of the various regulatory ordinances concerning land use. The secretary of the planning commission shall be the enforcing official acting on behalf of the planning commissioners.

3.2.40. *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 giving all necessary bearings and distances for the proposed "split".

3.2.41. *Plat, final*: The map, plan or record of subdivision, and any accompanying materials as described in Article V.

3.2.42. *Plat, preliminary*: A map showing the salient features of a proposed subdivision, including topographical data and all proposed and existing infrastructure **locations**, submitted to the planning commission for purposes of consideration.

3.2.43. *Principal building*: The building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zone classification in which it is located.

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

~~3.2.45. *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 one hundred (100) years determined from an analysis of floods on a particular stream and other streams in the same general region.~~

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

3.2.47. *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.

3.2.48. *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.

3.2.49. *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 (2) or more lots under one (1) ownership are used, the exterior property line so grouped shall be used in determining offsets.

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

3.2.50.1. *Site plan*: A map showing the salient features of a proposed planned development as defined in Article VIII, including topographical data

and all existing and proposed infrastructure, submitted to the planning commission for purposes of consideration.

3.2.51. *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, land and other public ways.

3.2.52. *Street, arterial*: Shall mean a street of exceptional continuity that is intended to carry the greater portion of through-traffic from one (1) area of the county to another. All streets with this designation shall be included on the ~~thoroughfare plan element of the county comprehensive plan~~ Liberty County Functional Classification Plan.

3.2.53. *Street, collector*: Shall mean 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. All streets with this designation shall be included on the Liberty County Functional Classification Plan.

3.2.54. *Street, cul-de-sac*: Shall mean a short local street having but one (1) end open for vehicular traffic, the opposite end being terminated with a permanent turn-around.

3.2.55. *Street, dead end*: Shall mean a street not intersecting other streets at both ends, and distinguished from a cul-de-sac by not being terminated by a vehicular turn-around.

3.2.56. *Street, local*: Shall mean 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. All streets with this designation shall be included on the Liberty County Functional Classification Plan.

3.2.57. *Street, marginal access*: Shall mean a minor service street which parallels and which is immediately adjacent to an arterial street (frontage road).

3.2.58. *Street, width*: Shall mean the shortest distance between the lines delineating the right-of-way of a street.

3.2.59. *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, and who is a registered licensed surveyor in the State of Georgia.

3.2.60. *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.

3.2.61. *Subdivider*: Any person, firm or corporation who or which divides for immediate or future sale, rent, lease or development any land deemed to be a subdivision as herein defined. It also includes the developer of any planned development that is not subdivided as defined in Article VIII.

3.2.62. *Subdivision*: "Subdivision" means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, the process of subdividing, or the land or area subdivided.

3.2.63. *Townhouse*: A building containing two (2) or more attached single-family dwelling units separated by lot lines, with no common related areas.

3.2.63.[1.] *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.

3.2.64. *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 [a] creek, canal, river, or any other body of water, natural or artificial, including marshlands, not including a swimming pool, whether said lot line is front, rear, or side.

3.2.65. *Yard*: An open space on a platted lot which lies between the building setbacks and nearest lot or street line.

3.2.66. *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 (2) sides of the lot, the narrower portion fronting on a street shall be declared the front. (See *Lot line, front*).

3.2.67. *Yard, rear*: That area of open space that is opposite the area delineated as the front. That area of open space which has the greatest distance from the street. (See *Lot line, rear*).

3.2.68. *Yard, side*: That area of open space that is immediately adjacent to the side lot lines. (See *Lot line, side*).

3.2.69. *Zoning ordinance*: An officially adopted ordinance by the governing authority that regulates the manner, type, size and use to which a piece of property may be put.

ARTICLE IV. – PROCEDURE FOR PLAT APPROVAL

4.1. - Five-step review.

The procedure for review and approval of a subdivision plat consists of five (5) separate steps. These are:

- (a) Review of sketch plan by the planning commission. **(optional)**
- (b) Review and recommendation of preliminary plat by the planning commission
- (c) Review and approval of preliminary plat by governing authority.
- ~~(d) Review and recommendation of the final plat by the planning commission.~~
- (d) Review and approval of proposed development plan by LCPC staff.**
- (e) Review and approval of the final plat by the governing authority.

Step (a) may and steps (b) and (c) **and (d)** shall be completed prior to making any street improvements, **or installing any utilities or selling any lots.** Step ~~(c) and (d)~~ **(e)** shall be completed prior to the sale of any lots in the proposed subdivision. The site proposed to be subdivided must be zoned in the appropriate residential, commercial, industrial, planned development or other **nonagricultural** zoning district prior to the completion of step (b).

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:* Prior to the filing of a preliminary plat, the subdivider may submit to the secretary of the planning commission a simple sketch plan of the proposed subdivision. The sketch plan may be a simple freehand drawing. Included with the sketch plan should be a sketch map, which 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 for the preparation of the preliminary plat and enable the subdivider to become familiar with the regulations affecting the land to be subdivided. The secretary of the planning commission shall review and approve, disapprove, or approve with modification the sketch plan within fifteen (15) days from the meeting at which it is presented. Pertinent comments and recommendations shall be noted in the minutes of the planning commission meeting.

4.2.2. *Preliminary plat procedures:* Application for preliminary approval of a subdivision plat shall be submitted to the secretary of the planning commission at

least twenty-five (25) days prior to the regularly scheduled meeting date of the planning commission. The plat of the subdivision shall be submitted in six (6) blackline or blue-line prints and shall be such as to meet the minimum requirements contained herein, as well as one (1) electronic copy in a **read-only** format acceptable to the planning commission. Any preliminary plat submitted to the planning commission shall contain the name and address of the subdivider (or subdivider's designee) to whom notice of hearing may be sent, and no preliminary plat shall be acted upon by the planning commission without affording a hearing thereon, notice of time and place of which shall be sent to said address not less than five (5) days before the date of the hearing.

(1) The planning commission may request additional copies of the plat and supplemental information. The above-mentioned copies shall be distributed as required by subsection 5.2.4 of this ordinance and additionally as deemed necessary by the secretary of the planning commission. The person or agency to which a copy of the preliminary plat is directed shall review the preliminary plat and indicate any required changes or comments on the plat and submit to the planning commission prior to the formal presentation of the preliminary plat. The local governing authority shall approve the preliminary plat following action by the planning commission.

(2) The secretary of the planning commission shall examine the preliminary plat to determine if it meets all requirements of these regulations, ~~has approval of the health department, and/or the state environmental protection division, has been reviewed and approved by the Coastal Soil and Water Conservation District, and that the design of the roadways, drainage structures, public water and sewerage systems and other facilities related to the subdivision have been reviewed and approved by the designated engineer of the planning commission or other designated official.~~ The secretary may and shall place a preliminary plat on the agenda of the planning commission for their action. ~~once:~~

~~(a) The plat has been reviewed and approved by the Coastal Soil and Water Conservation District, and~~

~~(b) The designated engineer of the planning commission indicates the plat meets the county's standards and ordinances, and verifies the adequacy of the design of the roadways, drainage structures, public water and sewerage systems and other facilities.~~

(3) ~~Subdivider must provide written assurance of availability of adequate water and sewer service from a public/private provider.~~ If water and/or sewerage systems not connected to a municipal system are to be installed, the subdivider is to indicate who will own the system(s), who will operate the system(s), and what assurance will be given to the governing authority for continued operation.

(4) The planning commission shall act on the preliminary plat within forty-five (45) days after formal submission and having received confirmation of all necessary approvals as described in paragraph 4.2.2.(2) above. Failure of the planning commission to act within forty-five (45) days after formal submission of the complete preliminary plat shall be deemed to constitute approval and certificate to that effect shall be issued by the planning commission on demand; provided, however, that the subdivider may waive this requirement and consent in writing to the extension of such period. The action of the commission shall be recorded in the minutes of the commission meeting.

(5) The planning commission shall vote to approve or disapprove of the preliminary plat. Failure of a subdivider to initiate any development within eighteen (18) months from the approval of the preliminary plat will require the preliminary plat to be resubmitted to the planning commission for approval. The developer shall not initiate action to change any of the existing conditions reported on the preliminary plat as required by paragraph 5.2.2 until the preliminary plat has been approved by the governing authority **and a proposed development plan approved by the LCPC staff.**

(6) 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, location of other required **infrastructure easements**, and the dimensions and shapes of lots. Application for approval of the final 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 planning commission **and the governing authority**, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the final subdivision plat.

4.2.3. *Reserved.*

4.2.4. *Final plat procedure:* After completion of the physical development of public water, **non-potable reuse water lines**, sewer, drainage, and roadway base and curb and gutter as shown on the approved **preliminary plat** development plan, the subdivider may submit to the secretary of the planning commission copies of the final plat, and one electronic copy in a **format acceptable to the planning commission, prepared in accordance with the provisions** of these regulations along with the required certificates executed by the appropriate officials. Application for approval of a final plat shall be submitted to the secretary of the planning commission, **along with**. A bond or letter of credit for an amount necessary to complete any remaining **primary and secondary** improvements, **shall be submitted**

at least ten (10) days prior to the regularly scheduled meeting date of **the governing authority. Remaining primary improvements must be completed within six months from the date of final plat approval by the governing authority. Remaining secondary improvements must be completed within two years from the date of final plat approval by the governing authority.**

Until a final plat of a subdivision has been submitted to, reviewed and approved and signed by the planning commission and governing authority, the clerk of the Superior Court of Liberty County shall not record the plat of such subdivision, nor shall the owner or agent of such subdivision transfer title to any lot within the subdivision by reference to the subdivision plat. For large subdivisions the final plat may be submitted for approval in contiguous sections satisfactory to the governing authority.

The installation of streets, **sidewalks**, drainage systems, water, **non-potable reuse water lines**, and sewerage systems, **and other improvements** shall be in compliance with the governing authority's Standard Specifications for Materials and Installation Procedures on file with the planning commission and the governing authority's Flood Regulations. The elevation of fill and the installation of streets, drainage systems, water, **non-potable reuse water lines and** or sewerage systems shall be certified by the developer's registered engineer as being in compliance with applicable requirements before approval of the final plat.

4.2.5. *Final approval:* Final approval of the plat shall be by the governing authority.

4.2.6. *Certification by planning commission secretary:* The secretary of the planning commission shall certify for recording all plats approved by the governing authority and all plats found to be exceptions under section 4.3 of this ordinance without referral to the governing authority. The planning commission shall retain copies of such plats as information.

4.3. - Sketch plans and preliminary plats not required.

