

**SUBDIVISION REGULATIONS**

**OF**

**BRYAN COUNTY, GEORGIA**

Presented at a Public Hearing Held by the Bryan County  
Commission on the  
18th day of May, 1995.

Adopted 6/6/95

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Donna M. Waters, County Clerk

Adopted by the Board of Commissioners of Bryan County at a  
meeting on the 6th day of June, 1995.

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## ARTICLE I

### SHORT TITLE

This Ordinance shall be known and may be cited as the "Subdivision Regulations of Bryan County, Georgia."

## ARTICLE II

### ENACTMENT CLAUSE

The Commissioners of Bryan County, pursuant to the authority conferred by the provisions of **Article IX, Section 2, Paragraph 4** and **Article IX, Section 2, Paragraph 1** of the Constitution of Georgia of 1983, do ordain and enact into law the following **Articles and Sections**.

## ARTICLE III

### PURPOSES

The various **Articles and Sections** of this Ordinance are adopted for the following purposes, among others:

- (a) To promote and protect the health, safety, prosperity, and welfare of the citizens of Bryan County.
- (b) To conserve and protect the natural and scenic resources of Bryan County.
- (c) To maintain the economic viability of the forestry and agricultural resources of Bryan County.
- (d) To prevent the spread of blight and slums within Bryan County.
- (e) To insure that residential and commercial Lots within Bryan County will be of such design, area, and width as will prevent health and sanitation problems.
- (f) To prevent and reduce traffic congestion and traffic hazards within Bryan County.
- (g) To provide Buffers to protect property values and maintain the scenic beauty of Bryan County.

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- (h) To insure that drainage systems for Subdivisions within Bryan County are constructed so as to not adversely affect the natural drainage systems for surrounding properties.
- (i) To reduce maintenance problems with Roads, drainage and other Subdivision Improvements within Bryan County.
- (j) To insure the timely completion of Subdivision Improvements within Subdivisions in Bryan County.
- (k) To insure that the taxpayers of Bryan County are not burdened with costs of completing Subdivision Improvements or correcting improperly constructed Subdivision Improvements, which costs should be the responsibility of private businesses.
- (l) To prevent development in areas of Bryan County unsuitable for residential or commercial uses because of soils, Wetlands or drainage characteristics.
- (m) To insure that all Lots within Bryan County will be accessible to fire fighting equipment and other emergency and service vehicles.
- (n) To protect the investments of the Buyers of Lots within Subdivisions.
- (o) To preserve the environmental, historical and social heritage and character of Bryan County.
- (p) To encourage the design of Roads within Subdivisions so that speeding within Subdivisions will be reduced.

## ARTICLE IV

### ADMINISTRATION

**Section 400. Administrative Agency:** The Planning Director shall administer this Ordinance, approve or disapprove Construction Plans and Final Plats and recommend to the County Commission approval or disapproval of Preliminary Plats. The Planning Director shall supervise the staff of the Planning Department, coordinate the input of the County Attorney, County Engineer, Health Department, Engineering Director and other agencies relating to this Ordinance. The Planning Director shall also prepare such reports for the County Commission as may be required under this Ordinance or requested by the County Commission and shall approve for recording plats of Subdivisions as authorized herein. (R-10/8/97).

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**Section 401. Forms and Applications:** The Planning Director shall prepare standard applications, forms and other documents to be used by Applicants seeking approvals under this Ordinance. All applications or requests for approvals made in connection with this Ordinance shall be made on the standard applications, forms and other documents prepared by the Planning Director. (R-10/8/97).

**Section 402. Records:** The Planning Director shall be responsible for maintaining all of the records of the Planning Department and Planning Commission, including, but not limited to, the minutes of Planning Commission Meetings. Except as otherwise provided by Georgia Law, all records of the Planning Commission shall be public records, available for inspection and copying in accordance with Georgia Law. (R-10/8/97).

## ARTICLE V

### DESIGN STANDARDS

**Section 500. Minimum Design Standards and Improvements:** In order that various purposes of this Ordinance may be accomplished, all Subdivisions shall be developed, improved and constructed in accordance with the minimum design standards set forth in this **Article V**. All Subdivision Improvements shall be designed and constructed in accordance with this Ordinance and other applicable Laws.

**Section 501. Road Frontages:** Except where otherwise specified in this Ordinance, the minimum required Road Frontage for a Lot shall not be less than the minimum Lot width at Building Line required for the Zoning District within which the Lot is situated, except that Road Frontage for Exterior Corner Lots or Lots abutting a Cul-de-sac turn-around shall be at least thirty-five (35%) percent of the otherwise required Road Frontage and Road Frontage for Exterior Curve Lots shall be at least seventy (70%) percent of the otherwise required Road Frontage. (R-11/7/95).

**501.01 Non-Continuous Road Frontages:** Where the Road Frontage of a tract which is an Existing Lot of Record is not continuous ("Non-Continuous Tract") and where the Road Frontage of any part of a Non-Continuous Tract ("Non-Continuous Part") does not meet the minimum Road Frontage as required by **Section 502.**, such Non-Continuous Tract may still be Subdivided, provided:

- (i) The number of Lots does not exceed the number of Non-Continuous Parts;
- (ii) The space and bulk of the Lots meet the minimum requirements set forth in the Bryan County Zoning Ordinance; and
- ~~(iii) All of the Road Frontage of a Non-Continuous Part is utilized as a Lot.~~

**Section 502. Roads:** All Lots must abut a Road which meets the requirements of **Section 502.01 through 502.05** herein.

**502.01 Roads to Be Constructed:** All Roads to be constructed in a Subdivision must comply with the following provisions:

- (a) **General:** All Roads must be designed and constructed in accordance with the Engineering Standards. (R-10/8/97).
- (b) **County Maintained or Approved Private Road System:** All Roads must be either: (i) accepted by the County Commission as a County Maintained Road, or (ii) designated and approved as an Approved Private Road System.
- (c) **Continuation of Existing Road Pattern:** The arrangement of Roads in a Subdivision shall provide for the alignment with, or the continuation of, or the appropriate projection of existing Roads in surrounding areas.
- (d) **Road Jogs:** Road jogs, or centerline offsets in the horizontal alignment of Roads across intersections of less than one hundred and fifty (150) feet shall be prohibited.
- (e) **Intersections:** The centerline of no more than two (2) Roads shall intersect at any one point. Roads shall be laid out so as to intersect as nearly as possible at right angles and no Roads shall intersect any other Road at less than seventy-five (75) degrees. Curbed Roads shall have a minimum tangent of one hundred (100) feet at intersections. (R-11/7/95).
- (f) **Subdivisions on Arterial Roads:** Where a Subdivision abuts or contains an existing or proposed Arterial Road, the County Commission may require Local Roads, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. (R-10/8/97).
- ~~(g) **Permanent Dead-End Roads:** Dead-end Roads, designed to be such permanently, except Cul-de-sacs built pursuant to **Section 504.**, shall be provided at the closed end with a turnaround having an outside roadway diameter of not less than one hundred (100) feet, and a right-of-way diameter of not less than one hundred twenty (120) feet.~~
- (h) **Temporary Dead-End Roads:** Temporary dead-end Roads shall only be allowed in connection with phased construction of Subdivisions within a Development according to an approved Master Plan.

- (i) **Road Names:** All Roads within a Subdivision shall be named in accordance with the 911 Manual.
- (j) **Road Name Markers:** Road name markers which shall be constructed to County specifications shall be installed at all Road intersections.
- (k) **Paving:** All roads must be paved, except those roads exempt from paving pursuant to **Article XIII**.

**502.02**

**Subdivisions Abutting Existing Roads:** Lots which are situated in Subdivisions developed after the effective date of these Regulations and which abut existing Roads shall be permitted, provided such Lots which abut the following Roads, have the following minimum Road Frontages:

- (a) On existing State of Georgia or County Maintained paved Roads, the minimum Road frontages vary as follows depending on the type of Road as set forth in the **Road Classification Plan:**
  - (i) On Scenic Parkways, six hundred (600) feet;
  - (ii) On Major Thoroughfares, three hundred (300) feet;
  - (iii) On Arterial/Connector Roads, two hundred fifty (250) feet;
  - (iv) On Collector Roads, Lot Width at Building Line as required by the Zoning Ordinance; and
  - (v) On Local Roads, Lot Width at Building Line as required by the Zoning Ordinance.
- ~~(b) On existing Private Roads, Lot Width at Building Line as required by the Zoning Ordinance. In addition to meeting the minimum Road Frontage requirements, Lots abutting existing Private Roads shall be permitted only if such Roads meet or are improved so that they meet all of the provisions of **Section 502.01**;~~
- (c) On existing unpaved Approved Private Road Systems, Lot Width at Building Line as required by the Zoning Ordinance. In addition to meeting the minimum Road Frontage requirements, Lots abutting an existing unpaved Approved Private Road System shall be permitted only if such Roads are improved so that they meet all of the provisions of **Section 502.01**; and

- (d) On an existing paved Approved Private Road System, Lot Width at Building Line as required by the Zoning Ordinance.

(R-11/7/95).

**502.03      Lots With Dual Frontages:**

- (a) Lots which have Road Frontages both on an existing Road and on a proposed Road to be constructed are not subject to the minimum Road Frontages set forth in **Section 502.02**, provided that:
  - (i) The only access to such Lot is from the proposed Road to be constructed; and
  - (ii) Buffers are provided on the existing Road in accordance with **Section 514.02**.
- (b) Where a Lot has Road Frontages on two (2) or more existing Roads, the minimum frontage requirements of **Section 502.02** shall be determined on the basis of the Road providing access to the Lot, provided that the Plat clearly identifies which Road shall be utilized for access to the Lot.

(R-11/7/95).

**502.04      Recognized Private Access Road (RPAR): Subdivisions of Lots abutting an RPAR shall not be permitted.**

**502.05      D.O.T. Approval: For Subdivisions abutting a Road maintained by the State of Georgia, D.O.T. approval must be obtained for such Subdivision's plan for access to such Road.**

**502.06      Tract with more than one existing Dwelling or Principal Structure:**

- ~~(a) Where more than one (1) Dwelling or Principal Structure legally existed on a tract at the effective date of these Regulations, such tract may be divided into an individual Lot for each such Dwelling or Principal Structure without meeting the requirements of **Section 501**, provided the Planning Director determines that the division meets such requirements as closely as possible.~~
- (b) Whenever a variance from the minimum Lot Width at Building Line has been granted under the Zoning Ordinance, the requirements of **Section 501** shall be deemed satisfied.

(R-11/7/95).

**Section 503. Guidelines for Determining when Additional Widths are needed for Collector and Arterial Roads:**

When the County Engineer determines that a Road or portion of Road within a Subdivision qualifies for classification as a Collector or Arterial Road, an Applicant shall provide a traffic study which estimates the average daily traffic volume for such Road or portion thereof at maximum Development. When the County Engineer determines, based on such traffic study, that the Road in question will serve an area larger than the proposed Subdivision, the traffic study area boundaries shall be extended to encompass such larger area. Where the traffic study estimates the average daily traffic volume will exceed Two Thousand Five Hundred (2,500) vehicles per day, the County Engineer may recommend to the County Commission, and the County Commission may require an increased pavement and right-of-way width.

**Section 504. Cul-de-sacs:** All Cul-de-sacs as defined below must be designed and constructed as follows:

(a) **Cul-de-sacs:** A Local Road with a sixty (60) foot right of way and a minimum eighteen (18) foot pavement width which does not exceed six hundred (600) feet in length ending with a permanent turn around that is eighty (80) feet in diameter with a one hundred (100) foot diameter right of way. The length of such Road is measured from the point of intersection of the centerline of the intersecting Road and the Cul-de-sac to the center point of the Cul-de-sac turn around.

~~(b) **Minor Cul-de-sac:** As a Local Road with a sixty (60) foot right of way and a minimum eighteen (18) foot pavement width which does not exceed three hundred (300) feet in length ending with a permanent turn around that is sixty-six (66) feet in diameter with a one hundred (100) foot diameter right of way. The length of such Road is measured from the point of intersection of the centerline of the intersecting Road and the Cul-de-sac to the center point of the Cul-de-sac turn around.~~

(c) **Alternative Designs:** A Local Road with a sixty (60) foot right of way which does not exceed three hundred (300) feet in length may terminate in accordance with the examples shown below:

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**Section 505. Lanes:** Lanes shall be provided in Commercial and Industrial Zoning Districts, except that the Planning Director, after recommendation by the County Engineer, may waive this requirement if other definite and assured provisions are made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. All Lanes must be designed and constructed in accordance with this Ordinance and other applicable Laws. (R-10/8/97).

**Section 506. Additional Right-of-Way:** A proposed Subdivision which includes a Road that does not conform to the minimum right-of-way requirements of this Ordinance shall provide for additional right-of-way along either one or both sides of said Road so that the minimum right-of-way required by this Ordinance can be established. If the proposed Subdivision abuts only one side of said Road, then a minimum of one-half of the required extra right-of-way shall be required.

**Section 507. Pedestrian Ways:** Pedestrian Ways shall be required within Subdivisions as follows:

- (a) Subdivisions of ten (10) or more Lots or Subdivisions which are part of a Phased Subdivision with ten (10) or more potential Lots shall provide Pedestrian Ways within the Subdivision totalling a minimum of two hundred (200) square feet for each Lot within the Subdivision.
- (b) The proposed locations and widths of Pedestrian Ways must be shown on Preliminary Plats.
- (c) Except as modified under **Section 507.(e)**, Pedestrian Ways shall be required as follows within Subdivisions:
  - (i) On both sides of Arterial Roads within Subdivisions;
  - (ii) On one (1) side of Arterial Roads abutting Subdivisions; and
  - (iii) On one (1) side of Collector and Marginal Access Roads within or abutting Subdivisions.
  - (iv) Subdivisions adjacent to schools, parks or playgrounds must provide Pedestrian Ways from such Subdivisions to the adjacent school, park or playground, unless prohibited by the governmental authority owning such facilities. (R-10/8/97).
  - (v) On one (1) side of Local Roads or Cul-de-sacs which exceed three hundred (300) feet in length. (R-10/8/97).

- (d) Pedestrian Ways must be designed and constructed in accordance with the Engineering Standards. (R-10/8/97).
- (e) Upon written request of an Applicant, the requirements of **Section 507.(c)** and **(d)** can be modified if an alternative Pedestrian Ways plan is approved by the Pedestrian Ways, Recreation and Buffer Committee. In evaluating an alternative Pedestrian Ways plan, the Pedestrian Ways, Recreation and Buffer Committee must consider the following:
  - (i) The health, safety and welfare of residents of and visitors to a proposed Subdivision;
  - (ii) The purposes of this Ordinance as set forth in **Article III**; and
  - (iii) The anticipated patterns of pedestrian and vehicular movements within the proposed Subdivision.

**Section 508. Lots:** All Lots shall comply with the following design standards:

- (a) **Road Access:** Each Lot shall abut a Road as required by **Section 502.** herein.
- (b) **Lot Lines:** Side Lot Lines shall be as nearly as practical at right angles to straight Road lines and radial to curved Road lines.
- (c) **Corner Lots:** Corner Lots shall have sufficient width and depth to permit the establishment of appropriate Building Lines from both Roads.
- (d) **Lot Sizes:** The area and dimensions of Lots shall meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws.

**Section 509. Block Lengths:** In order: (a) that there may be convenient access between various parts of a Subdivision and between the Subdivision and surrounding areas and (b) to help prevent traffic congestion and traffic hazards, the length of blocks shall not exceed one thousand eight hundred (1,800) feet.

**Section 510. Easements:** All easements within Subdivisions must be designed in accordance with the Engineering Standards and must be shown on a Final Plat. The following types of easements shall be required within Subdivisions: (R-10/8/97).

~~**510.01 Drainage:** Where a proposed Subdivision is traversed by a water course, drainage way, channel, or stream, the Developer of such proposed Subdivision shall offer the County a storm water easement or drainage right-of-way which shall conform substantially with the lines of such water course, drainage way,~~

channel, or stream and shall be of such additional width as deemed necessary for maintenance purposes by the County Engineer.

**510.02**      **County Maintenance Easement:** Maintenance easements shall be provided when deemed necessary by the County Engineer. All easements to the County shall, in addition to being shown on a Final Plat, be evidenced by a written easement agreement recorded in the Clerk's Office.

**510.03**      **Utilities:** Easements for Utilities serving a proposed Subdivision must be shown on the Final Plat.

**Section 511. Required Water Supply and Sanitary Sewerage:** All Subdivisions must provide water supply and sewerage disposal systems pursuant to the following requirements:

**511.01**      **Public Water and Sewerage Systems:**

- (a)      Where a Public Water System is available and located within one (1) mile of a proposed Subdivision, of ten (10) or more Lots or Subdivisions which are part of a Phased Subdivision with ten (10) or more potential Lots, the Subdivision must be served by such Public Water System. (R-10/8/97).
- (b)      Where a Public Sewerage System is available and located within one (1) mile of a proposed Subdivision, of ten (10) or more Lots or Subdivisions which are part of a Phased Subdivision with ten (10) or more potential Lots, the Subdivision must be served by such Public Sewerage System. (R-10/8/97).

**511.02**      **Private Water and Sewerage:**

- (a)      Where under **Section 511.01(a)**, a Subdivision is not required to be served with Public Water, the Subdivision must be served with a Private Water System designed and constructed in accordance with this Ordinance and other applicable Laws and approved as to such compliance by the Health Department and the County Engineer.
- ~~(b)      Where under **Section 511.01(b)**, a Subdivision is not required to be served with Public Sewerage, the Subdivision must be served with a Private Sewerage System designed and constructed in accordance with this Ordinance and other applicable Laws and approved as to such compliance by the Health Department and the County Engineer.~~
- (c)      Prior to the submittal to the Planning Director of the Final Plat of a Subdivision served by a Private Water System or Private Sewerage System, an Applicant must submit to the Planning Director a Trust

Indenture relating to each System, as required by **Section 1703**. (R-10/8/97).

**511.03**      **Exemptions From Requirement For Private Water and Sewerage Systems:**

- (a)      Subdivisions of less than ten (10) Units with minimum Lot sizes of one (1) acre each are exempt from the requirement of **Section 511.02** for the requirement of a Private Water System, provided such Subdivision meets the requirements of this Ordinance and other applicable Laws. This exemption shall not apply when the Planning Director determines that the proposed Subdivision is part of a Phased Subdivision with ten (10) or more potential Units.
  
- (b)      Subdivisions with minimum Lot sizes of one-half acre each are exempt from the provisions of **Section 511.02** requiring a Private Sewerage System, provided such Subdivision meets the requirements of this Ordinance and other applicable Laws.

**Section 512.**      **Environmental Site Assessment ("ESA"):**

- (a)      All applications for Subdivision approval, except those described in **Section 512.(b)**, must be accompanied by an ESA for the property to be Subdivided. (R-10/8/97).
  
- (b)      No ESA shall be required for a Subdivision with no Subdivision Improvements or a Subdivision exempt from certain provisions of this Ordinance pursuant to **Articles XIII, XIV and XV**, if the owner of the land to be subdivided signs a sworn affidavit in a form prepared by the Planning Director that (i) the land to be subdivided has never been used as a landfill and (ii) no environmentally dangerous situation exists on such land. (R-10/8/97).
  
- ~~(c)      No Subdivision requiring an ESA shall be approved until the ESA has been reviewed and approved by the County Engineer. Until such approval is given, no plat or Construction Plans shall be approved for any Subdivision requiring an ESA until the ESA has been reviewed and approved by the County Engineer. Until such approval is given, no work shall occur within the proposed Subdivision.~~
  
- (d)      If during construction within a Subdivision, a previously undiscovered landfill or other environmentally dangerous situation shall be discovered, the existence of such landfill or situation shall be immediately disclosed by the Developer to the County Engineer. In such situations, the County Engineer may require a revised ESA for the Subdivision and, if necessary to protect the health, safety or welfare of residents of Bryan County, the County Engineer may order that all construction

be halted and all construction shall be so halted. After review of the revised ESA, the County Engineer shall make a determination as to the necessity of revision to the Construction Plans and Preliminary Plat.

**Section 513. General Suitability:**

**513.01 Soils:**

- (a) No Lot(s) shall be approved where the Health Department determines that the soil conditions at the site of the septic tank absorption field serving a Lot(s) are Wetlands or classified as Soil Groups 5 or 6 in either the "Manual For Onsite Sewage Management Systems" of the Environmental Health Section of the Georgia Department of Natural Resources or the United States Department of Agriculture Soil Conservation Service ("SCS") publication, known as Soil Survey of Bryan and Chatham County, Georgia (March 1974). (R-10/8/97).
- (b) The Health Department shall certify its findings under **Section 513.01(a)**, to the Planning Director. (R-10/8/97).
- (c) An Applicant who disputes the determinations of the Health Department under **Section 513.01(a)** shall have the right to retain a Soils Scientist to prepare an on-site soil mapping of the proposed Lot(s). The Health Department will then reconsider his determinations under **Section 513.01(a)** based on such soil mapping.
- ~~(d) When soil mapping of a Lot(s) has been performed, a copy of such mapping shall accompany the certification described in **Section 513.01(b)**.~~
- (e) A Dwelling or Principal Structure legally existing on the Effective Date of this Ordinance which is served by a functioning sewerage disposal system shall be exempt from the requirements of this **Section** provided that the Health Department issues a certificate of approval for such system. Plat of such Lot(s) shall designate the boundaries of such soils.  
  
(R-11/7/95).

**513.02 Access:**

- (a) No proposed Subdivision with an entrance on, or Lots accessed from, an unpaved Road shall be approved where the County Commission makes a determination based on the Engineering Standards, that such unpaved Road is inadequate to serve the additional traffic to be generated by the proposed Subdivision. (R-10/8/97).

- (b) **Section 513.02(a)** shall not apply to a Subdivision of three (3) Lots or less, unless the Planning Director determines that the proposed Subdivision is part of a Phased Subdivision with four (4) or more potential Lots.

**513.03**      **Subdivision Entrances and Driveways:**

- (a) The County Commission shall limit the number of entrances and driveways into a Subdivision when the County Engineer makes a determination, based on the Engineering Standards that the proposed entrances and driveways would adversely affect traffic congestion, pedestrian or vehicular safety or maintenance. (R-10/8/97).
- (b) Entrances and driveways to Subdivisions shall be designed and constructed in accordance with the Engineering Standards. (R-10/8/97).
- (c) Entrances and driveways to Subdivisions abutting state and federal Roads shall also be designed and constructed in accordance with all applicable Laws, including but not limited to, the Rules and Regulations of the Georgia Department of Transportation.
- ~~(d) When driveways and entrances are limited under this **Section 513.03**, the approved locations of such driveways and entrances shall be shown on the Final Plat.~~

**Section 514. Buffers:** Buffers shall be required along Roads in the following Subdivisions:

- (a) Subdivisions of ten (10) or more Lots or Subdivisions which are part of a Phased Subdivision with ten (10) or more potential Lots;
- (b) Subdivisions of three (3) or more Lots which abut an Arterial Road;
- (c) Any Subdivisions which abut a Major Thoroughfare or a Scenic Parkway; or
- (d) Where a Marginal Access Road is constructed to provide access to a Subdivision, the Buffers required by **Section 514.** shall be situated between the existing Road and the Marginal Access Road.

**514.01**      **Exemption:** **Section 514.** shall not apply to Roads to be constructed within a Subdivision.

**514.02**      **Width of Buffers Along Roads:** When required by **Section 502.03** or **Section 514.**, Buffers along Roads must be the following minimum widths:

- (a)      Seventy (70) feet along a Scenic Parkway;
- (b)      Fifty (50) feet along a Major Thoroughfare or an Arterial Road; and
- (c)      Thirty (30) feet along all other existing Roads.

**514.03**      **Entrances and Driveways:** Subdivision entrances and driveways permitted under **Section 513.03** may traverse the Buffers required by **Section 514.**

**514.04**      **Buffer Requirements:**

- (a)      Buffers required under **Section 502.03** or **Section 514.** must consist of undisturbed natural vegetation; and
- (b)      Prior to approval of a Final Plat of a Subdivision with Buffers, the Planning Director must approve a plan submitted by the Applicant for the preservation of the Buffers.

**514.05**      **Criteria For Use of Alternative Buffer Plan(s)** Where any of the following conditions exist, an Applicant can propose an alternative to the requirements of **Section 514.02** and **Section 514.04(a)** ("Alternative Buffer Plan"):

- (i)      Where natural conditions at the required Buffer site are insufficient to provide natural visual separation, Berms, Screening or a Landscape Plan may be proposed to enhance the natural Buffer;
- (ii)      Where soil conditions at the required Buffer site cannot support natural vegetation necessary for visual separation, Berms, Screening or a Landscape Plan may be proposed in lieu of a natural Buffer;
- (iii)      Where it is desirable for a required Buffer to follow natural topographical contours to conform to Wetlands or drainage ways, a plan may be proposed which reduces the minimum width of the Buffer up to twenty-five (25%) percent, while maintaining the total area of the required Buffer; or
- (iv)      In all Business, Commercial or Industrial Zoning Districts, a Landscaping Plan may be proposed in lieu of a natural Buffer.

**514.06**      **Consideration of An Alternative Buffer Plan:** Upon written request by an Applicant, the requirements of **Section 514.02** and **Section 514.04(a)** can be modified if an Alternative Buffer Plan is approved by the Pedestrian Ways,

Recreation and Buffer Committee. In evaluating an Alternative Buffer Plan, the Pedestrian Ways, Recreation and Buffer Committee must consider the following:

- (i) The health, safety and welfare of residents of and visitors to a proposed Subdivision;
- (ii) The existing site features of the required Buffer location and the probability that the Alternative Buffer Plan will preserve the appearance, character and value of the land proposed to be Subdivided and surrounding properties; and
- (iii) The purposes of this Ordinance as set forth in **Article III**.

**Section 515. Compliance With Laws Relating to Rivers, Streams or Marshlands:** Subdivisions abutting rivers or streams shall comply with all Laws relating to the development of land adjacent to Rivers, Streams or Marshlands.

~~**Section 516. Flood Damage Prevention Ordinance:** All Subdivisions shall comply with the provisions of the Flood Damage Prevention Ordinance of Bryan County and any other state or federal laws relating to flooding. All Final Plats must show the limits of flood zones and contain all matters relating to flooding or flood zones required by any applicable Laws.~~

**Section 517. Recreation:** Subdivisions of ten (10) or more Lots or Subdivisions which are part of a Phased Subdivision with ten (10) or more potential Lots must include the following for Recreational Purposes for the residents of such Subdivision:

- (a) A parcel designed for Recreational Purposes which is the greater of one-half (1/2) acre or five (5%) percent of the total acreage of the land Subdivided ("Recreation Tract");
- (b) No more than twenty (20%) percent of the Recreation Tract may be Wetlands;
- (c) The Recreation Tract must be accessible from within the Subdivision, by all Lots in the Subdivision, by way of a Public Road, an Approved Private Road System or a Pedestrian Way approved by the County Engineer; and
- (d) Prior to approval of the Final Plat of a Subdivision which includes a Recreation Tract: (R-10/8/97).
  - (i) The Recreation Tract must be improved by the Applicant in accordance with the Engineering Standards; and (R-10/8/97).
  - (ii) The Planning Director must approve a plan submitted by the Applicant for the continued maintenance of the Recreation Tract.

**517.01. Modification of Recreation Requirement:** Upon written request of an Applicant, the requirements of **Section 517.** can be modified if an alternative recreation plan is approved by the Pedestrian Ways, Recreation and Buffer Committee. In evaluating an alternative recreation plan, the Pedestrian Ways, Recreation and Buffer Committee must consider the following:

- (i) The health, safety and welfare of the residents of the proposed Subdivision;
- (ii) The purposes of this Ordinance as set forth in **Article III**; and
- ~~(iii) The anticipated uses and family composition of the likely buyers of Lots within the proposed Subdivision.~~

**Section 518. Exemption for Utilities:** The County Commission can modify any provisions of **Article V** in connection with facilities relating to the transmission of Utilities, provided that: (R-10/8/97).

- (a) The use of the Lot so created is permitted in the Zoning District in which such Lot is situated;
- (b) The space and bulk requirements of the Lot so created meet the minimum requirements for Utilities as set forth in the Bryan County Zoning Ordinance;
- (c) The County Commission approves a Buffer plan that provides visual Screening from the Lot so created and the Road on which it is situated and adjoining properties; and (R-10/8/97).
- (d) The Plat of the Lot will be clearly marked "For Utility Purposes Only".

**Section 519. Bryan County Engineering Design Standards ("Engineering Standards"):**

- (a) The County Commission has adopted an ordinance, entitled "Engineering Standards", which includes technical standards for Plats, Environmental Site Assessments, other engineering matters and minimum guidelines for the design and construction of Subdivision Improvements, including but not limited to: Roads, easements, Pedestrian Ways, Subdivision entrances and driveways, Recreational Tracts, Buffers, Private Water Systems, Private Sewerage Systems and Drainage Systems. (R-10/8/97).
- (b) Reserved. (R-10/8/97).
- (c) Reserved. (R-10/8/97).