Subdivisions which do not involve: platting, construction or opening of new streets; new or improvements to municipal, public, or community water, or sewer facilities; or improvement of existing streets shall be accepted by the planning commission in the form of a final plat. Such plat shall comply in all respects to these regulations. Sketch plans and preliminary plats are not required in such cases, but construction drawings of selected existing improvements may be required by the planning commission. The following exceptions are included for the purpose of authorizing that the secretary of the planning commission may approve such subdivisions:

(a) *Family conveyance exception.* When the applicant certifies to the planning commission that the applicant's intended division of the land is only for conveyance to one (1) or more family members for single-family residential or agricultural use in

lands currently zoned for agricultural or agricultural and rural residential uses, the secretary of the planning commission may receive the final plat as information and indicate the final plat may be recorded. A "family member" is defined as the applicant's spouse, natural or adopted children, stepchildren, father, mother, sister, brother or grandchildren. The conditions required to meet the requirements for a family conveyance exemption must meet one (1) of the two (2) following conditions:

Condition one:

- (1) The division of land must be into fifteen (15) or fewer parcels and conveyed to one (1) or more family members; and
- (2) No new public streets or other public infrastructure improvements are involved; and
- (3) The resulting lots are a minimum of one (1) acre and meet the required frontage for the zoning of the property, except when a single parcel is subdivided into two (2) new parcels of at least one (1) acre each. In these cases each of the two (2) new parcels must have the maximum feasible direct frontage on an existing county or public road, but in no cases shall the frontage be less than thirty (30) feet; or

Condition two:

- (1) The division of land must be into fifteen (15) or fewer parcels and conveyed to one (1) or more family members; and
- (2) No new public streets, or other public infrastructure improvements, are involved; and
- (3) If the resultant lots are a minimum of one (1) acre, but all lots do not have direct access that meet the required frontage for the zoning district to an existing public street or way, then the plat shall include a permanent, nonexclusive sixty-foot access easement(s) from an existing public street to all lots which do not have access with required frontage to existing public streets or ways, and are otherwise equal to the standard of the governing authority in which the division of land is being made; and
- (4) All lots or parcels abutting any platted access easement following this exception shall include a disclosure that the easement or street is not a publicly maintained street, and the street shall be maintained by the owners of the property within such subdivisions, and the governing authority has no responsibility whatsoever for their maintenance and repair until and unless improved to approved street standards and dedicated and accepted by the governing authority.

The resulting family subdivision in these cases shall be restricted from further subdivision, unless the further subdivision meets all requirements of the subdivision ordinance.

(b) *Minor rural land conveyance exception.* When the applicant certifies to the planning commission that the applicant's intended division of the land is only for subdivision of rural lands currently zoned for agricultural(A-1) or agricultural and rural residential(AR-1) uses, the secretary of the planning commission may receive the final plat as information and indicate the final plat may be recorded. The conditions required to meet the requirements for a minor rural land conveyance exemption are as follows:

- (1) The land may be divided into no more than ten (10) parcels; and
- (2) Minimum parcel size shall be five (5) acres and the minimum lot width shall be one hundred fifty (150) feet; and
- (3) If all parcels do not have direct access that meet the required one hundred fifty-foot frontage to an existing public street or way, then the plat shall include a permanent, nonexclusive sixty-foot access easement(s) from an existing public street to all lots which do not have access with required frontage to existing public streets or ways, and are otherwise equal to the standard of the governing authority in which the division of land is being made; and
- (4) The parcels that result from this exemption shall be restricted from further subdivision or extension until all requirements of this subdivision ordinance are met; and
- (5) The future paving of any street in the subdivision will be at the abutting property owners' expense; and
- (6) In order to ensure the proper provision of emergency or other services by the county or other entities, when any dwelling units are constructed on any parcel served by the easement described in paragraph 4.3(b)(3), no certificate of occupancy shall be given until a roadway meeting the standards contained in paragraph 7.1.20 for unpaved minor streets is constructed by the property owners. All such streets or roadways shall be private streets and meet all requirements for a private street exception, other than paving.

(c) *Shared access conveyance exception for rural areas.* The secretary of the planning commission may approve a final plat when the applicant seeks to create a minimum 30-foot wide exclusive driveway access easement to serve not more than two lots in A-1 and AR-1 zoned areas. The two resulting lots shall share the common exclusive driveway access easement and shall not be further subdivided in the future unless the driveway easement is upgraded to the county standards for a public or private road.

4.4. - Federal Housing Administration approval.

In the event the subdivider plans to secure approval of the subdivision design by the Federal Housing Administration, it is suggested that such approval be secured after

submission to and approval of a preliminary plat by the planning commission and governing authority, as well as approval of the proposed development plan by the LCPC staff.

4.5. - Approval of subdivision in floodprone area and developments adjacent to state waters.

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

4.5.1. *Standards for flood prone area uses:* All subdivisions must be designed to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage; adequate drainage must be provided to reduce exposure to flood hazards; water supply systems and/or sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters; on-site waste disposal systems must be located so as to avoid impairment of them or contamination from them during flooding. These additional standards shall also apply to floodprone 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. The Federal Emergency Management Agency prior to approval of the final plat must approve any fill in the floodway.~~

~~(2) Such fill or other materials shall be protected against erosion by riprap, vegetative cover or bulk heading.~~

~~(3) No fill is allowed in marshlands.~~

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 a 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 floodwater.

(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, 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~~ 100-year floodplain elevation for the particular area or floodproofed.

(6) The level of the lowest habitable floor shall ~~not be lower than the 100-year flood level established by FEMA,~~ as provided in Chapter 5, Article 3, Division 3 of the Liberty County Code of Ordinances.

4.5.1.3. *Storage of material and equipment:*

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

4.5.2. *Standards for areas adjacent to state waters:* All subdivisions or planned developments must be designed to minimize the impact of stormwater runoff from development that may affect the state waters as defined in the governing authority's Soil Erosion, Sedimentation and Pollution Control [Soil Erosion and Sediment Control] Ordinance ~~found in Chapter 5, Article 4 of the Liberty County Code of Ordinances.~~ Stormwater should meet the stormwater runoff quality minimum standard #2 of the Georgia Stormwater Management Manual before it is discharged. A plan for any buffers and handling of stormwater shall be included with all preliminary plats or site development plans. This plan may be included as an attachment to the ~~preliminary plat or site proposed~~ development plan and must be reviewed ~~and approved by the planning commission and approved by the local governing authority with the preliminary plat~~ LCPC staff.

ARTICLE V. – PLAT REQUIREMENTS

5.1. - Sketch plan.

5.1.1. Scale: The sketch plan should include a narrative report that describes the proposed plan. Any drawings of the plan should generally be drawn at a scale of not less than two hundred (200) feet to one (1) inch.

5.1.2. Vicinity map: The sketch plan shall include a vicinity map at a scale not less than one (1) inch equals one (1) mile showing the relationship of the proposed subdivision to surrounding development.

5.1.3. Other requirements: The sketch plan shall show:

- (1) Proposed name of subdivision.
- (2) Name, address, and telephone number of petitioner and architect, surveyor, engineer or designer.
- (3) All names and addresses of all property owners of the site.
- (4) All names and addresses, as listed by the county assessor, of all owners of the land adjacent to the site.
- (5) North indicator.
- (6) Date of preparation.
- (7) Total acreage in the tract to be subdivided.
- (8) Existing and proposed uses of land throughout the subdivision.
- (9) The location and data of each percolation test, soil boring and well on the land in question, if necessary.
- (10) Sheet size shall be up to thirty (30) inches by forty-two (42) inches. If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.
- (11) Tentative street and lot arrangement.
- (12) Approximate rights-of-way.
- (13) Typical lot area and approximate number of lots.
- (14) Existing uses of land surrounding the subdivision.

(15) Topography by contour at vertical intervals of not more than five (5) feet and any likely or known wetlands should be identified.

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

5.2. - Preliminary plat.

The preliminary plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet and meet the minimum standards of design set forth in these regulations and shall include the information listed below. Both electronic and paper copies of all plats shall be provided to the planning commission for review.

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 on 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 (1) inch equals one (1) mile showing the relationship of the subdivision to the surrounding area.
- (7) Acreage to be subdivided.
- (8) A written legal description (metes and bounds with all bearings and distances) of the acreage to be subdivided.
- (9) 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 1:10,000.

5.2.2. *Existing conditions:*

- (1) Topography by contours at vertical intervals of not more than one-foot intervals based on mean sea level.

- (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 resubdivision superimposed thereon.
- (4) Location of natural features such as streams, lakes, swamps, land subject to flood based on a 100-year flood frequency, and land subject to floodway restrictions on the property to be subdivided.
- (5) Identification of the limits of flood zones and limits of floodways if applicable. In all cases the flood zone of the property in question shall be shown.
- (6) Location of existing adjoining property lines and existing buildings on the property to be subdivided.
- (7) 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.
- (8) 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.
- (9) The acreage of each drainage area affecting the proposed subdivision.
- (10) All elevations shall refer to mean sea level datum where public water and/or public sewers are to be installed.
- (11) Locations of city limit lines and county lines, if applicable.

5.2.3. *Proposed conditions:*

- (1) Layouts of streets, roads, alleys, public crosswalks, with widths, road names or designations, ~~grades, and cross sections.~~
- ~~(2) Profile of proposed streets showing natural and finished grades.~~
- (3) Detailed layout of all lots, including building setback lines; dimensions on lots; lot and block numbers, utility easements with width and use.
- ~~(4) Construction drawings of sanitary sewers (if applicable) with grade, pipe size, location of manholes, and points of discharge, percolation tests, soil borings and wells as specified by the health department.~~

~~(5) Construction drawings of storm sewer system with grade, pipe size, and location of outlets. Storm sewers shall be sized to accommodate runoff in accordance with the drainage ordinance.~~

~~(6) Plans of all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices, or other protective devices to be constructed in connection with, or as a part of the proposed work together with the provisions to accommodate the drainage area of land tributary to the site, and address the ability of the downstream system to accommodate the estimated runoff.~~

~~(7) Construction drawings of sewage collection system and/or disposal system.~~

~~(8) Construction drawings of water supply system with pipe sizes and location of hydrants and valves. Also, all drawings must include a system for a nonpotable reuse system, where such reuse water is available or required by the governing authority, which shall include reuse water mains, valves, fittings, and hydrants.~~

(9) Designation and plan for the use of all land 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 sequence 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) Specifications relative to materials for construction of roadways, drainage systems, and water and sewerage systems.~~

~~(15) Size and elevations of driveway pipes and proposed location of all driveways.~~

(16) Parking facilities for multifamily and other planned developments where the site is not subdivided, but remains in one (1) or common ownership.

~~(17) Landscaping as required by landscape ordinances.~~

~~(18) Show benchmark including location, description and elevation.~~

~~(19) The proposed location of all utilities, such as gas and electricity, along with the plan for street lighting, as approved by the electric utility that will provide electrical service.~~

5.2.4. *Review and approval:* The preliminary plat shall be considered complete and may be recommended for approval by the planning commission only after review and approval of the following:

~~(1) The engineer for the planning commission, or the local governing authority Secretary of the Planning Commission shall review and approve the subdivision plans. and all design calculations including, but not limited to, drainage calculations, roadway design, water systems, and sewerage systems.~~

~~(2) The state environmental protection division and/or the health department shall review the water supply and sewage disposal facilities to be provided on all preliminary plats. In addition, it shall make determinations in all matters concerning the public health, as specified herein. Such determinations and recommendations shall be forwarded to the planning commission in writing.~~

~~(3) The Coastal Soil and Water Conservation District shall review the preliminary subdivision plat and make comments and determinations regarding slopes and soil erosion, drainage and water runoff, floodplain areas and other related areas. The district shall forward in writing to the planning commission comments and/or recommendations and approval or disapproval.~~

~~(4) The environmental protection division if required for other than water and sewer approvals.~~

(2) Written assurance from the public/private water and sewer provider that capacity is available, or assurance from the Liberty County Health Department that wells and/or septic systems are viable for the site.