## ARTICLE VI

### AGREEMENT TO TRANSFER LOTS PRIOR TO APPROVAL OF FINAL PLAT

#### **Section 600. Transfer or Agreement To Transfer Lots Prior To Approval of Final Plat:**

- ~~(a) Until approval of a Final Plat pursuant to this Ordinance, no party shall transfer or agree to transfer a Lot within a proposed Subdivision by any means, including, but not limited to: reference to a plat, sketch or drawing of such Lot or by utilizing a metes and bounds description of such Lot.~~
- (b) Notwithstanding the provisions of **Section 600.(a)**, prior to the approval of a Final Plat, a party can agree to transfer Lots under any of the three following conditions:
- (i) Where the Lot to be transferred is at least ten (10) acres in size;
  - (ii) Where the Lot to be transferred is a Combination or Recombination of Lots shown on a previously recorded Plat; or
  - (iii) By entering into a written agreement either to reserve or purchase a Lot within a proposed Subdivision, provided that all of the following provisions are complied with:
    - (1) If a reservation agreement ("Reservation Agreement") is utilized, such agreement must be terminable at will by the potential purchaser and must contain a provision requiring the immediate refund of earnest money if requested by the potential purchaser;
    - (2) If a contract to purchase ("Contract") is utilized, the Contract must be contingent upon the recording in the Clerk's Office within six (6) months of the date of the Contract of the Final Plat of the Subdivision in which the Lot is situated and must contain a provision requiring the immediate refund of earnest money if such contingency is not satisfied;
    - (3) Any earnest money paid pursuant to a Reservation Agreement or Contract is deposited in a federally insured trust account at a lending institution with an office in Bryan County, Georgia;
    - (4) The Reservation Agreement or Contract must contain the following statement in type size 12 point or larger:

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Section Break (Continuous)

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"The Lot which is subject to this Reservation Agreement or Contract has not been approved by Bryan County, cannot legally be transferred until so approved and there is no assurance whatsoever that it will ever be approved by Bryan County. Any earnest money paid in connection with this Reservation Agreement or Contract may be lost and the Lot never conveyed to the party paying the earnest money. Any transfer of this Lot prior to approval of the Lot by Bryan County is a violation of the Bryan County Subdivision Regulations."

## ARTICLE VII

### REIMBURSEMENT OF CERTAIN FEES

**Section 700. General:** When, in connection with the review of a proposed Subdivision, the County requires professional services beyond the capabilities of the Planning Department staff, the Planning Director shall notify the Applicant seeking approval for such Subdivision, by certified mail, return receipt requested, of the County's need for such professional services, the names of the professionals intended to be retained by the County and the hourly rates for such professionals. If the Applicant then continues to seek approval of his Subdivision and the County utilizes professional services as described, the Applicant shall reimburse the County for the costs of such professional services. The Planning Director shall require that the individuals or entities rendering such professional services submit to the Planning Department time records reflecting time spent and fees due at County approved rates. (R-10/8/97).

**Section 701. Time of Payment:** The Planning Director shall forward to each Applicant for Subdivision approval, a statement of any fees to be reimbursed by such Applicant to the County and, in accordance with **Section 1213.(b)**, these fees must be paid to the County prior to the recording of a Final Plat.

## ARTICLE VIII

### RESERVED

**Section 800. Reserved:**

**Section 801. Reserved:**

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Section Break (Continuous)

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## ARTICLE IX

### WARRANTY OF SUBDIVISION IMPROVEMENTS DEDICATED TO COUNTY

**Section 900. Establishment by County Engineer of Cost Basis of Subdivision Improvements:** Prior to the consideration of a Preliminary Plat by the County Commission, the County Engineer shall establish a monetary amount which is the cost of the Subdivision Improvements to be dedicated to the County ("Cost Basis"). The County Engineer shall establish the Cost Basis after estimating cost figures for the construction and installation of comparable improvements and after considering cost figures supplied by the Applicant. (R-10/8/97).

**Section 901. Warranty:** No Final Plat shall be approved by the Planning Director unless prior to such approval, the Applicant delivers to the Planning Director a fully executed Warranty. (R-10/8/97).

**Section 902. Security of Warranty:** A Warranty shall, at the option of an Applicant, be secured by the one of the following:

- (a) A Letter of Credit in the monetary amount which is fifteen (15%) percent of the Cost Basis established by the County Engineer under **Section 900.**;
- (b) A Maintenance Bond; or
- (c) A Pledge in the monetary amount which is fifteen (15%) percent of the Cost Basis established by the County Engineer under **Section 900.**

**Section 903. Notification Under Warranty:** If, during the term of a Warranty, the Engineering Director determines that a Subdivision Improvement dedicated to the County is in need of repair or replacement, the Engineering Director shall notify the party responsible under the Warranty of the required repair or replacement and specify the time within which such repair or replacement must be completed.

**Section 904. Exception to Notification Under Warranty:** If the Engineering Director determines that the health, safety or welfare of the residents of the County require the immediate repair or replacement of a Subdivision Improvement dedicated to the County, the notice requirement under **Section 903.** shall be waived and the County authorized to make such repair or replacement by any means it deems reasonable under the circumstances. In such event, the party responsible under the Warranty, shall immediately reimburse the County for the costs incurred by the County in making such repairs or replacements.

~~**Section 905. Defaults Under Warranty:** Continuation Break (Continuous)~~

- (a) **Default Under Section 903:** Upon failure of the party responsible under the Warranty to make the repairs or replacements determined necessary by the Engineering Director within the time specified by the Engineering Director, the County shall have the right to make such repairs or replacements by any means it deems necessary and bill the party responsible under the Warranty for the costs of such repairs or replacements, plus one hundred (100%) percent of such costs as an administrative expense. If such party fails to pay such total amount to the County, the County shall draw on the Letter of Credit or Pledge securing the Warranty, and apply the amounts thereof to all sums due the County. In the event that the amount of the Letter of Credit or Pledge is not sufficient to pay the sums due the County, the Applicant shall immediately pay the balance to the County.
- (b) **Default Under Section 904:** In the event the party responsible under a Warranty fails to reimburse the County upon demand, the County shall draw on the Letter of Credit or Pledge securing the Warranty, and apply the amounts thereof to all sums due the County. In the event that the amount of the Letter of Credit or Pledge is not sufficient to pay the sums due the County, the Applicant shall immediately pay the balance to the County.

## ARTICLE X

### SKETCH PLAN

**Section 1000. General:** Applicants who intend to Subdivide land into a Subdivision or Development of twenty-five (25) or more Units or who intend to develop a Phased Subdivision are encouraged, but not required, to submit a Sketch Plan to the Planning Director for review and comment and schedule a pre-development conference with the Planning Director prior to the submission of Construction Plans and Preliminary Plat. This pre-development conference is for informational purposes only, will not constitute approval of the proposed Subdivision and in no way shall affect further consideration of the proposed Subdivision by the Planning Director or the County Commission. (R-10/8/97).

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## ARTICLE XI

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### APPROVAL OF CONSTRUCTION PLANS AND PRELIMINARY PLATS FOR SUBDIVISIONS WITH SUBDIVISION IMPROVEMENTS

**Section 1100. Minimum Standards:** All Construction Plans and Preliminary Plats must conform to the Engineering Standards and must include the items and certifications listed in the appendix to this Ordinance entitled **Required Items and Certifications**. (R-10/8/97).

**Section 1101. No Improvements Until Approval of Construction Plans and Preliminary Plat:** Until the Construction Plans and Preliminary Plat have been approved by the County Commission, an Applicant shall not grade, scrape, or otherwise open or extend a street or cause any construction or land clearing to begin within a proposed Subdivision. (R-10/8/97).

**Section 1102. Filing Construction Plans, Preliminary Plat and Other Required Items:** An Applicant seeking approval of Construction Plans and a Preliminary Plat shall submit an application and the following documents to the Planning Director:

- (a) Copies of all recorded plats relating to Applicant's acquisition and subsequent divisions of the land proposed to be Subdivided;
- (b) Seven (7) full size copies of the proposed Construction Plans and Preliminary Plat; (R-10/8/97).
- (c) One (1) 11" x 17" copy of the Proposed Construction Plans and Specifications and proposed Preliminary Plat; (R-10/8/97).
- (d) A Jurisdictional Wetlands Delineation of the land to be Subdivided or a letter from a Soils Scientist certifying that no Wetlands exist on the land to be subdivided. The limits of any Wetlands shall be surveyed and included on the Preliminary Plat; (R-10/8/97).
- (e) A mapping of soil types prepared by a Soils Scientist for the land to be Subdivided;
- (f) A Land Disturbing Activity Permit issued pursuant to the Soil Erosion and Sedimentation Control Ordinance of Bryan County, or a completed application for such Permit, along with all supporting material;
- ~~(g) A topographical survey of the land to be subdivided by a licensed surveyor or an Engineer showing topography at vertical intervals of not more than one (1) foot and a certificate from a licensed surveyor or Engineer stating that drainage from the land to be subdivided will not affect adjacent property owners. If the proposed work will affect adjacent property owners by changing the flow of water to or from their property, an agreement or easement shall be provided; (R-10/8/97).~~
- (h) An Environmental Site Assessment of the land to be Subdivided; and
- (i) Reserved. (R-10/8/97).

**Section 1103.** Reserved. (R-10/8/97).

**Section 1104. Action on Construction Plans and Preliminary Plat By County Commission:**

Except where an extension of time is requested or agreed to in writing by an Applicant, the County Commission shall have sixty (60) days from the Date of the Submission of the Construction Plans and Preliminary Plat and the other documents described in **Section 1102.** to approve or disapprove such Construction Plans and Preliminary Plat. (R-10/8/97).

**Section 1105. Review of Construction Plans, Preliminary Plat and Other Required Documentation:**

The Planning Director shall review the Construction Plans and Preliminary Plat and any other documents he deems necessary to determine the compliance of the Construction Plans and Preliminary Plat with this Ordinance and other applicable Laws. The Planning Director shall be responsible for obtaining the review of the documents described in **Section 1102.** from the following individuals and departments:

- (a) The Health Department, the County Engineer and when required by law or regulation, the EPD, shall review the proposed water supply and sewerage disposal systems and determine compliance with this Ordinance and other applicable Laws; (R-10/8/97).
- (b) The Engineering Director shall review the Construction Plans and Preliminary Plat and determine the conformity of proposed Road alignments with existing Roads, the **Road Classification Plan** and proposed Public Roads;
- (c) The County Engineer shall review the Construction Plans and Preliminary Plat and such other documents as he deems necessary and determine the compliance of the Construction Plans and Preliminary Plat with this Ordinance and other applicable Laws; and
- (d) If deemed necessary by the Planning Director, review and comment from any consultants or other professionals retained by the County. (R-10/8/97).

~~**Section 1106. Report of Planning Director:** The Planning Director shall, after reviewing the documents described in **Section 1102.**, prepare and submit to the County Commission a report which shall include the following: (R-10/8/97).~~

- (a) The findings of the Planning Director as to the compliance of the Construction Plans and Preliminary Plat with this Ordinance and other applicable Laws; and
- (b) Written statements from the individuals, consultants, professionals or departments named in **Section 1105.** as to the compliance of the Construction Plans and Preliminary Plat and other documents with this Ordinance and other applicable Laws.

**Section 1107. County Commission Approval or Disapproval of Construction Plans and Preliminary Plat:** If the County Commission determines that the proposed design of a Subdivision shown on the Construction Plans and Preliminary Plat complies with this Ordinance

and other applicable Laws, it shall approve such Construction Plans and Preliminary Plat. If the County Commission finds that the proposed design of a Subdivision shown on the Construction Plans and Preliminary Plat does not comply with this Ordinance and other applicable Laws, it shall disapprove such Construction Plans and Preliminary Plat. When the County Commission disapproves Construction Plans and a Preliminary Plat, it shall note the reasons for such disapproval in its minutes. Notwithstanding the noting of such reasons for disapproval in the minutes of the County Commission, an Applicant must meet all provisions of this Ordinance and other applicable Laws to later obtain approval by the County Commission of Construction Plans and Preliminary Plat. The approval of Construction Plans and Preliminary Plat by the County Commission shall be evidenced by a written approval executed by the Chairman and Clerk of the County Commission. (R-10/8/97).

**Section 1108. Time Limit on Approval of Construction Plans and Preliminary Plat:** The approval by the County Commission of Construction Plans and Preliminary Plat shall be valid for a period of thirty-six (36) months from the date of approval, provided that within such thirty-six (36) month period, the Final Plat of the property to be Subdivided pursuant to such Construction Plans and Preliminary Plat is recorded in the Clerk's Office. If the Final Plat is not recorded in the Clerk's Office within the thirty-six (36) month period, then the prior County Commission approval of the Construction Plans and Preliminary Plat shall be void and the Applicant shall have no rights whatsoever as a result of the prior approval of Construction Plans and Preliminary Plat. (R-10/8/97).

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~~Section Break (Continued)~~  
**ARTICLE XII**

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**APPROVAL OF FINAL PLAT FOR SUBDIVISIONS WITH  
SUBDIVISION IMPROVEMENTS**

**Section 1200. Requirement For Completion of Certain Subdivision Improvements:** No Final Plat shall be submitted to the Planning Director or approved by the Planning Director until the following Subdivision Improvements within or serving the proposed Subdivision have been completed: Roads, Private Water System, Drainage System, and Private Sewerage System. (R-10/8/97).

**Section 1201. Approval of Final Plat Prior to Completion of All Subdivision Improvements:** If, at the time of submission of a Final Plat to the Planning Director, the Subdivision Improvements described in **Section 1200.** have been completed, but other Subdivision Improvements have not been completed, a Final Plat can be approved by the Planning Director if, prior to the consideration of the Final Plat by the Planning Director, the following conditions are met: (R-10/8/97).

- (a) Payment of a non-refundable Letter of Credit administrative fee of \$50.00.

- (b) The County Engineer establishes the monetary amount sufficient to pay all costs of the Subdivision Improvements not completed at the time of submission of the Final Plat to the Planning Director. The County Engineer shall establish this monetary amount by considering cost figures for the construction or installation of comparable improvements and cost figures supplied by the Applicant; and
- (c) A Letter of Credit Commitment in the amount established by the County Engineer pursuant to **Section 1201.(b)** is delivered to the Planning Director.

**1201.01 Noncompliance:** If the uncompleted Subdivision Improvements are not completed and approved by the County within twelve (12) months from the date of approval of the Final Plat by the Planning Director, then the County shall draw on the Letter of Credit issued pursuant to **Section 1201.(c)** and complete such Subdivision Improvements. The Applicant shall then reimburse the County for all costs incurred by the County, plus one hundred (100%) percent of such costs as an administrative expense. In the event that the amount of the Letter of Credit is not sufficient to pay the total amount due the County, the Applicant shall immediately pay the balance due to the County. (R-10/8/97).

~~**Section 1202. Final Plat Requirements:** The final plat shall conform to O.C.G.A. Section 15-6-67, as amended, known as "The Georgia Plat Act", any additional requirements as prescribed in this Ordinance and other applicable Laws and the Engineering Standards. (R-10/8/97).~~

**Section 1203. Items To Be Shown On Final Plat:** The items and certifications listed in the Appendix to this Ordinance entitled **Required Items and Certifications**, and any other matters required by this Ordinance must appear on the Final Plat. The Final Plat must also clearly indicate whether Subdivision Improvements are dedicated to the County or remain Private Subdivision Improvements.

**Section 1204. Submitting Final Plat To Planning Director:** An Applicant seeking approval of a Final Plat shall file the original and ten (10) 11" x 17" copies of the proposed Final Plat with the Planning Director. (R-10/8/97).

**Section 1205. Action On Final Plat By Planning Director:** Except where an extension of time is requested or agreed to in writing by an Applicant, the Planning Director shall have fifteen (15) days from the Date of Submission of a Final Plat to him to approve or disapprove a Final Plat. (R-10/8/97).

**Section 1206. Review and Approval of Final Plat:** The Planning Director shall review the Final Plat and such other documents he deems necessary to determine compliance of the Final Plat with this Ordinance and other applicable Laws and shall be responsible for obtaining the review of the Final Plat from the following individuals and departments:

- (a) The Health Department or the EPD and the County Engineer shall review the water supply and sewerage disposal system and determine that the water supply and sewerage disposal facilities have been constructed and completed in accordance with the approved Construction Plans and Preliminary Plat; (R-10/8/97).
- (b) The Engineering Director shall determine that all Subdivision Improvements required to be completed by this Ordinance (except for water supply and sewerage disposal Systems) have been so completed in accordance with the approved Construction Plans and Preliminary Plat;
- (c) The County Engineer shall determine the compliance of the Final Plat with the approved Construction Plans and Preliminary Plat and with this Ordinance and other applicable Laws and shall, upon request by the Planning Director, review and inspect the construction or installation of any Subdivision Improvements; (R-10/8/97).
- ~~(d) If deemed necessary by the Planning Director, review and comment from consultants or other professionals retained by the County. (R-10/8/97).~~
- (e) Reserved. (R-10/8/97).

**Section 1207.** Reserved. (R-10/8/97).

**Section 1208.** Reserved. (R-10/8/97).

**Section 1209.** Reserved. (R-10/8/97).

**Section 1210.** Reserved. (R-10/8/97).

**Section 1211.** Reserved. (R-10/8/97).

**Section 1212. Planning Director Approval or Disapproval of Final Plat:** If the Planning Director finds that the requirements listed below have been met, he shall approve the Final Plat. If the Planning Director finds that any of the requirements listed below have not been met, he shall disapprove the Final Plat, and note the reasons for such disapproval in his records: (R-10/8/97).

- (a) That all of the requirements of this Ordinance and other applicable Laws have been met;
- (b) That the Final Plat conforms to the approved Construction Plans and Preliminary Plat;

- (c) That all Subdivision Improvements requiring completion under **Section 1200.** have been completed;
- (d) That all other Subdivision Improvements have either been completed or the executed Letter of Credit described in the commitment required under **Section 1201.(c)** has been delivered to the County;
- (e) That all Subdivision Improvements are either dedicated to the County or remain Private Subdivision Improvements;
- (f) That any Subdivision Improvements dedicated to the County:
  - (i) Reserved. (R-10/8/97).
  - (ii) Must be covered by a fully executed Warranty which is secured as required under **Section 902.**; and
  - ~~(iii) Must be insured under a commitment from a title Insurance company licensed to do business in the State of Georgia, committing such company to issue, at no cost to the County, a title insurance policy in an amount determined by the Planning Director to be the fair market value for real estate tax purposes of the real property portion of the Subdivision Improvements, insuring for the County, fee simple title, with no exceptions, to such Subdivision Improvements. (R-10/8/97).~~
- (g) That any private Subdivision Improvements:
  - (i) Meet the requirements for private Subdivision Improvements under **Article XVII**; and
  - (ii) Are covered by fully executed Maintenance Agreements or Trust Indentures which have been approved by the Planning Director. (R-10/8/97).

**Section 1213. Recording of Final Plat, Deeds of Dedication and Easements:**

- (a) Within five (5) days of the approval of the Final Plat by the Planning Director, he shall prepare and deliver to the Applicant a statement indicating: (i) the cost to record the Final Plat and, if applicable, all deeds of dedication and easements; and (ii) the balance of any fees due the County in connection with the proposed Subdivision. (R-10/8/97).
- (b) Upon payment of the costs and fees outlined in **Section 1213.(a)**, the Planning Director shall sign the Final Plat and accept any applicable deeds of dedication or

easements and shall then record the Final Plat and any applicable deeds of dedication and easements in the Clerk's Office. (R-10/8/97).

## ARTICLE XIII

### EXEMPTIONS FOR DIVISIONS OF PROPERTY INTO NO MORE THAN THREE LOTS WITH A NEW ROAD

**Section 1300. Purpose:** The purpose of this **Article XIII** is to provide property owners who are not professional developers with a simplified approval process for certain minor divisions of property such as the conveyance of Lots among family members.

**Section 1301. Exemption:** Subdivisions which qualify for approval under this **Article XIII** are exempt from the following provisions of this Ordinance:

- ~~(a) The requirement of **Section 502.01(k)** that the Road providing access to the Lots be paved, provided said Road intersects with an existing Public Road and is designated as an Approved Private Road System by the County Administrator pursuant to **Section 1701.01**; (R-11/7/95).~~
- (b) The requirement for an ESA pursuant to **Section 512.**, provided the Affidavit described in **Section 512.(b)** is properly signed and delivered to the Planning Director; and (R-10/8/97).
- (c) The fees outlined in the Appendix to this Ordinance entitled **Schedule of Fees**, provided that the Applicant pays an alternative processing fee of \$250.00.

**1301.01 No Further Subdivision:** Lots abutting an Approved Private Road System established under this **Article XIII** cannot be further divided unless such divisions meet all the requirements of **Article V**, including Road Paving. (R-11/7/95).

**Section 1302. Qualifications:** This **Article XIII** is applicable only if all of the following conditions are met:

- (a) The proposed Subdivision consists of no more than three (3) Lots and a Remaining Tract;
- (b) Reserved (Revised 10/7/98)

- (c) The land to be divided existed as an Existing Lot of Record on the effective date of this Ordinance and has not been subdivided since the effective date of this Ordinance.

**Section 1303. Required Items:** An Applicant seeking approval of a Subdivision under this **Article XIII** shall submit an application and the following documents to the Planning Director:

- (a) Copies of all recorded plats relating to the land proposed to be divided;
- (b) An ESA or the Affidavit described in **Section 512.(b)**; (R-10/8/97).
- (c) Reserved. (R-10/8/97).
- (d) Five (5) copies of the proposed Construction Plans for the Road to be constructed;
- ~~(e) Five (5) copies of the proposed Final Plat prepared in accordance with **Section 1202.** and **Section 1203**;~~
- (f) A Land Disturbing Activity Permit issued pursuant to the Soil Erosion and Sedimentation Control Ordinance of Bryan County, or a completed application for such Permit, along with all supporting material;
- (g) A topographical survey of the land to be divided by a licensed surveyor or an Engineer showing topography at vertical intervals of not more than one (1) foot and a certificate from a licensed surveyor or Engineer stating that drainage from the land to be divided will not affect adjacent property owners. If the proposed work will effect adjacent property owners by changing the flow of water to or from their property, an agreement or easement shall be provided; and (R-10/8/97).
- (h) Reserved. (R-10/8/97).

**Section 1304.** Reserved. (R-10/8/97).

**Section 1305.** Reserved. (R-10/8/97).

**Section 1306. Determination of Soil Types By Planning Director:** Upon receipt of the items described in **Section 1303.**, the Planning Director must determine, based on the Bryan County Soil Survey Maps and the National Wetlands Inventory Maps, that no Wetlands or Hydric Soils exist on the Lots created. If the Planning Director cannot make such a determination, the Applicant must then provide one of the following to the Planning Director:

- (a) A soil mapping of the Lots prepared by a Soils Scientist, which mapping shows no Hydric Soils present on the Lots; or

- (b) A Jurisdictional Wetlands Delineation of the land to be subdivided. The limits of any Wetlands shall be surveyed and included on the Final Plat.

**Section 1307. Review of Construction Plans, Proposed Final Plat, and Other Required Documentation:** The Planning Director shall review the Construction Plans and proposed Final Plat and any other documents he deems necessary to determine the compliance of the Construction Plans and proposed Final Plat with this Ordinance, and other applicable laws, and he shall be responsible for obtaining the review of such documents by the following individuals and departments:

- ~~(a) The Health Department on EBD and the County Engineer shall review the proposed water supply and sewerage disposal systems and determine compliance with this Ordinance and other applicable Laws; (R-10/8/97).~~
- (b) The Engineering Director shall review the Construction Plans and proposed Final Plat and determine the conformity of proposed Road alignment with existing Roads, the **Road Classification Plan** and proposed Public Roads;
- (c) The County Engineer shall review the Construction Plans and proposed Final Plat and such other documents as he deems necessary and determine the compliance of the Construction Plans and proposed Final Plat with this Ordinance and other applicable Laws;
- (d) If deemed necessary by the Planning Director, review and comment from any consultants or other professionals retained by the County. (R-10/8/97).
- (e) Reserved. (R-10/8/97).

**Section 1308.** Reserved. (R-10/8/97).

**Section 1309. Planning Director Disapproval or Tentative Approval of Construction Plans and Proposed Final Plat:** If the Planning Director determines that the proposed design of a Subdivision shown on the Construction Plans and proposed Final Plat complies with this Ordinance and other applicable Laws, he shall tentatively approve such Construction Plans and proposed Final Plat. If the Planning Director finds that the proposed design of a Subdivision shown on the Construction Plans and proposed Final Plat does not comply with this Ordinance and other applicable Laws, he shall disapprove such Construction Plans and proposed Final Plat and note the reasons for such disapproval in his records. Notwithstanding the noting of such reasons for disapproval in the records of the Planning Director, an Applicant must meet all provisions of this Ordinance and other applicable Laws to later obtain approval by the Planning Director of Construction Plans and proposed Final Plat. The approval of Construction Plans and proposed Final Plat by the Planning Director shall be evidenced by a written tentative approval signed by the Planning Director. (R-10/8/97).

**Section 1310. Time Limit on Tentative Approval of Construction Plans and Proposed Final Plat:** The tentative approval by the Planning Director of Construction Plans and proposed Final Plat shall be valid for a period of twenty-four (24) months from the date of tentative approval, provided that within such twenty-four (24) month period, the Final Plat of the property to be divided pursuant to such Construction Plans and proposed Final Plat is recorded in the Clerk's Office. If the Final Plat is not recorded in the Clerk's Office within the twenty-four (24) month period, then the prior Planning Director tentative approval of the Construction Plans and proposed Final Plat shall be void and the Applicant shall have no rights whatsoever as a result of the prior tentative approval of Construction Plans and proposed Final Plat. (R-10/8/97).

**Section 1311. Commencement of Work:** Upon receipt of the tentative approval described in **Section 1309.**, the Applicant may proceed with the installation of the Road in accordance with the tentatively approved Construction Plans and proposed Final Plat.

**Section 1312. Inspection:** The Department of Engineering and Inspections shall inspect the construction of the Road to ensure that it is constructed according the approved Construction Plans and proposed Final Plat and in compliance with the Engineering Standards. (R-10/8/97).

**Section 1313. Required Signatures and Recording:** Upon receipt of certification by the Department of Engineering and Inspections that the Road has been constructed in accordance with the approved Constructed Plans and in accordance with the Engineering Standards, the Planning Director shall sign the proposed Final Plat which can then be recorded in the Clerk's office. (R-10/8/97).

**Section 1314. Reporting:** At the regular meeting of the County Commission each month, the Planning Director shall submit a report to the County Commission, which report includes copies of all Final Plats approved under **Article XIII** during the preceding month. (R-10/8/97).

**Section 1315. Attempted Dedication of Road:** No Road in a Subdivision approved under **Article XIII** can be dedicated to or accepted as a Public Road by the County Commission.

**Section 1316. Statement on Plat:** The following statement must be printed on the Final Plat of a Subdivision approved under **Article XIII** in type size twelve (12) point or larger:

"NO DEDICATION OF ROAD"

The recording of this Plat has been approved on the condition that the Private Road shown on this Plat may not be dedicated to or accepted by the County Commission as a County maintained Road.

**Section 1317. Family Conveyance Exemption:** The provisions of **Sections 1306., 1411.01(f)** and **(g), 1412.02(e)** and **1508.02(e)** shall not apply when an Applicant certifies to the Planning Director that the Applicant's intended division of land is only for conveyance to a Family Member and will be directly conveyed to the designated eligible Family Member. Such

certification shall be in a standard form approved by, and include any attachments required by, the Planning Director. (R-10/8/97).

## ARTICLE XIV

### ABBREVIATED APPROVAL PROCESS FOR SUBDIVISIONS OR LOTS WITH NO SUBDIVISION IMPROVEMENTS

**Section 1400. General:** Final Plats of the Subdivisions or Lots described in this **Article XIV** can be recorded in the Clerk's office provided the proposed Subdivisions or Lots meet the requirements of this **Article XIV** and comply with all other applicable provisions of this Ordinance.

**Section 1401. Required Signatures on Final Plat:** Final Plats which meet the requirements for approval under this **Article XIV** must be signed by the Planning Director prior to recording in the Clerk's office. (R-10/8/97).

**Section 1402. Procedure for Approval:** The Planning Director shall review Final Plats and other documents submitted for approval under this **Article XIV** and, based on such review, either disapprove or approve such Final Plats. (R-10/8/97).

**Section 1403.** Reserved. (R-10/8/97).

**Section 1404.** Reserved. (R-10/8/97).

**Section 1405.** Reserved. (R-10/8/97).

**Section 1406. ("ESA"):** Provided the Affidavit required under **Section 512.(b)** is delivered to the Planning Director, no ESA shall be required for a Subdivision or a Lot with no Subdivision Improvements. (R-10/8/97).

**Section 1407. Reporting:** At the regular meeting of the County Commission following the approval of a Final Plat by the Planning Director under **Section 1402.**, the Planning Director shall submit a report of such approval, which report shall be made part of the minutes of the County Commission and shall include the following: (R-10/8/97).

- (a) A copy of the approved Final Plat; and all Plats filed by the Applicant pursuant to **Section 1404.(a)**; and (R-10/8/97).
- (b) The certification of the Planning Director indicating each condition required for approval and the compliance by the Applicant with each such condition. (R-10/8/97).

**Section 1408.** Reserved. (R-10/8/97).

**Section 1409.** Reserved. (R-10/8/97).

**Section 1410. Selection and Designation of Type of Approval:** An Applicant seeking approval under **Article XIV** must designate the type of approval requested for each Lot situated within a proposed Subdivision. If approval of a Subdivision or a Lot is granted under **Article XIV**, the Final Plat of such Subdivision or Lot shall clearly label each Lot as to the type of approval granted for such Lot.

**Section 1411. Types of Approval:** The following types of approval are available under **Article XIV**:

**1411.01 Full Approval:** The Planning Director can approve for recording a Final Plat of a Subdivision or Lot(s) with no Subdivision Improvements, provided all of the following conditions are met:

- (a) The Final Plat is prepared in accordance with this Ordinance and other applicable Laws and shows the entire tract proposed for Subdivision;
- (b) The area and dimensions of the Lot(s) created meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws;
- (c) The Lots created meet the requirements of **Article V**;
- (d) If required under **Section 512.**, an ESA is provided; (R-10/8/97).
- (e) Health Department approval is obtained for the proposed Subdivision or Lot(s);
- (f) The Planning Director determines that based on the Bryan County Soil Survey Maps and the National Wetlands Inventory Maps, no Wetlands or Hydric Soils exist on the Lot(s) created; and
- (g) If the Planning Director cannot make the determination described in **Section 1411.01(f)**, the Applicant must provide one of the following to the Planning Director prior to approval:
  - (i) A soil mapping of the Lot(s) prepared by a Soils Scientist, which mapping shows no Hydric Soils present on the Lot(s); or
  - (ii) A Jurisdictional Wetlands Delineation of the land to be Subdivided. The limits of any Wetlands shall be surveyed and included on the Final Plat.