5.3. – Proposed Development Plan.

The proposed development plan shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet and meet the minimum standards of design set forth in these regulations and shall include the information listed below. Both electronic and paper copies of all proposed development plans shall be provided to the LCPC staff for review.

5.3.1. *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 on 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 (1) inch equals one (1) mile showing the relationship of the subdivision to the surrounding area.
- (7) Acreage to be subdivided.
- (8) A written legal description (metes and bounds with all bearings and distances) of the acreage to be subdivided.
- (9) 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 1:10,000.

5.3.2. *Existing conditions:*

- (1) Topography by contours at vertical intervals of not more than one-foot intervals based on mean sea level datum.
- (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 resubdivision superimposed thereon.
- (4) Location of natural features such as streams, lakes, swamps, land subject to flood based on a 100-year flood frequency, and land subject to floodway restrictions on the property to be subdivided.
- (5) Identification of the limits of flood zones and limits of floodways if applicable. In all cases the flood zone of the property in question shall be shown.
- (6) Location of existing adjoining property lines and existing buildings on the property to be subdivided.

- (7) 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.
- (8) 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.
- (9) The acreage of each drainage area affecting the proposed subdivision.
- (10) All elevations shall refer to mean sea level datum where public water and/or public sewers are to be installed.
- (11) Locations of city limit lines and county lines, if applicable.

5.3.3. *Proposed conditions:*

- (1) Layouts of streets, roads, alleys, public crosswalks, with widths, road names or designations, grades, and cross sections.
- (2) Profile of proposed streets showing natural and finished grades.
- (3) Detailed layout of all lots, including building setback lines; dimensions on lots; lot and block numbers, utility easements with width and use.
- (4) Construction drawings of sanitary sewer collection and disposal system (if applicable) with grade, pipe size, location of manholes, and points of discharge, percolation tests, soil borings and wells as specified by the health department, if applicable.
- (5) Construction drawings of storm sewer system with grade, pipe size, and location of outlets. Storm sewers shall be sized to accommodate runoff in accordance with the drainage ordinance provisions of Chapter 5 of the Liberty County Code of Ordinances.
- ~~(6) Plans of all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices, or other protective devices to be constructed in connection with, or as a part of the proposed work together with the provisions to accommodate the drainage area of land tributary to the site, and address the ability of the downstream system to accommodate the estimated runoff.~~
- ~~(7) Construction drawings of sewage collection system and/or disposal system.~~
- (8) Construction drawings of water supply system with pipe sizes and location of hydrants and valves. Also, all drawings must include a system

for a nonpotable reuse system, where such reuse water is available or required by the governing authority, which shall include reuse water mains, valves, fittings, and hydrants.

(9) Designation and plan for the use of all land 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 sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.~~ An erosion, sedimentation and pollution plan as required by Chapter 5 of the Liberty County Code of Ordinances.

(13) Total number of lots, total acreage, and total length of new streets.

(14) Specifications relative to materials for construction of roadways, drainage systems, and water and sewerage systems.

(15) Size and elevations of driveway pipes and proposed location of ~~all~~ driveways.

(16) Parking facilities for multifamily and other planned developments where the site is not subdivided, but remains in one (1) or common ownership.

(17) Landscaping as required by landscape ordinances.

(18) Show benchmark including location, description and elevation relative to mean sea level datum defined herein.

(19) The proposed location of all utilities, such as gas and electricity, along with the plan for street lighting shall be provided, and shall be consistent with typical road cross sections.

(20) Show base flood elevation and flood contour from approved FEMA maps.

5.2.4. *Review and approval:* The proposed development plan shall be considered complete and may be considered for approval by the Secretary of the Planning Commission only after review and approval of the following:

(1) The engineer for the planning commission, or the local governing authority, shall review and approve the subdivision plans and all design

calculations including, but not limited to, drainage calculations, roadway design, water systems, and sewerage systems.

(2) The state environmental protection division and/or the health department shall review the water supply and sewage disposal facilities to be provided on all proposed development plans. In addition, it shall make determinations in all matters concerning the public health, as specified herein. Such determinations and recommendations shall be forwarded to the planning commission in writing.

(3) The Coastal Soil and Water Conservation District shall review the proposed development plan and make comments and determinations regarding slopes and soil erosion, drainage and water runoff, floodplain areas and other related areas. The district shall forward in writing to the planning commission comments and/or recommendations and approval or disapproval.

(4) The environmental protection division if required for other than water and sewer approvals.

(5) Written assurance from the public/private water and sewer provider that capacity is available, or assurance from the Liberty County Health Department that wells and/or septic systems for viable for the site.

5.2.5. *Fees:* The subdivider shall at the time of submission of the plan, pay a filing fee, the amount of which is determined by and payable to the Liberty Consolidated Planning Commission and credited to the general fund of the planning commission to cover administrative cost of processing the preliminary and final plats. No part of the filing fee shall be returned. The filing fee shall be determined by the planning Commission.

5.2.6. *Drafting standards:* All preliminary plats shall be drafted or drawn using commonly accepted standards of the industry. All lines shall be clean and crisp. All lettering shall be clean, crisp and legible. No letter or number shall be less than six-hundredths (0.06) of an inch in height, and all plats shall be submitted in electronic form as required by the planning commission.

5.3. 5.4. Final plat.

If the final plat is drawn in two (2) or more sections, each section shall be accompanied by a key map showing the location of the several sections. The final plat shall contain the following specific information:

(1) Name of owner of record.

(2) Name of subdivision, date, north arrow, graphic scale and revision dates.

- (3) Name and registration number, and seal of registered surveyor and civil engineer.
- (4) Name of counties or cities in which subdivision is located and location map.
- (5) Sufficient data to determine readily and reproduce accurately on the ground the location, bearings, 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, watercourses, 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) Streets and alleys, rights-of-way, and street names.
- (9) All easements; location, widths, and purposes.
- (10) Lot lines, minimum building setback lines, streets and lot and block numbers.
- (11) Parks, school sites, or other public open spaces, if any.
- (12) All dimensions shall be to the nearest one-hundredth (1/100) of a foot and angles to the nearest second.
- (13) Accurate description of the location of all monuments and markers.
- (14) The final plat must be drawn on a medium of good grade using high quality ink that is suitable to the clerk of courts for filing. The maximum sheet size shall be eleven (11) inches by seventeen (17) inches unless otherwise approved by the clerk of courts.
- (15) Utility easements, widths, and location of pipes from centerline of roadway:
 - (a) Water;
 - (b) Gas;
 - (c) Sanitary sewer;
 - (d) Storm drainage;
 - (e) Electrical lines;
 - (f) Communication;

(g) Nonpotable water reuse, if required.

(16) Identification of the limits of flood zones and limits of floodways if applicable. In all cases the flood zone of the property in question shall be shown.

(17) The following signed certificates shall appear on the final plat that is submitted to the planning commission by the subdivider:

(a) *Certificate of accuracy:*

"I hereby certify that this Plat is a true, correct and accurate survey as required by the Liberty 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.

By (Signature) (Registered Surveyor)	By (Signature) (Registered Professional Engineer—If final plat contains engineering design that requires a registered professional engineer)
(Seal Required)	(Seal Required)
..... (Typed Name)	..... (Typed Name)
R.L.S. No.	Registered P.E. No.
Date	Date"

(b) *Certificate of ownership and dedication, individuals:*

"It is hereby certified 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.

..... Date	..... (Owner)
	..... (Printed Name and Address)

	(Owner)
	..... (Printed Name and Address)"

(c) *Certificate of ownership and dedication, corporation:*

"It is hereby certified 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.(Corporate seal required)

..... (Witness)	..... (Corporation Name and Address)
..... Printed Name	..... (Principal authorized to sign)
..... (Witness)	..... Printed Name, Title
..... Printed Name, Chairman	..... (Principal authorized to sign)
	..... Printed Name, Title"

(d) *Certification of approval of the installation and construction of streets, utilities and other required improvements:*

"I do hereby certify (1) that streets, utilities and other required improvements have been installed in an acceptable manner and according to Specifications and Standards adopted by the governing authority in the subdivision/development entitled _____, or (2) that a guarantee of the installations of the required improvements in an amount of _____ or manner satisfactory to the governing authority has been received.

..... Date Engineer"
----------------------	---------------------------

(e) *Certificate by the planning commission:* To be placed on an original of the approved final plat by the planning commission representative for recording.

"The subdivision plat known as _____, has been found to comply with the Liberty County subdivision Regulations.

Certification of the Liberty Consolidated Planning Commission		..... Secretary Liberty Consolidated Planning Commission Typed or Printed Name
Signature	Date Signed	

(f) *Certificate of approval by Liberty County:*

"I certify that Liberty County approved the final plat of the subdivision/development entitled _____ on the _____ day of _____ / _____ / _____, 20_____.

County Administrator,
Liberty County"

5.4.1. *Final plat approval:* The governing authority shall approve the final plat after review and approval by the following:

- (a) The environmental protection division or the county health department.
- (b) The designated engineer for the planning commission or the governing authority.
- (c) Coastal Soil and Water Conservation District.
- (d) Georgia Department of Natural Resources when required.
- (e) Certification by the Liberty Consolidated Planning Commission.

5.4.2. *Family conveyance exemption:* The improvements as required by this ordinance may be delayed or waived by the governing authority when the applicant certifies to the planning commission that the applicant's intended division of the land is only for conveyance to one (1) or more family members. Such certification shall be in a standard form approved by and include any attachments required by the planning commission. (A "family member" is defined as the applicant's spouse, natural or adopted children, stepchildren, father, mother, sister, brother or grandchildren.) In all cases the family conveyance exception must be approved by the governing authority, however, this exemption for the original parcel and the parcels resulting for the subdivision will be allowed only one (1) time. Furthermore, family subdivisions must comply with the following requirements:

(1) Access roads into the subdivision must be accessible to all lots. The road shall be in a sixty-foot right-of-way and shall have a minimum of two (2) standard travel lanes.

(2) The lot size and required frontage must meet the requirements of the zoning of the property.

(3) Subdivision must be accompanied by an affidavit that the road is nonconforming.

(4) Should more than fifty (50) per cent of the property resulting from the subdivision exemption be conveyed to someone other than a certified family member, the required improvements in this ordinance must be installed at the expense of the property owner. The following requirements shall apply:

(a) No building permit shall be issued until such improvements are complete and accepted by the governing authority.

(b) No manufactured home or other structure shall be placed on any lot said subdivision until such required improvements are complete and accepted by the governing authority.

(c) No lot of the subdivision shall be occupied or inhabited until such improvements are complete and accepted by the governing authority.

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

5.4.3.1. Subdivision corner tie: At least two (2) corners of the subdivision shall be designated by state plane coordinates using NAD 83. These corners 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. At least one (1) corner of the subdivision shall be tied to some permanent and readily recognizable landmark or identifiable point, physical object or structure. In subdivisions of more than ten (10) lots, the information for this corner tie shall include elevation above **mean sea level datum**.

5.4.3.2. Monuments:

(1) Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of streets and 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 traverse line.

(2) It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished 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 and 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 ($\frac{1}{2}$) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

5.4.3.3. *Control corners:* Within each block of a subdivision at least two (2) monuments designed and designated as control corners shall be installed. All control corners shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each monument shall have imbedded in its top or attached by a suitable means, a metal plate of noncorrosive materials and marked plainly with the point, the surveyor's registration number, the month and year it was installed and the words "control corner."

5.4.3.4. *Property markers:* A steel or wrought iron pipe or the equivalent not less than three-fourths ($\frac{3}{4}$) inch in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by monuments. Temporary lot number identification markers (stakes) shall be installed on all lots. Markers shall be placed near the front corner pins and shall remain in place until the subdivision physical development has been completed.

5.4.3.5. *Accuracy:* Land surveys, both within the limits of incorporated areas and beyond shall be at an accuracy of at least 1:10,000.

5.4.3.6. *Reference elevation:* A permanent benchmark elevation referenced to mean sea level datum shall be established for all subdivisions with fifteen (15) or more lots or any subdivision located in/or adjacent to a designated flood zone other than zone "C".

5.4.3.7. *Drafting standards:* All final plats shall be drafted or drawn using commonly accepted standards of the industry. All lines shall be clean and crisp. All lettering shall be clean, crisp and legible. No letter or number shall be less than six-hundredths (0.06) of an inch in height.

5.4. 5.5- Final plat electronic submission requirement.

An electronic copy of a computer-aided drafting version of the final plat drawing shall accompany the hard copy submittal of the final plat to the Liberty Consolidated Planning Commission. The medium of the electronic copy shall be determined by the Liberty Consolidated Planning Commission. The electronic copy shall contain the following information. Technical details for submission of the electronic copy and layering convention are on file at the Liberty Consolidated Planning Commission.

5.5.1. Sufficient data to determine readily and reproduce accurately 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 curvature, point of tangency, degree of curve and other data for curve property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.

5.5.2. All property boundaries, water courses, streets, easements, utilities and other such improvements, which cross or form any boundary line of the tract being subdivided.

5.5.3. Exact boundaries of the tract being subdivided shown with bearing and distances.

5.5.4. Streets, rights-of-way, and street names.

5.5.5. Easements locations, widths, and purposes.

5.5.6. Lot lines, minimum building setback lines, and lot and block numbers with square footage of each lot printed inside of the lot lines.

5.5.7. Parks, school sites, or other public open spaces, if any.

5.5.8. All dimensions shall be to the nearest one-hundredth (1/100) of a foot and all angles to the nearest second. Surveys will be tied into the Georgia State Plane Coordinate system.

5.5.9. Flood zones "A", "B", "C" and "V" shall be identified, if applicable, with required base flood elevation for each lot.

5.5.10. Identified wetlands.

5.5.11. Identify floodway.

5.5. 5.6.- Record drawing electronic submission requirement.

Upon completion of the installation and inspection of the required improvements in a subdivision/development, an electronic copy showing all as-built information of all required improvements must be submitted to the secretary of the planning commission. The information must be reviewed and accepted by the local governing authority prior to the final approval of the required improvements in a subdivision/development. Submitted drawings must be compatible and be coordinated with that information submitted in accordance with section 5.5, final plat electronic copy submission requirement. Technical details for submission of the electronic copy and layering convention are on file at the Liberty County Consolidated Planning Commission. The release of any performance bonds or letters of credit, as well as final approval and acceptance of improvements by the local governing authority, shall not be given until the required as-built plans are submitted and approved by the secretary of the planning commission.

ARTICLE VI. REQUIRED IMPROVEMENTS

6.1. - Required improvements.

A well designed subdivision or development includes improvements that provide for the safety and security of all citizens, includes adequate open spaces for recreation and circulation, preserves and protects our wetlands, streams and marshes, and promotes the overall public good. A subdivision means little to a prospective lot buyer until such buyer can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a subdivision is not an asset to the community until the necessary improvements have been installed and provide adequate levels of service. In order that prospective lot purchasers may get useable products, and new subdivisions may be an asset rather than a liability to the community, the subdivider shall install and/or pay for the improvements required by these regulations necessary to serve the subdivision prior to the approval of the final plat. Any request for an exception to these required improvements must be documented by the developer, and address the reason for the exception and why it meets the spirit and intent of these regulations.

6.1.1. *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 **as per the typical roadway detail** to prevent having to cut into the paved surface to serve abutting properties.

6.1.2. *Water supply:* All lots, tracts or parcels must be served by a water source. The water source may be an individual water system, a municipal water system, or a community water system. The water source must be approved by the governing authority, the health department and, when necessary, the environmental protection division of the Georgia Department of Natural Resources. All required

improvements must meet the requirements of these agencies. Individual wells shall be installed in accordance with the rules and administrative regulations of the county health department.

(1) Subdivisions located in any municipality, or near or adjacent to an existing municipal water supply, shall connect to that municipal water supply, unless the municipality certifies that it will not supply water to the proposed development.

(2) Subdivisions not located within and served by a municipality and located adjacent to an existing private water supply may connect to that water supply provided that the owner agrees to the connection in writing, that the proposed system is approved as mentioned above, and that the existing system is capable of providing an adequate supply of water.

(3) When the water main is located in the street to serve the abutting lots, a water service line shall be stubbed out to the property line to serve each lot before the street is surfaced. The location of each service line shall be marked clearly on the record drawings and submitted to the governing authority.

(4) All developments shall address provisions for fire protection. For developments with municipal or community water systems, appropriate water sources, water flows and pressures must be provided for fire protection and be approved by the county's fire coordinator. For developments of more than ten (10) lots, where the minimum lot size is one (1) or more acres, and all lots are served by individual private water systems, dry hydrants or other means of fire protection shall be considered. For developments with individual water systems:

a. With ten (10) or fewer lots where the minimum lot size is one (1) or more acres; or

b. When the minimum lot size for the development is three (3) or more acres, no provision for community or central fire protection is required, but individual building protection (such as sprinkler systems) is encouraged.

6.1.3. *Sanitary sewerage*: Subdivisions located in any municipality, or near or adjacent to an existing municipal sanitary system, shall connect to that municipal system, unless the municipality certifies that it will not provide sanitary sewerage services.

(1) In other areas not served by municipal systems or other public systems, a community water system and a community sanitary sewerage system shall be installed in a subdivision with more than fifty (50) lots or with potential for more than fifty (50) lots. A variance from the community

sanitary sewerage system requirement for subdivisions with more than fifty (50) and less than one hundred (100) lots may be granted by the planning commission if the lot sizes are one (1) acre or more, and the soil conditions are able to support the required number of on-site sewage disposal units. The variance request must be accompanied by a detailed soils report by a qualified professional attesting to the conditions of the site. For subdivisions with one hundred (100) or more lots or with potential for more than one hundred (100) lots, a variance from the requirement for a community water and sewer system may be granted by the planning commission only if the lots are five (5) acres or more, and if unique conditions meeting the requirements in Article X exist, and the soil conditions are able to support the required number of on-site sewage disposal units. The variance request must be accompanied by a detailed report by a qualified soils professional and a qualified engineer attesting to the conditions of the site. If a sanitary sewerage system is installed in a subdivision, the proposed sewerage system shall be installed in accordance with the plans and specifications approved by the local governing authority's engineer, and the requirements of the environmental protection division of the Georgia Department of Natural Resources.

(2) Individual septic systems, if approved, shall be installed in accordance with the approved plans and specifications and in accordance with the rules and administrative regulations of the local governing authority and the county health department.

(3) Subdivisions located near or adjacent to a private sewerage system may connect to that system provided that the owner agrees to the connection in writing, that the extension is reviewed and approved as mentioned above, and that the existing system is capable of providing adequate treatment and disposal.

(4) When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street. The location of each service line shall be marked clearly on the record drawings and submitted to the governing authority.

6.1.4. *Sewage disposal systems*: Prior to the construction of any community sewerage disposal system such as private septic tanks, an oxidation pond or other facility, the location, size, plans, and specifications of such a facility shall be approved by and be in accordance with the rules and administrative regulations of the planning commission, the designated engineer for the planning commission or the local governing authority's engineer, the county health department, and the environmental protection division of the Georgia Department of Natural Resources.

6.1.5. *Curbs and gutters*: Concrete curbs and gutters shall be installed along new streets and roadways. Existing public roadways that are included in or are adjacent to the development or subdivision shall be developed and improved to the same curb and gutter and sidewalk standards as new streets. All concrete curbs shall be installed in accordance with the approved plans and standard specifications. All streets designated and shown shall be constructed and surfaced with the requirements of this ordinance and with the details, drawings and specifications as published by the governing authority. A copy of the standard specifications will be kept on file at the planning commission. Higher standards than those required by the standard specifications may be required by the planning commission to provide adequately for unusual soil conditions, extraordinary traffic volume or other abnormal conditions. Curbs and gutters may not be required by the planning commission when the subdivider provides for "low impact design" and/or "clustering" of development to address runoff in a way that improves the quality and reduces the quantity of runoff. Approval of the developer's plans by the reviewing engineer and planning commission is required.

6.1.6. *Street grading and surfacing (local streets)*: Street grading, base preparation and surfacing of local streets shall be carried out in accordance with the approved plans and specifications. Grading, base preparation, and surfacing of local collection and arterial streets shall be installed in accordance with the standard specifications. Approval of the developer's plans by the county engineer and planning commission is required.

6.1.7. *Storm drainage*: An adequate drainage system, including necessary open ditches, pipes, culverts, storm sewers, storm drains, drop inlets, bridges, and other necessary appurtenances shall be installed by the subdivider in accordance with the plans, standard specifications, and drainage ordinance. Approval of the developer's plans by the county engineer and planning commission is required.

6.1.8. *Signs*: Street name signs shall be installed at all intersections within a subdivision. Traffic control signs shall be installed in accordance with the Uniform Manual of Traffic Control Devices. The planning commission and the governing authority shall approve the location and design.

6.1.9. *Topsoil*: Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between sidewalks and curbs, and shall be stabilized by seeding or planting.

6.1.10. *Sidewalks*: Sidewalks shall be installed in all approved subdivisions in accordance with section 7.1.19 of this regulation. **For residential subdivisions, sidewalks may be installed on individual lots at the time of home construction and made a condition of the certificate of occupancy. However, all sidewalks must be installed within 24 months of final plat approval.**

6.1.11. *Nonpotable reuse water line:* A nonpotable reuse water system shall be installed in all approved subdivisions and other planned developments where reuse water will be available in accordance with the plans and specifications approved by the planning commission.

6.1.12. *Street lights and poles:* Installation of street lights and poles shall be done by the developer, and shall be approved by the appropriate electric utility company and the planning commission. A street lighting plan, developed by the appropriate utility company, shall be submitted with the preliminary plat.