1411.02

**Limited Approval For Lots Ten (10) Acres or Greater With Designated Buildable Area:** The Planning Director can approve for recording a Final Plat of a Lot(s) of at least ten (10) acres each, with no Subdivision Improvements, provided all of the following conditions are met:

- (a) The Final Plat is prepared in accordance with this Ordinance and other applicable Laws and shows the entire tract proposed for Subdivision;
- (b) The area and dimensions of the Lot(s) created meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws;
- (c) The Lot(s) created meet all the requirements of **Article V**, except **Section 513.01**;
- (d) If required under **Section 512.**, an ESA is provided; (R-10/8/97).
- (e) Within the boundaries of each proposed Lot(s) a contiguous area of at least 2.5 acres shall be surveyed and clearly labeled on the Final Plat: "Buildable Area". The Buildable Area must meet the following conditions:
  - (i) The requirements of **Section 513.01** are met;
  - (ii) Health Department Approval is obtained; and
  - (iii) The Planning Director determines that based on the Bryan County Soil Survey Maps and the National Wetlands Inventory Maps, no Wetlands or Hydric Soils are present within the Buildable Area. If the Planning Director cannot make such a determination, the Applicant must provide one of the following to the Planning Director prior to approval: (a) a soil mapping of the Buildable Area prepared by a Soils Scientist, which mapping shows no Hydric Soils present on the Buildable Area or (b) a Jurisdictional Wetlands Delineation of the Buildable Area which shows no Wetlands within the Buildable Area.
- (f) Building Permits can be obtained only for construction within the area identified as "Buildable Area" and the following statement must be printed on the Final Plat in type size 12 point or larger:

BUILDING PERMITS ALLOWED ONLY  
WITHIN AREAS IDENTIFIED  
"BUILDABLE AREA"

The recording of this Plat is approved by the Planning Director for the limited purpose of establishing the external boundary lines and dimensions shown on the Plat and identifying areas for which Building Permits may be obtained. No approval is given with respect to any other matter. By reference to this Plat, Building Permits can be obtained only for the areas identified as "Buildable Area". (R-10/8/97).

- (g) Any Lot(s) shown on the Final Plat which do not meet the requirements of **Section 1411.01** or do not include areas identified as "Buildable Area" must be clearly labeled as "Building Permits not allowed."

**Section 1412. Exemption From Requirement That Final Plat Show Entire Tract:**  
Notwithstanding the provisions of **Sections 1411.01(a)** or **1411.02(a)**, a Remaining Tract is not required to be shown on the Final Plat if the conditions of either **Section 1412.01** or **Section 1412.02** are met:

**1412.01      Remaining Tract With Habitable Dwelling:**

- (a) A Habitable Dwelling is situated on the Remaining Tract;
- (b) If the Habitable Dwelling is served by an on-site water or sewerage disposal system then such system(s) must be situated on the Remaining Tract;
- (c) The area and dimensions of the Remaining Tract meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws; and
- (d) The Remaining Tract meets the minimum required Road Frontage under **Section 501.** and **Section 502.02.**

**1412.02      Remaining Tract With No Habitable Dwelling:**

- (a) No Habitable Dwelling is situated on the Remaining Tract;
- (b) The Remaining Tract is at least five (5) acres in size;
- (c) The area and dimensions of the Remaining Tract meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws;
- (d) The remaining tract meets the minimum required Road Frontage under **Section 501.** and **Section 502.02.;** and

- (e) The Planning Director determines, based on the Bryan County Soil Survey Maps and the National Wetlands Inventory Maps, that there exists on the Remaining Tract a contiguous area of at least 2.5 acres on which no Wetlands or Hydric Soils are present, or, if the Planning Director cannot make such a determination, the Applicant either (a) obtains a Jurisdictional Wetlands Delineation on the 2.5 acre area or (b) delivers to the Planning Director an on-site soil map of the 2.5 acre area prepared by a Soils Scientist, which map shows no Hydric Soils present with the 2.5 acre area.

## ARTICLE XV

### SPECIAL APPROVAL PROCESS FOR A SUBDIVISION OR LOTS WITH NO SUBDIVISION IMPROVEMENTS AND NO REQUIREMENTS FOR BUILDING PERMITS

**Section 1500. General:** Final Plats of the Subdivisions or Lots described in this **Article XV** can be recorded in the Clerk's office upon the approval of the Planning Director, provided the proposed Subdivisions or Lots meet the requirements of this **Article XV** and comply with all other applicable provisions of this Ordinance.

**Section 1501. Time of Approval:** The Planning Director shall either approve or disapprove Final Plats submitted under **Article XV** within ten (10) days from the Date of Submission, except:

- (a) Where an extension of time is requested or agreed to in writing by an Applicant;  
or
- (b) Where an ESA is required pursuant to **Section 512**. In such case, disapproval or approval by the Planning Director shall be made within ten (10) days from the date of acceptance and approval of the ESA by the County Engineer. (R-10/8/97).

**Section 1502. Required Signature on Final Plat:** Final Plats which meet the requirements for approval under **Article XV** must be signed by the Planning Director prior to recording in the Clerk's office.

**Section 1503. Copies of Plats:** In addition to the submittal of the required application, an Applicant for approval under **Article XV** shall furnish the Planning Director an original and five (5) copies of the proposed Final Plat. The Applicant shall also furnish the Planning Director copies of all recorded plats relating to Applicant's acquisition and subsequent Subdivisions of the land proposed to be Subdivided.

**Section 1504. ("ESA"):** No ESA shall be required for a Subdivision or a Lot with no Subdivision Improvements, except when required pursuant to **Section 512**. (R-10/8/97).

**Section 1505. Reporting:** At the regular meeting of the County Commission each month, the Planning Director shall submit a report to the County Commission, which report includes copies of all Final Plats approved under **Article XV** during the preceding month. (R-10/8/97).

**Section 1506. Selection and Designation of Type of Approval:** An Applicant seeking approval under **Article XV** must designate the type of approval requested for each Lot situated within a proposed Subdivision. If approval of a Subdivision or a Lot is granted under **Article XV**, the Final Plat of such Subdivision or Lot shall clearly label each Lot as to the type of approval granted for such Lot.

**Section 1507. Types of Approval:** The following types of approval are available under **Article XV**:

**1507.01 Limited Approval For Lots Ten (10) Acres or Greater and Designated "Building Permits Not Allowed":** The Planning Director can approve a Final Plat of a Lot(s) of at least ten (10) acres each, with no Subdivision Improvements, provided all of the following conditions are met:

- (a) The Final Plat is prepared in accordance with this Ordinance and other applicable Laws and shows the entire tract proposed for Subdivision;
- (b) The area and dimensions of the Lot(s) created meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws;
- (c) The Lots created meet all the requirements of **Article V**, except **Section 513.01**; and
- (d) The following statement is printed on the Final Plat in type size 12 point or larger:

BUILDING PERMITS NOT ALLOWED

The recording of this Plat is approved by the Planning Director only with respect to the external boundary lines and dimensions shown on the Plat. No approval is given as to any other matter and no Building Permits can be obtained by reference to this Plat. (R-10/8/97).

**1507.02 Limited Approval For Lots One Hundred (100) Acres or Greater Designated "Building Permits Not Allowed":** The Planning Director can approve a Final

Plat of a Lot(s) of at least one hundred (100) acres each, with no Subdivision Improvements, provided all of the following conditions are met:

- (a) The Final Plat is prepared in accordance with this Ordinance and other applicable Laws and shows the entire tract proposed for Subdivision;
- (b) The area and dimensions of the Lot(s) created meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws;
- (c) Each Lot must meet the requirements of **Section 502.**, with the exception of Road Frontage which shall be not less than two hundred (200) feet for all types of Roads; and
- (d) The following statement is printed on the Final Plat in type size 12 point or larger:

**BUILDING PERMITS NOT ALLOWED**

The recording of this Plat is approved by the Planning Director only with respect to the external boundary lines and dimensions shown on the Plat. No approval is given as to any other matter and no Building Permits can be obtained by reference to this Plat. (R-10/8/97).

**Section 1508. Exemption From Requirement That Final Plat Show Entire Tract:** Notwithstanding the provisions of **Sections 1507.01(a)** and **1507.02(a)**, a Remaining Tract is not required to be shown on the Final Plat if the conditions of either **Section 1508.01** or **Section 1508.02** are met:

**1508.01 Remaining Tract With Habitable Dwelling:**

- (a) A Habitable Dwelling is situated on the Remaining Tract;
- (b) If the Habitable Dwelling is served by an on-site water or sewerage disposal system then such system(s) must be situated on the Remaining Tract;
- (c) The area and dimensions of the Remaining Tract meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws; and
- (d) The Remaining Tract meets the minimum required Road Frontage under **Section 501.** and **Section 502.02.**

**1508.02**      **Remaining Tract With No Habitable Dwelling:**

- (a) No Habitable Dwelling is situated on the Remaining Tract;
- (b) The Remaining Tract is at least five (5) acres in size;
- (c) The area and dimensions of the Remaining Tract meet the greater of the minimum Lot sizes set forth in this Ordinance, the Bryan County Zoning Ordinance or other applicable Laws;
- (d) The remaining tract meets the minimum required Road Frontage under **Section 501.** and **Section 502.02;** and
- (e) The Planning Director determines, based on the Bryan County Soil Survey Maps and the National Wetlands Inventory Maps, that there exists on the Remaining Tract a contiguous area of at least 2.5 acres on which no Wetlands or Hydric Soils are present, or, if the Planning Director cannot make such a determination, the Applicant either (a) obtains a Jurisdictional Wetlands Delineation on the 2.5 acre area or (b) delivers to the Planning Director an on-site soil map of the 2.5 acre area prepared by a Soils Scientist, which map shows no Hydric Soils present with the 2.5 acre area.

**ARTICLE XVI**

**REVISIONS OR MODIFICATIONS TO RECORDED SUBDIVISION PLATS**

**Section 1600. General:** Plats of revisions or modifications to Subdivision Plats previously recorded in the Clerk's office can be recorded in the Clerk's office upon the approval of the Planning Director as provided in this **Article XVI**. The Planning Director shall either approve or disapprove Plats submitted under this **Article XVI** within fifteen (15) days from the Date of Submission, except where an extension of time is requested or agreed to in writing by an Applicant.

**Section 1601. Items Required on Plat:** Any plat which is a revision, modification or Recombination of a recorded plat must contain all items or notes shown on the recorded Plat.

**Section 1602. Revision, Modification or Recombination:** The Planning Director can approve a Plat of a revision, modification or Recombination to a recorded Subdivision Plat which does not increase the number of Lots or alter any Roads or utilities, provided:

- (a) The Plat is prepared in accordance with this Ordinance and other applicable Laws;

- (b) The area and dimensions of the Lots resulting from the revision, modification or Recombination meet the minimum Lot sizes for the Zoning District within which the Lots are situated, or larger Lot sizes if required by this Ordinance or other applicable Laws; and
- (c) Health Department Approval is obtained for the Lots created by the revision, modification, or Recombination.

**Section 1603. Combination:** The Planning Director can approve a Plat of a Combination, provided:

- (a) The Plat is prepared in accordance with this Ordinance and other applicable Laws; and
- (b) At least one of the Lots to be combined is an Existing Lot of Record or has been previously approved under this Ordinance.

## ARTICLE XVII

### PRIVATE SUBDIVISION IMPROVEMENTS

**Section 1700. General:** All private Subdivision Improvements must be constructed in accordance with this Ordinance and all applicable Laws.

**Section 1701. Requirements For Designation of A Private Road As An Approved Private Road System:** The County Commission shall designate a Private Road an Approved Private Road System if the following conditions are met:

- (a) The Engineering Director certifies to the County Commission that the Private Road has been constructed in accordance with the approved Construction Plans and Preliminary Plat and meets all requirements of this Ordinance and other applicable Laws;
- (b) A fully executed Maintenance Agreement is delivered to the County Commission;
- (c) All Private Roads are clearly identified as such on a Final Plat; and
- (d) The Final Plat of a Subdivision with Private Roads must contain the following statement in type size 12 point or larger:

### NOTICE OF PRIVATE ROADS AND DRAINAGE SYSTEMS

Bryan County will not maintain, repair or replace any Private Roads and Drainage Systems. The responsibility for such maintenance, repair or replacement is addressed in a Maintenance Agreement between the Developer of the Subdivision and the purchasers of Lots within the Subdivision. Any purchasers of Lots within this Subdivision are urged to carefully review such Maintenance Agreement to determine the party or parties responsible for the maintenance of the Private Roads and Drainage Systems and the source of the funds to provide such maintenance.

**1701.01**     **Alternative Requirements For Designation of a Private Road as an Approved Private Road System Under Article XIII:** Roads constructed under **Article XIII** can be designated an Approved Private Road System by the County Administrator after his receipt of a certification from the County Engineer, the Director of Engineering and Inspections and the Planning Director that the Road has been constructed in accordance with approved Construction Plans and proposed Final Plat and that the requirements of **Section 1307.(b), (c), (d) and (e)** have been met.

**Section 1702. Maintenance Agreement:** A Developer of a Subdivision with Private Roads must establish a Maintenance Agreement for such Private Roads.

**Section 1703. Trust Indenture:** A Developer of a Subdivision with a Private Water System or Private Sewerage System must establish a Trust Indenture for such System.

**Section 1704. Notice of Private Water System or Private Sewerage System:** The Final Plat of a Subdivision with Private Water Systems or Private Sewerage Systems must contain the following statement in type size 12 point or larger:

#### NOTICE OF PRIVATE SYSTEMS

This Subdivision is served by a Private Water System and/or a Private Sewerage System. Bryan County will not maintain, repair or replace any Private Water System or Private Sewerage System. The responsibility for such maintenance, repair or replacement is addressed in a Trust Indenture between the Developer of the Subdivision and a trustee. Any purchasers of Lots within this Subdivision are urged to carefully review such Trust Indenture to determine the applicable rate structure and the party responsible for the maintenance of the Private Water System and Private Sewerage System.

#### ARTICLE XVIII

#### SCHEDULE OF FEES

**Section 1800. General:** The fees outlined in the Appendix to this Ordinance entitled **Schedule of Fees** shall be paid in full prior to the granting of any approvals under this Ordinance.