6.1.13. *Electric and other utilities:* All utilities and systems (electric, telephone, cable, etc.) shall be placed underground by the developer, and shall be installed as approved by the appropriate utility company and the planning commission. A variance from this requirement may be granted by the planning commission and the local governing authority-if unique conditions meeting the requirements in Article X exist.

6.1.14. *Other required improvements:* Following a detailed review of the impact of the proposed subdivision or other planned developments described in Article VIII on the infrastructure systems of the governing authority, other improvements, either on or off the site under development, may be required to be installed or paid for by the developer. The planning commission shall determine and approve the need and cost for all other required improvements. and shall submit a report to the governing authority for approval.

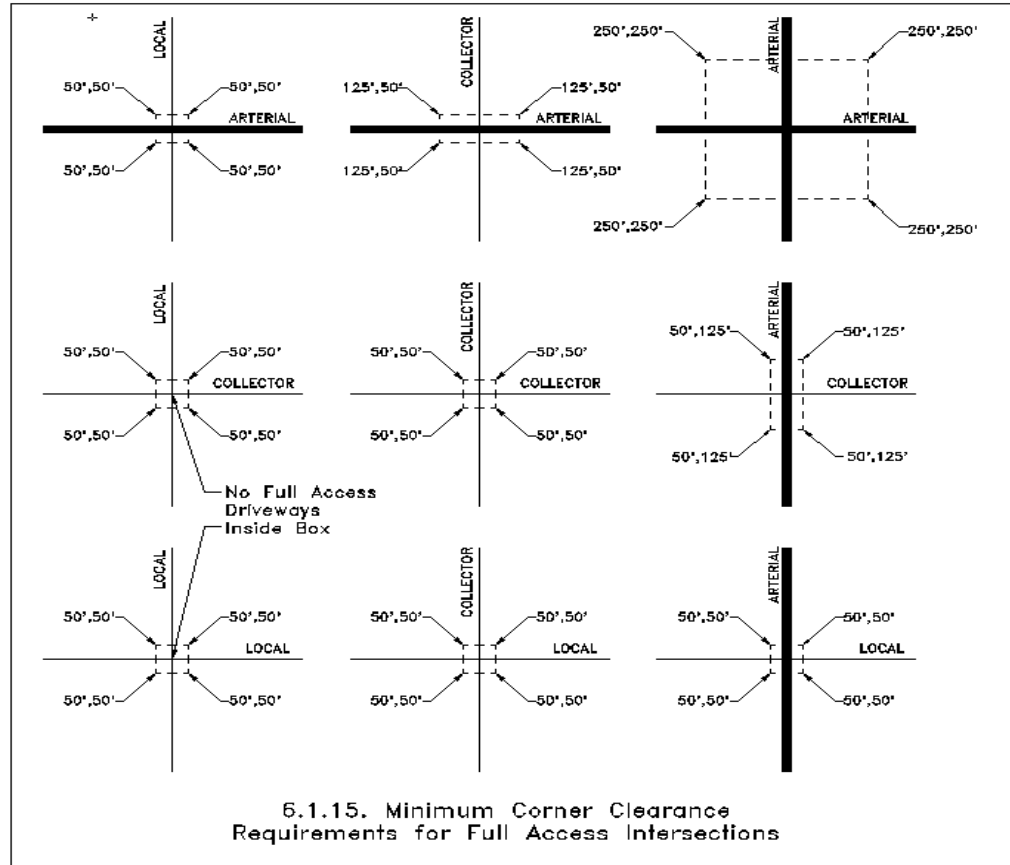
6.1.15. *Minimum corner clearance requirements for full access driveways (providing both ingress from and egress to either direction) at or near intersections:*

Roadway Classification Intersecting Clearance with (In linear feet as measured from the curb return of the intersecting street to the first curb return of the driveway)

Arterial to Arterial	250 ***
Arterial to Collector	125 ***
Arterial to Local	50
Collector to All	50
Local to All	50

Properties which do not meet the above minimum distance requirements may be approved as "right in - right out" only provided that no driveway may be located closer than 50 linear feet from the curb return of the intersecting street.

***It must be proven by an engineering traffic study that left hand turn storage is sufficient for both the intersection and the proposed full access driveway. If more intersection clearance distance is required based on the study, then that shall be the minimum corner clearance distance. In no event shall it be less than the minimums stated herein.



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 county clerk of court for final recording after the planning commission has approved and signed the revised plat.

6.4. - Installation guarantee.

In lieu of requiring the completion of all required improvements prior to the acceptance of a final plat, the governing authority may at its discretion, accept a bond or guarantee from the subdivider, whereby the subdivider shall guarantee to complete all required improvements by this ordinance, appendix or otherwise specified by the planning commission, to the satisfaction of the local governing authority. ~~The amount of the~~

~~guarantee shall be one hundred fifteen (115) per cent~~ Remaining primary improvements must be completed within six months from the date of final plat approval by the governing authority. Remaining secondary improvements must be completed within two years from the date of final plat approval by the governing authority. The amount of the guarantee shall be 115 percent of the construction cost of the required improvements. The developer's engineer shall estimate cost for construction or a copy of the construction contract shall be provided. The amount of the guarantee must be approved as adequate to the local governing authority or representative. The time of guarantee shall be twelve (12) months and shall automatically renew until released by the governing authority. The guarantee shall be in the form of one (1) of the following alternatives:

- (a) Performance bond.
- (b) Irrevocable letter of credit and its accompanying agreement.
- (c) Cash bond and escrow agreement.
- (d) Such other security arrangements as may be approved by the governing authority's attorney.

6.5 Inspections

All subdivisions within the territorial jurisdiction of the governing authority shall be inspected and approved by the planning commission's engineer or the governing authority's engineer and/or their ~~designated authorized~~ representative(s). Sufficient inspections shall be made to insure compliance with the specifications set forth in these regulations. A registered engineer, employed by the developer, shall also certify in writing to the governing authority that he has inspected each and all phases of the development and finds all construction, including but not limited to the installation of all ~~drainageways drainage systems~~, streets, ~~sidewalks~~, water, ~~non-potable reuse water lines~~, and sewerage systems to be in compliance with the approved ~~development~~ plans, specifications and standard specifications as set forth in these regulations.

6.6 Acceptance of Improvements

~~Upon completion of all~~ At the time of final plat approval, any completed public improvements required ~~(street, drainage, lighting, signage, water, sewer, etc.) improvements~~ as a condition of final plat approval will be accepted by the governing authority ~~may~~. Upon completion of the remaining public improvements, if any, the governing authority will accept the ~~dedication of streets and other~~ public improvements. Each portion of these improvements must have also been inspected and approved by the engineer or his designated representative. ~~These~~ All primary and or secondary improvements must also have been constructed in accordance with the standard specifications. Prior to acceptance of ~~the~~ any primary and/or secondary public improvements, the governing authority must obtain the engineer's certificate referred to in section 6.5 and a maintenance bond referred to in section 6.8. The acceptance of any improvements by the local governing authority shall be recorded in the official minutes of the local governing authority.

In lieu of requiring the completion of all required improvements prior to the acceptance of a final plat, the governing authority may, at its discretion, accept a bond or guarantee from the subdivider, whereby the subdivider shall guarantee to complete all required improvements by this ordinance, or otherwise specified by the planning commission, to the satisfaction of the local governing authority. The amount of the guarantee shall be one hundred fifteen (115) per cent of the construction cost of the required improvements. The developer's engineer shall estimate cost for construction or a copy of the construction contract shall be provided. The amount of the guarantee must be approved as adequate to the local governing authority or representative. The time of guarantee shall be twelve (12) months and shall automatically renew until released by the governing authority. The guarantee shall be in the form of one (1) of the following alternatives:

- (a) Performance bond.
- (b) Irrevocable letter of credit and its accompanying agreement.
- (c) Cash bond and escrow agreement.
- (d) Such other security arrangements as may be approved by the governing authority's attorney.

6.7. - Building permits.

No building permit in a subdivision shall be issued and no building other than a farm building shall be erected on any lot unless the street giving access to the lot upon which the building is proposed to be placed has been accepted, or shall have otherwise been approved, by the governing authority.

6.8. - Maintenance bond.

A maintenance bond (~~warranty bond~~) is required for acceptance of ~~the any~~ completed ~~public paving, curb and gutter, sidewalks, drainage, water and sewer facilities, and other required primary and or secondary~~ improvements. The bond shall be written in the amount of fifteen (15) per cent of the construction cost of the work. The amount of the maintenance bond shall be reviewed and approved by the ~~planning commission's~~ ~~designated~~ engineer. ~~as sufficient to cover maintenance.~~ The maintenance bond shall guarantee the work for a period of ~~two (2) years~~ one (1) year, from the date of acceptance of the improvements by the local governing authority as shown in section 6.6.

During the period of the ~~two-year~~ one year guarantee, any maintenance, replacement or repair required will be the responsibility of the developer. The required improvements will be inspected by the ~~developer~~ Liberty Consolidated Planning Commission at least thirty (30) days prior to the expiration of the maintenance bond. Any required maintenance shall be completed prior to release of the bond. If maintenance is not completed, the bond will be forfeited to the governing authority. Upon the expiration of

the ~~two-year~~ ~~one year~~ period, the governing authority will assume maintenance of the accepted improvements. Prior acceptance by the governing authority shall not relieve the developer of responsibility for subsequent failures occurring within the period of the ~~two-year~~ ~~one year~~ guarantee. If at any time during the ~~two-year~~ ~~one year~~ period the developer fails to make prompt repairs or fails to maintain the road to the satisfaction of the governing authority, the governing authority may inform the developer and utilize bond funds or guarantee funds as needed.

6.9 - Dedications.

After the adoption of a major street plan as provided by law, the county or other public authority shall not accept, lay out, open, improve, grade, pave, or light any street or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street within the territorial jurisdiction of the planning commission unless such street has been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to the attachment of the planning commission's subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission and the local governing authority. The governing authority may locate and construct or may accept any other street if the ordinance or other measure for such location and construction, or for acceptance, is first submitted to the planning commission for its approval, and if disapproved by the planning commission is approved by the governing authority. A street approved by the commission upon submission, or by the governing body having appropriate jurisdiction or constructed or accepted the governing authority after disapproval by the commission, shall have the status of an approved street as though it had originally been shown on a plat approved by the planning commission or on a plat made and adopted by the planning commission.

ARTICLE VII.- DESIGN STANDARDS

7.0 - Scope.

The following design standards shall be considered minimum requirements in the platting of all subdivisions. The planning commission and the governing authority may require standards that exceed these minimums. All approved minimum standards shall be on file at the planning commission.

7.1 - Streets.

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 commission.

7.1.2. *Continuation of adjoining street system:* The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing major streets shall be extended to connect with adjacent properties and the use of cul-de-sacs should be avoided, except when no other option is feasible. For planned developments, provisions for internal circulation for vehicles, pedestrians, and bicycles should be incorporated into the development, and the ability to provide cross access to adjacent parcels should be considered.

7.1.3. *Access to adjacent properties:* It is desirable to provide for street access to adjoining property. Proposed streets shall be extended to the boundary of such property and a temporary turnaround shall be provided, unless the planning commission approves another system for access. Houses fronting on minor streets shall have access from minor streets only. Each subdivision should seek to provide at least two (2) points of access (streets) to existing public streets where feasible, and in a subdivision with, or the potential for, seventy-five (75) or more lots, two (2) or more access streets shall be provided unless the development can meet the standards for a variance as defined in Article X.

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 names of the proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix, street, avenue, boulevard, drive, place, court, etc. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by marking, or in any deed or instrument, without first getting approval of the planning commission. The planning commission shall coordinate, or cause to be coordinated, with the emergency 911 department for approval of street names.

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

7.1.6. *Private streets:* There shall be no private streets platted in any subdivision. Private streets are allowed in planned developments and quality developments as described in Article VIII.

7.1.7. *Trees:* All requirements of the tree protection ordinance must be met, and the landscape and tree planting plan should be submitted with the preliminary plat.

7.1.8. *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 twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be so designated on the

plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited."

(b) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(c) All other streets which are parallel to the railroad, when intersecting a street that crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

7.1.9. *Reserved strips prohibited:* Reserved strips at the terminus of a new street shall be prohibited.

7.1.10. *Street jogs:* Street jogs with centerlines offset by less than one hundred fifty (150) feet shall be prohibited.

7.1.11. *Right angle intersections:* Street intersections shall be as nearly at right angles as practicable.

7.1.12. *Cul-de-sac:* A minor street having a permanent dead end or otherwise having an outlet must be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet. In no cases shall a cul-de-sac be more than twelve hundred (1,200) feet in length. Temporary dead-end streets shall not be longer than six hundred (600) feet, and shall be provided with a turnaround having a thirty-foot radius.

7.1.13. *Alleys:* Service alleys or drives may be required in multiple dwelling, commercial and industrial developments and shall have a minimum surface treatment width of fifteen (15) feet, but shall not be provided in one-family and two-family residential developments unless the subdivider provides evidence satisfactory to the planning commission of the need for alleys.

7.1.14. *Paving requirements:* All streets must be prepared and paved according to the following methods or by equivalent methods that are acceptable to the governing authority:

(1) *Subgrade.* The subgrade shall be twenty-four (24) inches of compacted subgrade material compacted to ninety-five (95) per cent density.

(2) *Base.* The base shall consist of a graded aggregate base course screened one and one-half (1½) inches or smaller with a thickness of six (6) inches after being thoroughly compacted and constructed.

(a) All materials shall be secured from an approved source and shall conform to Georgia Department of Transportation's minimum acceptable standards for this area.

(b) As soon as the base material has been spread and mixed, the base shall be brought to approximate line, grade and cross-section and then rolled with a sheepsfoot roller until the roller walks out and finally with a pneumatic tire or general purpose roller until full thickness of the base course has been compacted thoroughly. Defects shall be remedied as soon as they are discovered. New materials shall be added if necessary and defective portions shall be entirely removed.

(c) The base course shall be maintained under traffic and kept free from ruts, ridges and dusting, true to grade and cross-section until it is primed.

(d) No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.

(3) *Pavement.* Wearing surface shall consist of one and one-half (1½) inches thick bituminous aggregate plant mix Type "E" or "F" and shall be placed in accordance with the latest edition of the Georgia Department of Transportation Standard Specifications for Roads and Bridges.

(4) *Curb and gutter.* Concrete curbs and gutters are required on all new streets. The width of the curb and gutter shall not be less than twenty-four (24) inches, unless approved by the planning commission. The planning commission may approve streets without curbs and gutters when the development is designed to be of "low impact design" to reduce the quantity and enhance the quality of stormwater runoff.

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

(1) Minimum typical section with curb and gutter (Article IX, Typica Details).

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

General Minimum Design Standards

	Minimum Right-of-Way (feet)	Design Speed MPH)	Minimum Curve Radii	Minimum Stopping Sight Distance

			(feet)	(feet)
Local	60	30	275	200.0
Collector	60	35	350	240.0
Arterial	80	40	500	275.1

7.1.17. *Horizontal curves:* Where a deflection angle of more than ten (10) degrees occurs in the alignment of a marginal access or minor street or road, a curve of reasonable radius shall be introduced. A curve shall be introduced at any change in direction of a collector, industrial or commercial service street or major thoroughfare. On major thoroughfares the state department of transportation or governing authority's engineer shall determine the centerline radius of curvature. On collector, industrial or commercial service streets, the centerline radius of curvature shall not be less than three hundred fifty (350) feet. On minor streets, the centerline radius of curvature shall not be less than one hundred fifty (150) feet unless the topography of the land to be subdivided makes this impractical.

7.1.18. *Street grades:* Grades on major thoroughfares shall be established or approved by the governing authority's engineer. Grades on collector streets shall not exceed eight (8) per cent unless topographic conditions make this impractical. Grades on minor residential streets shall not exceed fifteen (15) per cent, unless topographic conditions make this impractical. All streets should have a minimum grade of not less than three tenths of one (0.30) per cent.

7.1.19. *Sidewalks:* Sidewalks must be installed on all streets. All sidewalks shall be constructed in accordance with the standards of the Standard Specifications, except where unusual conditions exist which eliminate the necessity for sidewalks and said exceptions are specifically granted by the planning commission. In all cases where exceptions to sidewalks are granted by the planning commission, the developments are required to provide for pedestrian mobility and connectivity to adjacent parcels and developments.

Minimum Sidewalk Standards

Arterial Streets	Minimum of 5 feet, both sides
Collector Streets	Minimum of 5 feet, both sides
Local Streets	Minimum of 5 feet both sides

Where it is deemed necessary for public safety, the planning commission may require either additional sidewalks, off-road pedestrian paths, or wider sidewalks than listed above.

7.1.20. *Design standards for unpaved minor streets:* All unpaved minor streets which are approved as an exemption as defined in Article X by the planning commission and the governing authority shall be designed and constructed in accordance with the following minimum specifications and standards:

- (a) Minimum right-of-way required where roadside ditches are required shall be sixty (60) feet, thirty (30) feet right and left of the roadbed centerline.
- (b) Roadbed width shall be a minimum of thirty (30) feet, fifteen (15) feet right and left of the centerline with a minimum crown of six (6) inches to centerline. Travel lanes shall have a minimum width of twenty-two (22) feet, eleven (11) feet right and left of the centerline with grassed shoulders with a minimum ratio of 3:1. Roadside ditches shall have a flat bottom with a minimum width of twenty-four (24) inches. All back slopes where required will consist of a minimum slope ratio of 2:1.
- (c) The top six (6) inches of all travel lanes shall be compacted to a minimum ninety-five (95) per cent standard proctor density. Test reports shall be supplied by the developer at the request of the governing authority's engineer. Also stabilization requirements of travel lanes shall be based on the engineer's recommendation as to the type and amount. The Recommendation shall be based on considering the type of soils, drainage, estimated traffic volumes and types and surrounding topography.
- (d) Test for compaction shall be located no more than five hundred (500) feet apart and staggered to right and left and on centerline.
- (e) All drainage culverts for unpaved streets shall be of material specifications according to the Georgia Department of Transportation. This is required due to ditch maintenance activity. Also a minimum of one (1) foot cover on all pipes.
- (f) The grassing requirement will be determined by the governing authority's engineer or as required by the Soil Erosion and Sedimentation Control Ordinance.
- (g) All unpaved streets that tie into paved streets shall require ramp paving of a minimum of twenty-two (22) feet in width and twenty-four (24) feet in length in accordance with minimum paving requirements of this article.
- (h) Other streets that do not require roadside ditches shall comply with all requirements except that of ditch widths and back slope regulations.

7.2. - Easements.

Easements having a minimum width of fifteen (15) feet and located along the side or rear of lot lines shall be provided as required for utility lines and underground mains and cables. Drainage easements shall be a minimum of twenty (20) feet in width plus an additional fifteen (15) feet adjacent to drainage easements with open ditches or the like provided for access and maintenance.

7.2.1 *Access easements:* All easements for vehicular access, including ingress and egress, shall have a minimum width of sixty (60) feet, **except as provided in Section 4.3(c).**

7.3. - Blocks. Block lengths and widths shall be as follows:

7.3.1. *Lengths:* Block lengths shall not exceed twelve hundred (1,200) feet nor be less than three hundred (300) feet, unless approved by the planning commission and the governing authority.

7.3.2. *Widths:* Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may be one (1) lot in depth where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

7.3.3. *Pedestrian ways:* Crosswalks, not less than ten (10) feet wide, may be required by the planning commission where it is deemed essential in order to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

7.4. - Lots.

All lots shall meet the minimum lot width, depth, and area requirements of the Liberty County Zoning Ordinance.

7.4.1. *Setback lines:* Setback distances as shown in the adopted zoning ordinance, shall be accepted as the minimum setback required.

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

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

7.4.4. *Lots abutting public streets:* Each lot shall abut upon a dedicated public street on which it has access.

7.5. - Driveways.

7.5.1. *Permits:* It shall be unlawful to begin construction of any driveway and/or alter any driveway abutting on a public street, except those driveways abutting on a state or federal highway, until a building permit for such work has been issued. The Georgia Department of Transportation shall issue permits for those driveways abutting on state and federal highways.

7.5.2. *Fees:* The building permit fee shall be set by the governing authority.

7.5.3. *Commercial driveways:* All commercial driveways shall be designed and constructed in accordance with the most current version of the State of Georgia Department of Transportation Regulations for Driveway and Encroachment Control.

7.5.4. *Details:* All work for which a permit has been issued shall be inspected by the designated engineer or his representative and shall comply with the following details and specifications:

- (a) Pavement shall consist of concrete and/or bituminous plant mix Type "E" or "F" and shall have a width of not less than twelve (12) feet.
- (b) When driveway pipes are required the length of pipe shall not be less than twenty-four (24) feet. The size and type of pipe shall be designed in accordance with the drainage ordinance.
- (c) End treatments are required in accordance with the State of Georgia Department of Transportation Regulations for Driveway and Encroachment Control.
- (d) Pavement will not be required for driveways that abut an existing dirt road.

7.6. - General suitability.

7.6.1. *Soils:* The ~~planning commission shall not approve a subdivision where the soil conditions have been determined not~~ developer's engineer shall certify that the ~~soil conditions are~~ suitable for development purposes of the kind proposed.

7.6.2. *Flooding:* Floodprone areas shall be consistent with all flood insurance regulations.

ARTICLE VIII. - PLANNED DEVELOPMENTS

8.1. - Planned developments.

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

8.1.1. *Scale:* A plat of the property drawn to a scale of at least one hundred (100) feet to one (1) inch.

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

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

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

8.1.5. *Topography:* Topography of the site by contours at vertical intervals of not more than ~~two (2)~~ one (1) feet. However one-foot intervals are preferred.

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

8.1.7. *Drainage:* The location and size of all proposed utilities and storm drainage facilities in accordance with the drainage ordinance.

8.1.8. *Other information:* Landscaping as required by ordinance and any other such information as the planning commission may deem necessary because of the physical characteristics peculiar to the particular development.