## ARTICLE XIX

### PEDESTRIAN WAYS, RECREATION AND BUFFER COMMITTEE

**Section 1900. Membership Appointment, Term of Office, Vacancies and Compensation:**

- (a) **Membership and Appointment:** The Pedestrian Ways, Recreation and Buffer Committee ("Committee") shall consist of three (3) members ("Members"). The County Engineer and County Administrator shall be Members of the Committee and the County Commission shall appoint the other Member of the Committee. A Member shall be disqualified to act upon a matter before the Board with respect to property in which the Member has an interest. (R-10/8/97).
- (b) **Term of Office:** The County Engineer and County Administrator shall serve on the Committee for the period of time during which they hold their offices. The term of office for the other Member shall be three (3) years and such Member may be re-appointed to successive terms. The Member appointed by the County Commission shall be removable for cause, upon written charges by the County Commission. (R-10/8/97).
- (c) **Compensation:** None of the Members shall receive compensation for service on the Committee. (R-10/3/95).

**Section 1901. Officers, Committee Members; Meetings; Quorum; Minutes; Procedures**

**Generally:** The Committee shall elect one (1) of its Members as chairman, who shall serve for one (1) year or until he is reelected or his successor is elected. The Committee shall appoint a secretary who may be a Member or an employee of the County. The Committee shall have authority to adopt rules of procedure. Meetings of the Committee shall be held once per month within the County, with the place, time and date of the meeting specified by the chairman, after consultation with the other Members. If, in any month, there are no applications pending for at least fifteen (15) days, the Committee shall not be required to hold a meeting during such month. Two (2) Members shall constitute a quorum. The Committee shall keep minutes of its proceedings showing the vote of each Member upon each question. The decision of the Committee shall be by resolution adopted by a majority of Members. The full text of the resolution shall be sent to the Applicant. If, because of absence or abstention, there is a tie vote on an application, the effect shall be a denial of the application. (R-10/8/97).

**Section 1902. Power and Duty:** The Committee shall hear and decide upon applications for approval of alternative Pedestrian Ways plans under **Section 507.(e)**, alternative Buffer plans

under **Section 514.06** and alternative Recreation Plans under **Section 517.01**. It shall be the duty of the Planning Director to carry out the decisions of the Committee.

**Section 1903. Assistance by Planning Director:** The Planning Director shall provide for such administrative and clerical assistance and office space as is required by the Committee to carry out its functions under this **Article XIX**.

**Section 1904. Record:** The Planning Director shall forthwith transmit to the Committee all documents relating to applications made to the Committee.

**Section 1905. Committee Process:**

- (a) **Filing Fee:** There shall be no filing fee for an application to the Committee.
- (b) **Presentation to Committee:** The Planning Director and the Applicant shall be entitled to appear before the Committee. The Planning Director may retain a landscape architect or other professional if required to aid in his presentation to the Committee. The fees for such landscape architect or professional shall be reimbursed by the Applicant pursuant to **Article VII**.
- (c) **Time For Decision; Continuance; Effective Date of Decisions:** The Committee shall render its decision during the meeting at which an application is considered, however, by majority vote, the Committee may continue a meeting until a time certain within ten (10) days. Decisions of the Committee shall be effective when made.
- (d) **Transmittal of Decision:** Decisions of the Committee, including the reasons therefor, shall be transmitted to the County Commission and shall be maintained in the records of the County Commission. (R-10/8/97).

**Section 1906. Forms:** Applications shall be made on forms provided therefor, and all information required on such forms shall be provided by the Applicant. Applications shall be filed with the Planning Director. No application shall be accepted by the Committee unless it contains all pertinent information.

## ARTICLE XX

### PENALTIES

**Section 2000. Violation A Misdemeanor:** Any person violating any provision of this Ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to such penalties as are provided by law for other misdemeanors.

**Section 2001. Other Penalties:** After the effective date of this Ordinance, unless a Subdivision is approved in accordance with the provisions of this Ordinance, then:

- (a) The County shall not accept the dedication of any Subdivision Improvements within such Subdivision;
- (b) The County shall not issue any Building Permits within such Subdivision; and
- (c) The Clerk shall not record any plat of such Subdivision or any plat of a Lot within such Subdivision.

**Section 2002. Compliance:** If the County Commission by Resolution determines that certain Subdivision Improvements within a Subdivision approved pursuant to this Ordinance do not comply with the approved Construction Plans, Preliminary Plat, Final Plat, or any other provisions of this Ordinance, the Subdivider of such Subdivision, shall, upon demand from the County Commission, immediately correct any deficiencies as required by the County Commission.

## ARTICLE XXI

### AMENDMENTS

**Section 2100. General:**

- (a) **Public Hearings Required:** Except as provided in **Section 2100.(b)** and **(c)**, this Ordinance may be amended from time to time by the County Commission. Before enacting an amendment to this Ordinance, the County Commission shall hold a public hearing thereon, notice of which shall be published at least fifteen (15) and no more than forty-five (45) days prior to such public hearing in a newspaper of general circulation in Bryan County. (R-10/8/97).
- (b) **Road Classification Plan:** Notwithstanding the requirements of **Section 2100.(a)**, the County Commission can, by Resolution, at any regular or special meeting can, add Roads to the Appendix to this Ordinance entitled **Road Classification Plan** whenever a Road becomes Public Road or an Approved Private Road System. (R-10/8/97).
- (c) **Schedule of Fees:** Notwithstanding the requirements of **Section 2100.(a)**, the County Commission can, by Resolution, at any regular or special meeting, modify the Appendix to this Ordinance entitled **Schedule of Fees**.

- (d) **No Public Hearing:** No Public Hearings are required prior to the County Commission adopting Resolutions permitted under **Sections 2100.(b) and (c)**. (R-10/8/97).

## ARTICLE XXII

### LEGAL STATUS PROVISIONS

**Section 2200. 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.

**Section 2201. Severability:** Should any section or provision of this Ordinance be declared by a Court to be unconstitutional or invalid, such 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.

**Section 2202. Effective Date:** Except as provided in **Article XXIV**, this Ordinance shall take effect on and after June 6, 1995.

**Section 2203. Repeal of Conflicting Ordinances:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 2204. Savings Provisions:** This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing on or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County as the governing authority, except as shall be expressly provided for in this Ordinance.

**Section 2205. Most Restrictive:** In the event of a conflict between a provision of this Ordinance and a provision of the Bryan County Zoning Ordinance, the more restrictive provision shall control.

## ARTICLE XXIII

### BOARD OF APPEALS

**Section 2300. Membership; Appointment; Term of Office; Vacancies; and Compensation:**

- (a) **Membership and Appointment:** The Board of Appeals ("Board") shall consist of three (3) members ("Members") residing within the County and appointed by

the County Commission. None of the Members shall hold any other public office in the County. Members shall be removable for cause, upon written charges by the County Commission. A Member shall be disqualified to act upon a matter before the Board with respect to property in which the Member has an interest.

- (b) **Term of Office:** The term of office for each Member shall be three (3) years; however, in order that no terms shall expire upon the same date, the terms of the original Members of the Board shall be as follows: One (1) appointee shall serve for two (2) years, one (1) appointee shall serve for three (3) years, and one (1) appointee shall serve for one (1) year. Thereafter, each appointee shall be appointed to serve for three (3) years. Members may be reappointed to successive terms.
- (c) **Compensation:** Members shall receive no compensation for service; except, that they shall be reimbursed for out-of-pocket expenditures made in connection with their duties.

**Section 2301. Officers; Meetings; Quorum; Minutes; Procedures Generally:** The Board shall elect one (1) of its Members as chairman, who shall serve for one (1) year or until he is reelected or his successor is elected. The Board shall appoint a secretary who may be a Member or an employee of the County. The Board shall have authority to adopt rules of procedure. Meetings of the Board shall be held once per month within the County, with the place, time and date of the meeting specified by the chairman after consultation with the other Members. If, in any month, there are no appeals pending for at least fifteen (15) days, the Board shall not be required to hold a meeting during such month. Two (2) Members shall constitute a quorum.

The Board shall keep minutes of its proceedings, showing the vote of each Member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be immediately filed in the office of the Planning Department and shall be a public record. The decision of the Board shall be by resolution adopted by a majority of Members, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. If, because of absence or abstention, there is a tie vote on a resolution, the effect shall be an affirmation of the decision appealed from. (R-10/8/97).

**Section 2302. Power and Duty:**

- (a) The Board shall hear and decide upon appeals where it is alleged that there is error in any requirement, decision or determination made by the Planning Director, the County Engineer or the County Administrator in the enforcement of this Ordinance made pursuant to the following **Sections** and **Articles** of this Ordinance: **Section 513.01; Section 700.; Section 900.; Section 1306.; Section 1309.; Section 1411.01; Section 1411.02; Section 1412.02(e); Section 1500.;**

**Section 1507.01; Section 1507.02; Section 1508.02(e); Article XVI; and Section 1701.01;** (R-10/8/97).

- (b) Upon the filing of an appeal by an Applicant, all time limits for action by the, Planning Director or County Commission shall be suspended; (R-10/8/97).
- (c) It shall be the duty of the Planning Director and Planning Commission to carry out the decisions of the Board; and
- (d) Decisions of the Board, including the reasons for decisions, shall be transmitted to the Planning Department and shall be maintained in the records of the Planning Department. (R-10/8/97).

**Section 2303. Assistance by County Commission:** The County Commission shall provide for such administrative and clerical assistance and office space as is required by the Board to carry out its functions under this **Article XXIII**.

**Section 2304. Record:** The Planning Director shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

**Section 2305. Appeal Process:**

- (a) **Filing Fee:** The filing fee for an appeal shall be One Hundred and No/100 (\$100.00) Dollars, however, no filing fee shall be required if an appeal is filed by either the Planning Commission or the County Administrator. The filing fee shall be refunded if the Board rules in favor of an appellant.
- (b) **Presentation of Evidence:** The Planning Director and the appellant shall be entitled to present evidence on the matter before the Board.
- (c) **Time For Decision; Continuance; Rehearings; Effective Date of Decisions:** The Board shall render its decision during the meeting at which an appeal is considered, however, by majority vote, the Board may continue a meeting until a time certain within ten (10) days. No rehearings shall be permitted. Decisions of the Board shall be effective when made.

**Section 2306. Calendar of Appeals:** Appeals filed in proper form shall be numbered serially, docketed and placed upon the calendar of the Board. The calendar of appeals to be heard shall be posted conspicuously in the office of the County Commission prior to each hearing date.

**Section 2307. Forms:** Appeals shall be made on forms provided therefor, and all information required on such forms shall be provided by the appellant. Appeals shall be filed with the Clerk of the County Commission. No appeal shall be accepted by the Board unless it contains all pertinent information and is accompanied by the required fee.

## ARTICLE XXIV

### PENDING SUBDIVISIONS

**Section 2400. General:** The purpose of this **Article XXIV** is to identify Subdivisions which are exempt from certain provisions of this Ordinance noted in **Section 2403**. because such Subdivisions are continuations of Developments in which phases were completed prior to the effective date of this Ordinance and the application of such provisions would be disruptive to the orderly completion of such Developments.

**Section 2401. Method of Designation as a Pending Subdivision:**

- (a) Prior to July 6, 1995, an Applicant may file with the Planning Director a written request to obtain designation of a proposed Subdivision as a Pending Subdivision. Such request must identify the specific provisions of this Ordinance for which exemptions are requested by the Applicant.
- (b) The designation of a proposed Subdivision as a Pending Subdivision and the exemptions applicable to such Pending Subdivision shall be made by the majority vote of the Planning Director, the County Engineer and the Chairman of the Planning Commission (collectively the "Pending Subdivision Committee") on the basis of the criteria outlined in **Section 2402**. Applicants for designation under this **Article XXIV** shall provide the Pending Subdivision Committee with information deemed necessary by such Committee for consideration of the requested designation.
- (c) The Pending Subdivision Committee shall advise the Applicant of the time and date at which the Applicant can present documentation supporting his requested designation under this **Article XXIV**. The Pending Subdivision Committee shall accept or reject such request by November 30, 1995. (R-11/7/95).

**Section 2402. Criteria For Designation as a Pending Subdivision:** A Pending Subdivision is a proposed Subdivision which:

- (a) Is a continuation of the development of a contiguous tract by the Applicant. As used herein, the term "continuation of the development of a contiguous tract" means that prior to the effective date of this Ordinance, the Applicant recorded a Subdivision Plat or Plats (which were approved by the Planning Commission) and which are contiguous to the proposed Subdivision. Also, the proposed Subdivision will utilize for access the same Roads, or continuations of such Roads, as constructed in connection with the previously developed Subdivision or Subdivisions;

- (b) Prior to the effective date of this Ordinance, was either owned by the Applicant or subject to a written option to purchase in favor of the Applicant; and
- (c) Prior to the effective date of this Ordinance, the Applicant had taken specific actions exhibiting his intent to complete the proposed Subdivision as a continuation of his Development. Evidence of such intent may include, but is not limited to: the inclusion of the proposed Subdivision on a Master Plan of a Development; the obtaining for the proposed Subdivision of an on-site soils survey or Jurisdictional Wetlands Delineation; or the inclusion of the proposed Subdivision in a master drainage plan of a Development.

**Section 2403. Exempted Provisions:** A Subdivision designated as a Pending Subdivision under **Article XXIV** may be exempted from the provisions of this Ordinance relating to:

- (a) Recreation, where a Recreation Tract has been provided for a Development under the Subdivision regulations in effect prior to the effective date of this Ordinance ("Prior Regulations");
- (b) Pedestrian Ways, provided that Pedestrian Ways in the Pending Subdivision are a continuation of Pedestrian Ways provided in a Development under the Prior Regulations;
- (c) Drainage System, provided that the Drainage System in the Pending Subdivision is a continuation of the Drainage System provided for in a Development under the Prior Regulations; or
- (d) The design specifications of Subdivision Improvements for a limited area in the Pending Subdivision, provided such area is utilized to provide a safe, orderly and aesthetically acceptable transition between the design of Subdivision Improvements constructed under the Prior Regulations and the design of Subdivision Improvements in the Pending Subdivision.

**Section 2404. Reporting:** At the next Planning Commission Meeting following the designation of a Subdivision a Pending Subdivision, the Planning Director shall report to the Planning Commission such designation, including a list of the provisions of this Ordinance which will not apply to the Pending Subdivision. Such report and a map or Plat of the Pending Subdivision shall be included in the records of the Planning Commission.

**Section 2405. Termination of Designation as Pending Subdivision:** The designation of a Subdivision as a Pending Subdivision shall terminate unless a Preliminary Plat of the Pending Subdivision is approved by the County Commission prior to August 1, 1998. Upon such termination, the Pending Subdivision shall no longer be exempt from any of the provisions of this Ordinance. (R-10/8/97).

## ARTICLE XXV

### APPENDICES

**Section 2500. General:** The following documents are attached to this Ordinance as Appendices and are incorporated herein and made parts of this Ordinance by specific reference:

- (a) **Required Items and Certifications;**
- (b) **Schedule of Fees;** and
- (c) **Road Classification Plan.**

## ARTICLE XXVI

### JURISDICTION

**Section 2600. General:** The jurisdiction of this Ordinance shall be all the unincorporated area within the limits of Bryan County.