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

8.1.10. *Nonpotable reuse system:* The location and size of all reuse water mains, valves, fittings, and hydrants in accordance with the design guide approved by the planning commission, unless the ~~planning commission city~~ does not require such a system following an analysis of the reuse demand of the proposed development.

8.2. - Quality developments.

8.2.1. *Intent:* It is not the intent of these regulations to freeze new developments into any single type of design. It is, however, the intent of these regulations to insure that all new developments shall contribute to the building of economically sound, sustainable and desirable areas within the community with all necessary services and facilities. The purpose of the designation of quality developments is to allow the utilization of land while insuring that there are little or no detrimental impacts on the environment, neighboring properties, and the public safety, welfare and interest. The intent is that all quality developments far exceed the minimum standards defined and encourage innovation in development that enhances and improves public safety and welfare.

8.2.2. *Authority to modify standards:* In order to provide the developer with maximum flexibility in the design and character of new subdivisions and other planned developments, the planning commission is hereby authorized to **recommend that the governing authority** modify the standards and requirements, but not the intent of these regulations and zoning standards, in the case of a plan that exhibits unique quality growth features within a planned unit, which, in the judgment of the planning commission:

- (1) Provides significant public spaces for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and
- (2) Which exhibits unique "quality" features in keeping with state department of community affairs principles, and
- (3) Which addresses each of Liberty County's quality development guidelines, and
- (4) Which provides such covenants or other legal provisions as will assure conformity to and achievement of the comprehensive development plan.

Any development considered for "quality development" status shall be analyzed using these principles and the guidelines listed below. The following is a list of Liberty County's performance guidelines against which all proposed quality developments will be analyzed:

- (1) Does the proposed development provide an appropriate and significant amount of uplands dedicated to open space, recreational, and other public uses that are available for the use and enjoyment of the residents and users of the development and citizens of Liberty County?
- (2) Will the development as designed minimize impacts to, and preserve, wetlands and floodplains?

- (3) Has the proposal minimized the impervious surfaces in order to minimize stormwater runoff, and does it include the use of measures such as low impact design or other strategies to reduce the quantity and improve the quality of all runoff?
- (4) Are the connectivity of open spaces and wetlands maximized in such a way as to create and preserve habitat areas for wildlife?
- (5) Does the design maximize the preservation and protection of large hardwood trees and woodlands in wetlands and uplands?
- (6) Does the proposal minimize or include mitigation for impacts on Liberty County's, and the neighboring governments', infrastructure systems?

The planning commission shall review the proposed development in accordance with these guidelines and the principles, and may consider modification of standards and requirements should the proposed development exceed the subdivision regulations and adequately address each of these principles and guidelines. The developer or subdivider shall request that the planning commission consider the development for designation as a "quality development" and provide the information required by the planning commission in order to evaluate the request for the designation and the modification of any standards or requirements.

8.2.3. *Maintenance of spirit of regulations:* Any development or subdivision approved under this section shall maintain the objectives, purposes, and intent of these regulations. To this end, the planning commission may recommend modification to the standards and requirements of these regulations and the standards defined in the Liberty County Zoning Ordinance.

8.3. - CONSERVATION SUBDIVISIONS

Conservation subdivisions shall be permitted on all residential zones subject to the following provisions.

8.3.1 General Regulations

- (1) Applicability of Regulations. This Conservation Subdivision option is available as a use by right in all agricultural and single-family residential zoning districts, including A-1, AR-1, and R-1. Applicant shall comply with all other provisions of the land development code and all other applicable laws, except those that are incompatible with the provisions contained herein.
- (2) Ownership of Development Site. The tract of land to be subdivided may be held in single and separate ownership or in multiple

ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

(3) Housing Density Determination. The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

(a) *Calculation:* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

- i. slopes over 25% of at least 5000 square feet contiguous area;
- ii. the 100-year floodplain;
- iii. bodies of open water over 5000 square feet contiguous area; and
- iv. wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

(b) *Yield Plan:* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

8.3.2 Application Requirements

(1) Site Analysis Map Required. Concurrent with the submission of a preliminary plat, Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will

meet the requirements of this article. The preliminary site plan shall included the following features:

- (a) Property boundaries;
- (b) All streams, rivers, lakes, wetlands and other hydrologic features;
- (c) Topographic contours of no less than 10-foot intervals;
- (d) All Primary and Secondary Conservation Areas labeled by type, as described in Section 6.28.3 of this Article;
- (e) General vegetation characteristics;
- (f) General soil types;
- (g) The planned location of protected Open Space;
- (h) Existing roads and structures;
- (i) Potential connections with existing greenspace and trails.

(2) Open Space Management Plan Required. An open space management plan, as described in Section 8.3.3, shall be prepared and submitted prior to the issuance of a land use permit.

(3) Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 6.28.3, shall be placed on the Open Space concurrent with the issuance of a land use permit.

(4) Other Requirements. The Applicant shall adhere to all other applicable requirements of the underlying zoning district and the subdivision regulations.

8.3.3 Open Space

(1) Definition. Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.

(2) Standards to Determine Open Space.

- (a) The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
- (b) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - i. The 100-year floodplain
 - ii. Riparian zones of at least 75 ft width along all perennial and intermittent streams
 - iii. Slopes above 25% of at least 5000 square feet contiguous area
 - iv. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act
 - v. Populations of endangered or threatened species, or habitat for such species
 - vi. Archaeological sites, cemeteries and burial grounds
- (c) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:
 - i. Important historic sites
 - ii. Existing healthy, native forests of at least one acre contiguous area
 - iii. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line
 - iv. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads
 - v. Prime agricultural lands of at least five acres contiguous area

- vi. Existing trails that connect the tract to neighboring areas
- (d) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
- (e) At least 25% of the Open Space shall consist of land that is suitable for building.
- (f) At least 75% of the Open Space shall be in a contiguous tract. The Open Space shall adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
- (g) The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

(3) Permitted Uses of Open Space.

- (a) Uses of Open Space may include the following:
 - i. Conservation of natural, archeological or historical resources;
 - ii. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
 - iii. Walking or bicycle trails, provided they are constructed of porous paving materials;
 - iv. Passive recreation areas, such as open fields;
 - v. Active recreation areas, provided that they are limited to no more than 10% of the total Open Space and are not located within Primary Conservation Areas.

Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.

- vi. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- vii. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
- viii. Easements for drainage, access, and underground utility lines;
- ix. Other conservation-oriented uses compatible with the purposes of this ordinance.

(4) Prohibited uses of Open Space.

- (a) Golf courses;
- (b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- (c) Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- (d) Impoundments;
- (e) Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

(5) Ownership and Management of Open Space.

- (a) Ownership of Open Space. The designated Open Space may be owned and managed by one or any combination of the following:

- i. A homeowners' association representing the residents of the subdivision. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the homeowners association.
 - ii. A nonprofit conservation organization deemed acceptable by the governing authority. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
 - iii. Public dedication of Open Space. The Governing Authority may accept the dedication of a conservation easement to the common Open Space, provided the common open space is accessible to the residents of the city or county and provided the County or City agrees to and has access to maintain the common Open Space.
 - iv. Individual ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement governing uses of the Open Space.
- (b) Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:
- i. allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - ii. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
 - iii. provides that any changes to the Plan be approved by the Governing Authority; and

- iv. provides for enforcement of the Plan.

- (c) In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the Governing Authority may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

(6) Legal Instrument for Permanent Protection.

- (a) The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - i. A permanent conservation easement in favor of either:
 - A. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - B. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the Governing Authority, then a third right of enforcement favoring the Governing Authority shall be included in the easement.
 - ii. A permanent restrictive covenant for conservation purposes in favor of a governmental entity
 - iii. An equivalent legal tool that provides permanent protection, if approved by the Governing Authority.

- (b) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

(7) Tax Assessment of Open Space.

Once a legal instrument for permanent protection has been placed upon the Open Space, The Liberty County Tax Assessor may, upon request of the property owner, reassess the Open Space at a lower value to reflect its more limited use. If the Open Space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment may be at a value of zero.

ARTICLE IX. – TYPICAL DETAILS

9.1. - Details.

The adopted driveway detail and roadway cross-sections shall be adhered to. All other construction details will either conform to details as established by the governing authority in accordance with the Georgia Department of Transportation Standard Specifications and Details.

Note: The minimum adopted driveway details and roadway cross sections are not set out herein, but are on file in the planning commission offices.

ARTICLE X. – VARIANCES AND EXCEPTIONS

10.1. - Variances.

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 the interpretations of the design requirements of these regulations the planning commission ~~and/or the governing authority~~ shall be authorized to vary recommend variances to such requirements provided the intent and purpose of these regulations are not violated. Such variations, and the reasons for granting them, shall be considered for approval by and entered into the ~~minutes of the planning commission and the~~ minutes of the governing authority. The conditions for granting the variance by the governing authority are as follows:

- (1) There are extraordinary and exceptional conditions pertaining to this particular piece of property because of its size, shape or topography, and
- (2) The application of the standards to this particular property would create an unnecessary hardship, and
- (3) Such conditions are peculiar to the particular piece of property involved, and
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the article.

10.2. - Exceptions.

In order to promote the public welfare and enhance the safety and health of the public, it may be in the best interests of the governing authority to modify or provide exceptions to certain development and design standards. The planning commission shall be authorized to consider exceptions to such requirements, provided the intent and purpose of these regulations are not violated. All exceptions, and the reasons for granting them, shall be entered into the minutes of the planning commission and also the approving governing authority.

10.2.1. *Special developments.* Exceptions to design standards may be considered, when due to particular and unique proposed development standards such as: equestrian developments, developments proposed to follow low impact design to improve the quality and reduce the quantity of stormwater runoff, developments which promote enhanced walkability and bicycling, and those developments which meet a majority of, or all of, the quality development guidelines in Article VIII.

10.2.2. *Reserved.*

10.2.3. *Minor subdivision exception.* Minor subdivisions in the county and outside of any municipal boundaries containing not more than ten (10) residential lots or units may be granted an exception from the paving and sidewalk requirements of this article provided the following conditions are met:

- (1) Minimum lot size shall be forty-three thousand five hundred sixty (43,560) square feet (one (1) acre) and the minimum lot width shall be one hundred (100) feet, and

(2) The subdivision shall be restricted from further subdivision or extension until the street is paved in accordance with the current design standards, and

(3) The future paving of any street in the subdivision will be at the abutting property owners' expense, and

(4) The length of all roads exempted under the provisions of this article are not longer than twenty-five hundred (2,500) feet including any cul-de-sac, and

(5) All streets shall be private streets and meet all requirements for a private street exception, other than paving.

10.2.4. *Private street exception.* Private streets may be considered as an exception by the planning commission and may be permitted by the planning commission with the approval of Liberty County if they meet all of the following conditions:

(1) Private streets shall meet the requirements of this ordinance regarding preliminary and final plat, as well as receiving all required permits and construction inspection of infrastructure.

(2) Private streets in subdivisions shall be ~~opened and improved~~ **platted and constructed** according to the design standards established for public streets.

(3) All private streets and street name markers shall be maintained by the owners of the property within such subdivisions and the governing authority has no responsibility whatsoever for their maintenance and repair until and unless improved to approved street standards and dedicated and accepted by the governing authority.

(4) All lots or parcels abutting any private street subsequently sold following this exception shall include a disclosure that the street is not a public street, and the street shall be maintained by the owners of the property within such subdivisions and the governing authority has no responsibility whatsoever for their maintenance and repair until and unless improved to approved street standards and dedicated and accepted by the governing authority.

(5) A property owners' association must be created to maintain all private streets, and be filed with the clerk of superior court, and, as a minimum, shall provide for: mandatory and automatic membership in the property owners' association before any individual properties are sold; all owners to have equal access and right to use all shared private facilities; perpetual and continued maintenance of the private streets and any open space; bond instruments to ensure maintenance of streets and common areas; bond or tax liability in the case of default; the method of assessment of

dues; maintenance and related costs; and restoration in the event of damage or destruction.

(6) Where this article requires or allows the presentation and maintenance of private streets and other open space through a property owners' association, and if the property owners' association fails to maintain the private streets and common property in a reasonable condition, the governing authority shall serve written notice upon the association and upon the individual property owners, setting forth the manner in which the organization has failed to maintain common open space and private streets in a reasonable condition. The notice shall include a demand that these deficiencies of maintenance are corrected within thirty (30) days of the notice. If the deficiencies are not corrected within thirty (30) days, Liberty County, in order to preserve the taxable values of the properties within the development and to prevent the common open space and private streets from becoming a public nuisance, may enter upon the common open space and private streets and maintain it for one (1) year and thereafter until the association is prepared to provide maintenance. The cost of this maintenance by Liberty County shall be assessed against the maintenance bond established and funded by the property owners' association or, if the bond has been allowed to lapse, the cost shall be assessed against all properties within the developments that have a right of enjoyment of the private streets, and shall become a lien upon the properties.

(7) A perpetual maintenance bond with Liberty County as the beneficiary as defined in paragraph 10.2.4(6) is required for the completed paving, curb and gutter, sidewalks, drainage, water and sewer facilities, and other required improvements. The bond shall be written in the amount of twenty-five (25) per cent of the construction cost of the work. The amount of the maintenance bond shall be reviewed and approved by the planning commission's engineer as sufficient to cover maintenance. The bond may be released or reduced only if the governing authority accepts any or all improvements for maintenance. If at any time the property owners' association fails to make prompt repairs or fails to maintain the road and other improvements to the satisfaction of the governing authority, the governing authority may inform the association and utilize bond funds or guarantee funds as needed.

(8) Private streets shall always remain open for police, fire, ambulance, and other vehicles of all government agencies.

ARTICLE XI. – APPLICATION OF REGULATIONS

11.1. - Filing and recording.

No plat of a subdivision within Liberty 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 governing authority and such approval entered in writing on the final plat by the secretary of the planning commission.

11.2. - Improvements, streets.

The governing authority or other public authority shall not hereafter accept, lay out, open, improve, grade, pave, or light any street 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 or unless such street corresponds in its location and lines with a street shown on the final plat approved by the ~~planning commission governing authority~~. The governing authority may locate and construct or may accept any other street provided that the ordinance or resolution or other measure for such approval be first submitted to the planning commission for its approval or disapproval as provided for in the procedure on plats and, upon approval, any such street shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the ~~planning commission governing authority~~.

11.3. - Street names.

No street or road shall hereafter be named on a plat or in a deed or other instrument without approval by the planning commission. ~~The planning commission may, after reasonable notice in a newspaper having general circulation in the county, recommend to the governing authority, a change in the name of any street or road in the 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 governing authority.~~

~~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 the court, and the name shall thereafter be the legal name of the street or road.~~

11.4. - Schedule of filing fees.

The schedule of fees as published by the governing authority shall be paid in connection with applications under these regulations.

11.5. - Maintenance of common areas and private facilities.

(a) If any development includes private facilities and common areas, a property owners' association must be created to maintain all private facilities and areas, and be filed with the clerk of superior court and, as a minimum, shall provide for: mandatory and automatic membership in the property owners' association before any individual properties are sold; all owners to have equal access and right to use all shared private facilities; perpetual and continued maintenance of the private facilities and any open space; tax liability in the case of default; the method of assessment of dues; maintenance and related costs; and restoration in the event of damage or destruction.

(b) Where this article requires or allows the preservation and maintenance of private facilities and other open space through a property owners' association, and if the property owners' association fails to maintain the common property in a reasonable condition, the governing authority shall serve written notice upon the association and upon the individual property owners, setting forth the manner in which the organization has failed to maintain common open space and private streets in a reasonable condition. The notice shall include a demand that these deficiencies of maintenance are corrected within thirty (30) days of the notice. If the deficiencies are not corrected within thirty (30) days, Liberty County, in order to preserve the taxable values of the properties within the development and to prevent the common open space and private facilities from becoming a public nuisance, may enter upon the common open space and private facilities and maintain it for one (1) year and thereafter until the association is prepared to provide maintenance. The cost of this maintenance by Liberty County shall be assessed against the properties within the developments that have a right of enjoyment of the common open space and private facilities, and shall become a lien upon the properties.

11.6. - Soil erosion and sedimentation control plan and land-disturbing activity permit.

If required by the Soil Erosion and Sedimentation Control Ordinance, a soil erosion and sedimentation control (E. & S.) plan shall be submitted to the director of the Liberty Consolidated Planning Commission. The E. & S. Plan may be submitted prior to the time of filing the development's construction or site plans. A copy of the E. & S. Plan shall be submitted as a part of the filing of any construction plans or the site plans when they are required. A land-disturbing activity permit shall be obtained from the director of the Liberty Consolidated Planning Commission following or concurrent with receiving plan approval from the Coastal Soil and Water Conservation District. Land-disturbing activities shall not begin prior to the issuance of a land disturbing activity permit.

11.7. - Drainage and floodplain requirements.

All developments shall comply with the requirements of the drainage ordinance. The development shall consider the impacts of drainage on both the flow rates and volumes as well as the 100-year flood elevations upstream and downstream of any proposed developments. The drainage plans should ensure that no other parcels are negatively impacted by the rate, volume or flow of stormwater resulting from the development.

ARTICLE XII – VIOLATIONS AND PENALTIES

12.1. - Filing or recording.

The filing or recording of a final plat of a subdivision without the approval of the governing authority 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.

12.2. - Recording official.

The county clerk of court shall not accept, file, or record any sketch plan or any preliminary plat as a "record" plat, or any final record plat involving any area subject to these regulations which have not been approved by the governing authority. 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 provided and may enjoin any violations thereof.

12.3. - Transfer of lots in unapproved subdivisions.

The owner or agent of any land to be subdivided 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 governing authority 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 governing authority may enjoin such transfer or sale or agreement by appropriate action.

12.4. - Erection of buildings.

Any building erected in violation of these regulations shall be deemed an unlawful structure, and the building official or the county attorney or other official designated by the

governing authority may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

12.4.1. A building or structure shall be substandard when it does not meet the requirements of the Standard Building Code, the National Electrical Code, or the Standard Plumbing Code, or any other code or ordinance of Liberty County which shall apply.

12.5. - 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 governing authority. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be punished in the discretion of the court.

12.6. - Penalties.

The owner or agent of the owner of any land to be subdivided 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 of subdivision of such land before such plat has been approved by the governing authority, and recorded in the office of the clerk of the court in Liberty County, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

ARTICLE XIII. – IRREVOCABLE LETTER OF CREDIT

13.1. - Guideline.

The following is a guideline for minimum guarantees that can be accepted:

13.1.1. The applicant shall be the developer.

13.1.2. The beneficiary shall be Liberty County.

13.1.3. The governing authority must be able to draw on the letter of credit when a signed statement from the governing authority is shown to the lending institution. Such statement must certify that the developer is in default of the accompanying agreement. The statement must also show the amount of money due as a result of such default.

13.1.4. Credit must be automatically extended for an additional period of one (1) year from the present and each future expiration date unless the governing authority is notified not less than forty-five (45) days in advance of an expiration date. The letter of credit shall not be withdrawn or reduced until all required improvements are completed and accepted by the local governing authority.

13.1.5. The governing authority must be able to draw the outstanding balance of money upon presentation of a signed statement by the governing authority as a cash bond to secure continued adherence to the terms of the agreement. This clause would be utilized in the event the lending institution chooses not to extend the expiration date and improvements are not complete.

13.1.6. The lending institution will receive the original letter of credit marked "Cancel" upon tender of payment or upon completion of improvements to the satisfaction of the governing authority.

13.1.7. The lending institution must agree to be responsible for the governing authority's court costs and attorney fees in the event the governing authority initiates a suit under the letter of credit.

13.1.8. The letter of credit must state that the letter of credit is specifically governed by the Uniform Commercial Code (or similar code) in force in the State of Georgia.

13.1.9. An example of an accepted letter of credit is shown as follows.

Other types of bonding, guarantees, sureties or other similar security arrangements may be accepted if approved by the governing authority's attorney.

(BANK LETTERHEAD)

IRREVOCABLE LETTER OF CREDIT

	Date:
	Letter of Credit:

Addressed to: Liberty County

We hereby establish our Letter of Credit Number _____ in your favor for the account of (Name of Developer), for the sum or sums of U.S. dollars not exceeding a total of (amount of money) available by your drafts at sight on (Name of Bank) accompanied by the following:

1. A statement signed by the beneficiary indicating that payment has been requested and is due.
2. Certification that the funds are required related to (type of work) RE: (name of subdivision), or required as a cash bond to secure contained [continued] adherence to terms.

Drafts must be negotiated (or presented to drawee bank for payment) on or before (date), or any extended date.

This letter of credit shall be automatically extended for an additional period of time of one year from the present or each future expiration date unless we have notified you in writing, not less than forty-five (45) days before such expiration date, that we elect not to renew this letter of credit. Our notice of such election shall be sent certified mail to the above address.

All drafts must be marked "Draw under name of bank", Letter of Credit Number: (Number).

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 Revision) International Chamber of Commerce Brochure No. 290.

We hereby agree with you that drafts under and in compliance with this credit shall be duly honored on due presentation to the drawee.

(Bank Officer)

ARTICLE XIV. – ADMINISTRATION

14.1. - Administration.

The secretary of the Liberty Consolidated Planning Commission shall administer this ordinance.

ARTICLE XV. – LEGAL STATUS PROVISIONS

15.1. - 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.

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

Whenever the requirements made under authority of these regulations impose higher standards than are required in any other statute or local ordinance of regulation, provisions of these regulations shall govern.

15.3. - Separability.

Should any section or provisions of this ordinance 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.

15.4. - Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

15.5. - Amendments.

The planning commission shall hold a public hearing on any amendment to these regulations prior to its adoption, notice of which shall be given not less than fifteen (15) nor more than thirty (30) days prior to the hearing date. The notice of hearing shall be made in a newspaper having general distribution in the area of jurisdiction.

15.6. - Effective date.

These regulations shall take effect on January 1, 2008, and be applied to all submissions received by the planning commission after this effective date.

(Title)