## ARTICLE XXVII

### DEFINITION OF TERMS

**Section 2700. Interpretation of Certain Terms or Words:** Except as specifically defined herein, all words in this Ordinance have the customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. All pronouns used herein shall be deemed to include the masculine, the feminine and non-personal entities.

Whenever reference is made in this Ordinance to another **Article** or **Section** of this Ordinance, all parts of such **Article** or **Section** are deemed to be included in such reference.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**Section 2701. Definitions:**

- (1) **Acceptable Bonding Company:** A company licensed to act as a surety in Georgia and holding a certificate of authority from the United States as an acceptable surety on bonds with an underwriting limitation of at least ten million (\$10,000,000.00) dollars.
- (2) **Applicant:** An individual or any entity, including an estate, submitting a proposed Subdivision/Division to the Planning Department. Also sometimes called a Subdivider or a Developer. (R-10/8/97).
- (3) **Approved Private Road System:** A Private Road which has been designated an Approved Private Road System, prior to the effective date of this Ordinance or in accordance with **Sections 1701.** and **1701.01.** The appearance of a Private Road on a Plat approved by the Planning Commission or County Commission does not, by such appearance alone, constitute such Private Road as an approved Private Road System.
- (4) **Berm:** A ledge of dirt used to provide visual screening.
- (5) **Board of Appeals ("Board"):** The Board established pursuant to **Article XXIII** of this Ordinance.
- (6) **Buffer:** A parcel of land free from any structures, except approved Screening, permanently set aside with trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy.
- (7) **Building Line:** A line delineating the minimum allowable distance between the Road 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).
- (8) **Building Permit:** A document required by Bryan County Building Code to be issued prior to the commencement of construction of certain improvements.
- (9) **Bryan County Health Department ("Health Department"):** The organization in Bryan County established pursuant to Georgia Law and the Ordinances of Bryan County.
- (10) **Bryan County 911 Standards and Policy Manual ("911 Manual"):** A document establishing criteria for establishing Road addresses and Road names. This document shall be maintained by the Bryan County Public Safety Director.

- (11) **Bryan County Public Safety Director ("Safety Director")**: An individual employed by the County Commission to supervise the County's 911 Program.
- (12) **Clerk**: The Clerk of the Superior Court of Bryan County, Georgia.
- (13) **Combination**: The merger or joining of two (2) or more Lots shown on a recorded plat into one (1) Lot.
- (14) **Construction Plans**: Plans for the proposed Subdivision of land prepared in accordance with: (a) this Ordinance, including Part II of the Appendix entitled **Required Items and Certifications** and (b) the Engineering Standards. (R-10/8/97).
- (15) **Corner Lot**: Any lot situated at the junction of and abutting on two (2) or more intersections or intercepting Roads. If the angle or intersection of the direction lines of two (2) Roads is more than 135 degrees, the Lot fronting on said intersection is not a Corner Lot.
- (16) **County**: Bryan County, Georgia.
- (17) **County Administrator**: An individual employed by the County Commission to supervise the operation of the County.
- (18) **County Maintained Road**: A road accepted as a public road by the Board of Commissioners of Bryan County, Georgia.
- (19) **County Attorney**: An individual licensed to practice law in the State of Georgia and appointed by the County Commission. Prior to appointment, such individual must provide the County with evidence of professional liability insurance coverage with limits acceptable to the County.
- (20) **County Commission**: The Board of Commissioners of Bryan County, Georgia.
- (21) **County Engineer**: An individual licensed by the State of Georgia as a Professional Engineer and appointed by the County Commission. Prior to appointment, such individual must provide the County with evidence of professional liability insurance coverage with limits acceptable to the County.
- (22) **Cul-de-sac**: A Local Road which does not extend more than six hundred (600) feet in length measured from the centerline of the intersecting Street to the centerline of the Cul-de-sac radius with a minimum pavement width of eighteen (18) feet and which ends with a permanent turn-around eighty (80) feet in diameter with a one hundred (100) foot right-of-way.

- (23) **Cul-de-sac, Minor:** A Local Road which does not extend more than three (300) feet in length measured from the centerline of the intersecting Street to the centerline of the Cul-de-sac radius with a minimum paving width of eighteen (18) feet and which ends with a permanent turn-around sixty (60) feet in diameter with a one hundred (100) foot right-of-way.
- (24) **Date of Submission:** The date on which the following are delivered to the Planning Director: (i) a completed application and all required supporting materials and (ii) all fees due in accordance with **Article XVIII**.
- (25) **Development:** A tract of land consisting of more than one Subdivision and advertised and promoted under a common promotional plan.
- (26) **Director of Engineering and Inspections ("Engineering Director"):** An individual employed by the County Commission to supervise the County's Engineering and Inspections Department.
- (27) **Director of Planning and Zoning ("Planning Director"):** An individual employed by the County Commission to supervise the staff of the Bryan County Planning Department and perform the duties outlined herein. (R-10/8/97).
- (28) **DOT Approval:** A statement from the Georgia Department of Transportation ("DOT") indicating that the DOT will issue permits for driveways from a Public Road maintained by the State of Georgia for all Lots abutting such Public Road.
- (29) **Drainage System:** A swale or ditch or a device composed of concrete, plastic or other material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.
- (30) **Engineer:** An individual licensed by the State of Georgia as a professional engineer.
- (31) **Environmental Site Assessment ("ESA"):** An assessment by a professional engineer or other licensed professional, experienced in geotechnical investigations and the assessing of real property for environmental concerns, to determine the likelihood of the presence of a landfill, methane gas, underground storage tanks, or other environmentally dangerous situations on a site.
- (32) **Exterior Corner Lot:** A Lot abutting the exterior sides of the angle formed by the junction of two (2) Roads. If such angle is greater 135°, the Lot is not an Exterior Corner Lot. (R-7/1/97).

- (33) **Exterior Curve Lot:** A Lot abutting the exterior right of way of a curved Road, where the radius of the center line of such curved Road is less than five hundred (500) feet. (R-11/7/95).
- (34) **Existing:** The state of a Road at the Date of Submission of an application relating to such Road under this Ordinance.
- (35) **Existing Lot of Record:** A Lot shown on a plat recorded in the Clerk's Office that either: (a) was recorded prior to June 3, 1975 or (b) was approved by the Planning Commission or County Commission prior to the effective date of this Ordinance.
- (36) **Family Member:** The Applicant's spouse, natural or adopted children, stepchildren, father, mother, sister, brother or grandchildren. (R-11/7/95).
- (37) **Final Plat:** A Plat of a Subdivision or Lot prepared in accordance with: (a) this Ordinance, including Part I of the Appendix entitled **Required Items and Certifications** and (b) the Engineering Standards. (R-10/8/97).
- (38) **Habitable Dwelling:** A building which is either: (a) used for human habitation or (b) connected to functioning water and sewerage disposal systems.
- (39) **Health Department Approval:** A statement from the Bryan County Health Department indicating that conditions on a proposed Lot will allow an on-site sewerage disposal system of standard design and that the Health Department will issue a construction permit for such system when requested.
- (40) **Hydric Soils:** A soil type which appears on the Hydric Soils List for Bryan County published by the Soil Conservation Service of the United State Department of Agriculture ("SCS").
- (41) **Jurisdictional Wetlands Delineation:** The acceptance by the U.S. Army Corps of Engineers of survey lines indicating the extent of Wetlands on a tract of land.
- (42) **Landscape Plan:** A proposal to arrange the effects of natural scenery over a given tract to produce the optimum aesthetic effect.
- (43) **Landscaping:** The shaping of land using natural land features and planting to produce the best functional and aesthetic effect.
- (44) **Lanes:** Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a Road.

- (45) **Laws:** Any statutes, ordinances, resolutions, rules or regulations of the United States of America, State of Georgia or Bryan County, Georgia, or any departments or agencies thereof.
- (46) **Letter of Credit:** An irrevocable obligation in a form approved by the County Attorney having a term of thirteen (13) months and committing a federally insured lending institution to pay a sum certain to the County upon presentation by the County to such lending institution of a letter stating that there has been a failure or default by a Developer in his obligations relating to construction or maintenance of certain Subdivision Improvements.
- (47) **Letter of Credit Commitment:** An irrevocable obligation, in form approved by the County Attorney, committing a federally insured lending institution to issue a Letter of Credit to the County.
- (48) **Lot:** Any piece, division, or parcel of land.
- (49) **Lot Width:** The distance between the side Lot lines measured at the Building Line.
- (50) **Maintenance Agreement:** A document approved by the County Attorney which provides an adequately financed maintenance plan to insure the continued safety, good order and long term maintenance of Private Roads.
- (51) **Maintenance Bond:** An undertaking or agreement, on a form approved by the County Attorney, by an acceptable bonding company guaranteeing the maintenance of Subdivision Improvements dedicated to the County for a period of one (1) year from the date of acceptance of such dedication by the County Commission.
- (52) **Major Thoroughfare:** A Road designated for the movement of large volumes of traffic or recognized for purposes of this Ordinance, as a result of long-range planning study, to possess such potential. For purposes of this Ordinance, Major Thoroughfares are designated on the **Road Classification Plan**.
- (53) **Marshlands:** As used herein, the term "Marshlands" has the same definition as that set forth in O.C.G.A. § 12-5-280 et seq., known as the Coastal Marshlands Protection Act of 1970.
- (54) **Master Plan:** A plan of a Development, which generally shows all potential Subdivisions, Roads, Buffers and amenities which may be part of such Development.
- (55) **Ordinance:** The Subdivision regulations of Bryan County, Georgia.

- (56) **Pedestrian Ways:** Areas which provide pedestrians a means of walking throughout a Subdivision without being required to walk on Roads within the Subdivision.
- (57) **Pedestrian Ways, Recreation and Buffer Committee ("Committee"):** The Committee established pursuant to **Article XIX** of this Ordinance.
- (58) **Pending Subdivision:** A Subdivision designated as a Pending Subdivision pursuant to **Article XXIV** of this Ordinance.
- (59) **Phased Subdivision:** A tract of land developed into more than one (1) Subdivision, with all such Subdivisions being advertised and promoted as part of a common promotional plan. Also sometimes called a Development.
- (60) **Planning Commission:** The Bryan County Planning and Zoning Commission.
- (61) **Planning Department:** The department of County Government authorized by the County Commission to administer this Ordinance. (R-10/8/97).
- (62) **Pledge:** An agreement by a Developer or his guarantor, on a form approved by the County Attorney, granting to the County an unconditional assignment of cash, a certificate of deposit or a savings account.
- (63) **Preliminary Plat:** A plat for the proposed Subdivision of land prepared in accordance with: (a) this Ordinance, including Part I of the Appendix entitled **Required Items and Certifications** and (b) the Engineering Standards. (R-10/8/97).
- (64) **Private Sewerage System:** A sewerage system serving more than one (1) Unit that removes waste water from Units and is not owned, maintained or operated by the County or a municipality within the County.
- (65) **Private Water System:** A water system serving more than one (1) Unit that is not owned, maintained or operated by the County or a municipality within the County.
- (66) **Private Subdivision Improvements:** Subdivision Improvements which are not dedicated to and accepted by the County.
- (67) **Public Sewerage System:** A sewerage system that removes waste water from Units and is owned, maintained or operated by the County or a municipality within the County.

- (68) **Public Water System:** A water system that is owned, maintained or operated by the County or a municipality within the County.
- (69) **Recognized Private Access Road ("RPAR"):** A road designated an RPAR pursuant to an ordinance adopted by the County Commission.
- (70) **Recombination:** The combination and redivision of Lots shown on a recorded Plat where the total number of Lots is not increased and the resulting Lots meet the standards of this Ordinance and other applicable Laws.
- (71) **Recreational Purpose:** Any of the following or any combination thereof: picnicking, baseball, basketball, soccer, football, softball, or playground activities.
- (72) **Remaining Tract:** The balance of a tract of land after deducting the Lot or Lots proposed for approval under **Article XIII, Article XIV** and **Article XV**.
- (73) **Resolution:** A decision or ordinance by which the County Commission takes official action.
- (74) **Road:** A way for vehicular traffic which affords the principal means of access to abutting property. For the purpose of this Ordinance the term "Road" or "Roads" also means avenues, boulevards, streets, lanes and other public or private ways.
- (75) **Road, Arterial:** A Road which is designated as an Arterial Road on the **Road Classification Plan**.
- (76) **Road Classification Plan:** An appendix to this Ordinance which classifies Roads in the County as either Major Thoroughfares, Arterial Roads, Collector Roads, Scenic Parkways and Approved Private Road Systems.
- (77) **Road, Collector:** A Road which carries traffic from Minor Roads to Arterial Roads and highways, including the principal entrance Roads of a residential Subdivision and Roads for circulation within such a Subdivision.
- (78) **Road Frontage:** The common boundary between a Lot and a Road right-of-way.
- (79) **Road, Local:** A Road which provides access only to adjacent properties and does not serve vehicles passing through an area with no origin or destination within such area.
- (80) **Road, Marginal Access:** A Minor Road which is parallel to and adjacent to Arterial Roads and highways; and which provides access to abutting properties, and protection from through traffic.

- (81) **Road, Minor:** A Road which is used primarily for access to abutting properties.
- (82) **Road, Opened:** A Road shall be deemed to be opened if it is either of the following: (a) available for public use prior to the adoption of this Ordinance, or (b) was constructed to County specifications following the adoption of this Ordinance.
- (83) **Road, Private:** A Road which has not been dedicated to and accepted by the County and has not been designated an Approved Private Road System by the County.
- (84) **Road, Public:** A Road which is maintained by the DOT or the County. Also a County Maintained Road or a State Road.
- (85) **Road, Unopened:** A Road or any part thereof, shall be deemed to be unopened if it is not cleared, graded and available for public use.
- (86) **Scenic Parkway:** A Road shown in the Bryan County Comprehensive Plan or designated as such by the United States of America, State of Georgia or Bryan County.
- (87) **Screening:** A wall, partition or planting carried up to a certain height for separation and protection.
- (88) **Soils Scientist:** An individual licensed by the State of Georgia to interpret and classify soils.
- (89) **Sketch Plan:** A conceptual plan which outlines generally Lot dimensions, drainage structures and, the location of Roads within a proposed Subdivision.
- (90) **Subdivision:** All divisions of a tract or parcel of land into two or more Lots, building sites, or other divisions for the purpose of immediate or future sale, legacy, or building development or all divisions of land involving a new Road or a change in existing Roads. The term "Subdivision" includes the re-subdivision of land and when appropriate to the context relates to the process of Subdivision or to the land Subdivided. Also sometimes called Division.
- (91) **Subdivision Improvements:** Any structures installed or constructed by a Developer within a Subdivision, including but not limited to: Roads, Drainage Systems, Private Water Systems or Private Sewerage Systems.
- (92) **Trustee:** An entity approved by the County Engineer as to financial reliability and which holds legal title to property conveyed by a Trust Indenture.

- (93) **Trust Indenture:** A document, approved by the County Attorney, which provides for the continued operation of Private Sewerage Systems or Private Water Systems by a Trustee
- (94) **Unit:** Each building or dwelling or portion of a building or dwelling which ties into a water system or a sewage disposal system.
- (95) **Utilities:** A system relating to the distribution of currently available services such as electrical power, natural gas and communications.
- (96) **Warranty:** An agreement from a Developer, on a form approved by the County Attorney, guaranteeing to repair or replace any defect in Subdivision Improvements dedicated to the County by such Developer for a period of one (1) year from the date of acceptance of dedication of such Subdivision Improvements by the County Commission. The Agreement can contain a provision releasing the Developer from liability for the repair or replacement of damages resulting solely from a natural disaster such as a hurricane or earthquake or resulting from emergency relief or clean-up efforts following any such disaster.
- (97) **Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshlands, bogs and similar areas. The term Wetland also includes all land classified as such by the U.S. Army Corps of Engineers or the SCS.
- (98) **Zoning Classification:** The identification assigned to a Zoning District on the Zoning Map of Bryan County.
- (99) **Zoning District:** An area delineated with specific geographical boundaries on the Zoning Map of Bryan County.

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## Appendix (a)

### REQUIRED ITEMS AND CERTIFICATIONS

- I. The following items must be included on all Plats except where specifically modified in the Ordinance:

**Plats:**

- (a) **Preliminary Plat:** This is the preliminary document which is proposed to be recorded in the court house and reflects the proposed subdivision of property in accordance with the County's regulations. This document should be prepared to the exacting standards as prescribed and should be substantially complete with the exception of any authorized changes made in the field for technical or esthetics reasons.
- (b) **Final Plat:** Same as the Preliminary Plat with all changes authorized and recorded in the field. This plat should reflect the "As-Built" conditions, easements, and lot corner monuments as set in the field. The final plat will bear all certifications and signatures as required.
- (c) **Plat Requirements:** Plat shall conform to the amended Code Section 15-6-67 of the Official Code of Georgia (a/k/a "The Georgia Plat Act"), relating to recordation of maps and plats and specifications relating thereto.

In addition the following information shall be shown:

- (1) Vicinity map showing location of project. (R-10/3/95).
- (2) Name of owner of record.
- (3) Name of subdivision, if applicable. (R-10/3/95).
- (4) Date.
- (5) North arrow; indication grid, magnetic, true north, etc.
- (6) Graphic scale.
- (7) Name, signature, registration number, and seal of registered surveyor and date of preparation.

- (8) Name of county and General Militia District in which subdivision or Lot is located. (R-10/3/95).
- (9) Scale to meet requirements of The Georgia Plat Act. (R-10/3/95).
- (10) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every road 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 roads, to an appropriate accuracy and in conformance with good surveying practice.
- (11) Names of owners of record of all adjoining land and all property boundaries, water courses, roads, easements, utilities and other such improvements, which cross or form, any boundary line of the tract being subdivided.
- (12) If applicable, exact boundaries and original property lines within the tract of land being subdivided shown with bearings and distances. (R-10/3/95).
- (13) Roads and alleys, right-of-way width, and road names.
- (14) Error of closure.
- (15) Lot lines, minimum building setback lines, road trees and lot and block numbers.
- (16) Parks, school sites, or other public open spaces, if any.
- (17) All dimensions shall be to the nearest one-one hundredth (1/100) of a foot and angles to the nearest second. (R-10/8/97).
- (18) Accurate description of the location of all monuments and markers.
- (19) The final plat must be drawn on Mylar or comparable material. (R-10/8/97).
- (20) Utility easements and widths. Location, dimensions, and purpose of any easement.
  - (a) water

- (b) gas
- (c) sanitary sewer
- (d) storm drainage
- (e) electrical lines
- (f) telephone lines
- (g) cable TV

(21) Signed certificates shall appear on the Final Plat which is submitted to the Board of Commissioners, Planning Commission, or Planning Director, by the divider/developer for recording as required in the subdivision regulations. (R-10/3/95).

(22) Location of all buffers, if any. (R-10/3/95).

(23) Letter or number to identify each lot or site. (R-10/3/95).

(24) Show all watercourses, wetlands, and flood zones, if any. (R-10/3/95).

(25) All Plats shall show the expected limits of the one hundred (100) year flood where appropriate.

(26) Current zoning.

(27) Proposed finish floor elevations, if situated in Unnumbered A Zone. (R-10/3/95).

(28) Location of all retention & detention basin for stormwater control, if any. (R-10/3/95).

(29) Location of existing adjoining property lines.

(30) (Reserved) (R-11/7/95).

(31) Total acreage of tract in acres.

(32) Area of each divided/subdivided tract as indicated by the minimum size requirements (acre/square foot) of the Bryan County Zoning Ordinance for the Zoning District in which the tract is situated. (R-10/3/95).

(d) **Permanent Reference Points:** Prior to the approval of the Final Plat, all of the subdivisions permanent reference points shall have been placed in accordance with the following requirements:

- (e) **Subdivision Corner Tie:** At least one (1) corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within three hundred (300) feet of a U.S. Coast and Geodetic Station, U.S. Geological Survey, or Georgia Grid System coordinate monument, then this corner shall be marked with a monument so designated by computed X and Y coordinate which shall appear on the map with a statement identifying this Station or Monument to an accuracy of 1:10,000. When such a monument of Station is not available, the tie shall be made to some permanent and readily recognizable land mark or identifiably point, physical object or structure. (R-10/3/95)
- (f) **Monuments:** Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection lines of roads and at the intersection of lines of roads with boundaries of the plat and at the intersections of alleys with the boundaries of the subdivision; all points of curvature, point of tangency, points of reverse curvature and angle points in the side lines of roads and alleys; and all angles of an intermediate traverse line.

It is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the subdivision if the angle points can be readily re-established by reference to monuments along the sidelines of the road.

All required monuments shall be placed flush with the ground where practicable.

If the required location of monument is in an inaccessible place, or where the location of a monument would clearly be 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.

All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches square.

If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches. (R-10/8/97).

- (g) **Property Markers:** A one-half (1/2) inch rebar or a steel or wrought iron pipe not less than three-fourths (3/4) inch in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by Monuments. (R-10/3/95).
- (h) **Accuracy:** Land surveys, both within the limits of incorporated areas and beyond shall be at an accuracy of at least 1:7,500.

- II. The following items must be included on all Construction Plans, except where specifically modified in the Ordinance:

**Construction Plans:**

Construction plans reflect the actual infrastructure to be completed prior to the subdivision being offered for sale and generally consist of drainage, roads, water supply, water distribution, fire protection, wastewater disposal, recreational areas, bikeways, walkways, buffers, and provisions for electricity, gas, cable TV, telephone line, and other necessary utilities.

All submissions shall bear the signature and date across the seal of the Georgia registered engineer who prepared the plans, reports, design consideration, and calculations pertinent to the construction plans.

Construction plans shall be submitted in the following format as appropriate: (R-10/8/97).

1. Title Sheet
2. Staking/Layout Plan and Traffic Control Plan
3. Grading, Drainage and Paving Plan
4. Road and Roadside Drainage Profiles
5. Water and Sanitary Sewer & Sewer Profiles
6. Neighborhood Grading and Drainage Plan
7. Soil Erosion and Sedimentation Control Plan
8. Details (sheets as needed)
9. Other Plans (as required)

The drawing scale shall not be larger than 1"=20' and smaller than 1"=100'. The plan sheet shall not exceed 30"x42" (E size); however, 24"x36" (D size) sheets are preferred.

- (a) **Existing Features:** Provide on all plan drawing sheets existing features of the property and the following additional information:

1. The bearings and distances of the boundary lines of the property to be subdivided.
2. If within one (1) mile, the distance and direction to public water lines and sanitary sewer lines. (R-10/8/97).
3. The name, location, and width of all right-of-way or easements of existing streets, roads, railroads, and utilities either on the property or abutting the property.

4. Existing contours of the property at one foot intervals and based on Mean Sea Level datum.
5. The location of railroads, of public or private rights-of-way or easements, and of parks or other public spaces either on the property or abutting the property.
6. Location of existing adjoining property lines with owner's names and addresses.
7. Existing buildings on the property to be subdivided.
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 abutting the property, including the grades and invert elevations of storm and sanitary sewers.
9. Location of city limit lines and county lines, if applicable.

(b) **Proposed Design Features:**

**General:**

1. Each Sheet Signed By Registered Engineer
2. Graphic Scale Shown on Each Sheet
3. Legend
4. North arrow (Grid, Magnetic, True, Etc.)
5. Water System Approved
6. Wastewater System Approved
7. Benchmark on each plan sheet on permanent locations outside of area of construction.
8. A certificate from a professional engineer shall be required stating that drainage from the property to be subdivided, after subdivision and development will not affect adjacent property by either increasing or decreasing storm water run-off onto such adjacent property. This certificate must be approved by the County Engineer.
9. When the Preliminary Plan includes only a part of the tract on which the Subdivider has an interest, the Subdivider shall submit a tentative drainage and street plan for all of said tract.

(c) **Title Sheet:**

1. Development Name & Phase (If Applicable)

2. Owners's and Engineer's Name, Address, & Phone #
3. Sheet Content Schedule with Page Numbers
4. General Location Map
5. Total number of lots, total acreage, total length of streets.

(d) **Staking & Layout Plan:**

1. Proposed road names; coordinate with Director of Public Safety.
2. Centerline Curve Data and Station #'s @ 100'
3. Location & Purpose of All Easements
4. Locations Relative to Existing/Future Phases
5. Adjacent Property Owners' Shown
6. Flood Elevation Statement Shown W/ Zone Limits
7. Existing and Proposed Lot Line Dimensions; proposed lot numbers and block numbers.
8. Traffic Signage and striping per MUTCD
9. Location of proposed monuments and road signs.
10. Location of all Buffers and Landscaping
11. Proposed major contour changes in areas where substantial cut and/or fill is to be done.
12. Designation of all lands (if any) to be reserved or dedicated for public use and areas proposed for use other than single-family residential use.

(e) **Grading, Drainage, and Paving Plan:**

1. Contours Shown @ 1 Foot Intervals
2. Topo Information on Adjacent Property as Appropriate
3. Corps Approved Wetland Jurisdictional Delineation
4. Stormwater Detention Features
5. Invert Elevations and size for All Pipes, Inlets, etc.
6. Ditch & Swale Invert Elevations
7. Detention Basin Profiles
8. Peak Water Elevation Labeled
9. Maintenance Access Provided
10. Topo Provided @ Pond Discharge Location
11. Easements for All Pipes, Ditches & Swales
12. Easements Provided for All Canals
13. Detention Basin Responsibility
14. Access to County Maintained Right-of-Way
15. Access Approved to Road
16. Sidewalk Location
17. Temporary or Permanent Cul-de-sacs Provided

(f) **Road & Roadside Drainage Profile:**

1. Profile of Existing & Proposed Grades
2. Centerline Elevations & Grades
3. Storm Drain Elevations shown on Profile
4. Utility which Cross Profile

(g) **Water and Sanitary Sewer & Profile:**

1. Location and size of all Water Lines, Valves, Fire Hydrants & Services
2. Location and size of all Sewer Mains, Manholes, Force Mains, Air Release Valves & Laterals
3. Location of all Utility Lines & Easements
4. Location of all Improvements within ROW
5. Typical Section of Utility Locations in ROW
6. Profile of Proposed Lines and Grades
7. Location of All Proposed Features Crossing Lines

(h) **Neighborhood Grading & Drainage Plan:**

1. Existing and Proposed Contours
2. Minimum House Finish Floor Elevations
3. Minimum Garage Finish Floor Elevations
4. Lot Drainage Plan for Each Lot
5. Lot Numbers Labeled in Bold
6. Proposed Road Centerline Elevation every 100'

(i) **Soil Erosion Control:**

1. Land Disturbing Activity Application
2. Use of SCS Universal Codes
3. Construction Exit Provided
4. 24 Hour Contact Provided
5. Construction Schedule
6. Clearing Limits Indicated w/ Trees Shown
7. Erosion Control Provided for All Pipe Outlets
8. Temporary Sediment Basins
9. Temporary & Permanent Grassing Indicated

(j) **Details:**

1. Construction Details Shown for All Structures
2. Details Shown for All Non-Standard Construction
3. Typical cross-sections for roads; requirement for proof rolling.

(k) **Design Calculations:**

1. Stamped by GA Registered Engineer
2. Drainage Map w/ Areas Shown
3. "C" Factor Determined
4. Length of Travel Shown On Map
5. Time of Concentration Determined
6. Pipe Sizing Calculations Determined
7. Pond Routing Provided
8. 100 Year Flood Event Shown for Basins & Outfalls
9. Peak Water Elevation Provided

III. The following signed certifications must appear on Final Plats approved under the Ordinance:

**APPROVED UNDER ARTICLE XII:**

\_\_\_\_\_  
County Engineer

Date of Approval

\_\_\_\_\_  
For Health Department

Date of Approval

\_\_\_\_\_  
Engineering Director

Date of Approval

Approved by the Planning Director this \_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Planning Director

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

(R-10/8/97).

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**APPROVED UNDER ARTICLE XIII:**

Approved in accordance with Bryan County  
Subdivision Regulations:

\_\_\_\_\_  
Planning Director

Date of Approval

(R-10/8/97).

**APPROVED UNDER ARTICLE XIV:**

Approved in accordance with Bryan County  
Subdivision Regulations:

\_\_\_\_\_  
Planning Director

Date of Approval

(R-10/8/97).

**APPROVED UNDER ARTICLE XV AND ARTICLE XVI:**

Approved in accordance with Bryan County  
Subdivision Regulations:

\_\_\_\_\_  
Planning Director

Date of Approval

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**Appendix (b)**

**SCHEDULE OF FEES**

Sketch Plan .....	\$40
Preliminary Plat/Construction Plan* .....	
Single-Family Residential .....	\$150 + \$35 per lot (R-10/8/97)
Multi-Family Residential .....	\$150 + \$35 per unit (R-10/8/97)
Non-Residential .....	\$150 + \$77 per acre (R-10/8/97)
Final Plat** .....	\$15 per lot (R-10/8/97)
Subdivision Review, Preliminary Plan Revisions .....	\$500 (R-10/8/97)
Revision To Final Plat .....	\$10 per lot (R-10/8/97)
Plat Recording Fee .....	as required by Clerk of Court
Resubmission Fee*** .....	\$10 per lot (R-10/8/97)
Letter of Credit Administrative Fee .....	\$50.00
Alternative Processing Fee under Article XIII .....	\$250.00
Appeal Fee .....	\$100.00

\* - Fee includes plan review and inspection for Subdivision Regulations and local Soil Erosion, Sedimentation Control, Plan Review and Monitoring. (R-10/3/95).

\*\* - Fee does not include cost for recording plat in the Clerk of Courts Office. Check made payable to the Bryan County Clerk of Court for entire recording amount shall be delivered to Department of Planning and Zoning prior to final plat approval.

\*\*\* - Fee is for reactivation of an application that was denied by the Planning Director, Planning Commission or County Commission. Fee is valid only on application reactivation within ninety (90) days of denial. (R-10/3/95).