

No base document

SUBDIVISION ORDINANCE

ARTICLE I GENERAL

- 1.1. AUTHORITY AND JURISDICTION.** The 1983 Georgia Constitution grants authority to the governing authority of the county to regulate land development and land use. These regulations shall apply to all unincorporated land located within the boundaries of Evans County, Georgia.
- 1.2. PURPOSE.** The public health, safety, economy, good order, appearance, convenience, morale and general welfare require the harmonious, orderly and progressive development of land within Evans County. In keeping with the general intent of this Ordinance, it is the specific intent of this Ordinance to encourage the development of safe, sound, and stable subdivisions within the county.
- 1.3. ADMINISTRATION.** The County Administrator is appointed by the Board of Commissioners to administer this policy and approve or disapprove of preliminary and final plats and construction plans.

ARTICLE II DEFINITIONS

- 2.1. SUBDIVISION.** A subdivision is defined as a tract or parcel of land divided into 3 or more lots, building sites, home sites, or other divisions for the purpose of sale, lease, or residential building development; whether immediate or future.
- Excluded from this definition are the following:
- a) The division of land into parcels of 5 acres or more where no new road is constructed and all parcels abut a county road by at least 125 feet.
 - b) The division of land into parcels for the purpose of conveying the land directly to an immediate family member for the purpose of his/her residence. Application for said exemption must be accompanied by a signed family affidavit.
 - c) In such cases where there is a real estate exchange between adjacent and adjoining landowners, or a conveyance by a landowner to an adjacent or adjoining landowner, of a lot or parcel of land which does not meet the minimum acreage requirement, or where the lot does not front the minimum distance on an existing

public road, or where the lot will not front on an existing public road, and the purpose of said conveyance or plat is to (i) accomplish a real estate exchange between adjacent and adjoining landowners; or (ii) increase the lot size of an existing lot; or (iii) to increase the road frontage of an existing lot; or (iv) to create a lot which would comply with the Evans County Subdivision Ordinance, a variance shall not be required; provided, however, that the conveyance or exchange of real estate shall not create a lot not in compliance with the Ordinance, or that the lot conveyed shall become a part of an existing lot and that the deed of conveyance and the plat of survey thereof shall contain a statement as follows: "This conveyance is an exception to the Evans County Subdivision Ordinance, and shall become a part of the adjacent and adjoining lands of Grantee, and this lot shall not be re-conveyed except as part of said adjacent and adjoining lands, or unless said lot shall otherwise be in compliance with the Evans County Subdivision Ordinance." And, it shall be required that the County Administrator review both the deed and the plat of survey to determine compliance with this Exception to the Evans County Subdivision Ordinance; and, if so, to approve the recording of said deed and the plat of survey as having complied with this Exception. A denial of approval by the County Administrator of said deed or plat of survey shall be subject to the appeal provisions of this Ordinance for a variance.

d) The division of land into parcels of 15 acres or more, where each parcel as divided will not abut a county road for at least 125 feet, provided that each of the following conditions shall be met: 1) The roadway accessing each parcel shall be designated as a "private road" on the plat of survey; 2) Said roadway shall be designed so as to prohibit through traffic, and to allow for installation of utilities; 3) There will be a 60-foot easement indicated on the plat; 4) Any private road shall be developed to present county standards; however, a private road shall be exempted from the paving requirements; 5) Before approval of the plat by the county administrator, the owner shall file with the county administrator a release of maintenance agreement releasing the county from any present or future maintenance obligations of said roadway; 6) A sign indicating the existence of a private road will be erected at the intersection of each public road and private road; 7) A disclosure statement shall be present on all plats dividing said lots and included in all sales contracts; 8) The statement shall set forth the ownership of the private road, the rights of purchasers and others to use the roads, provisions and responsibilities for maintenance and liability, and the rights of purchasers to enforce said provisions. Further,

the statement shall advise purchasers that the county Board of Commissioners is not responsible for the maintenance of the private road; and 9) Each lot owner shall have title to the centerline of the private road adjacent to his lot subject to the 60-foot easement described herein.

- 2.2 LOT.** A lot is defined as a portion of land separated from other portions or parcels by descriptions as on a subdivision plat or record of survey map, or as described by metes and bounds, and intended for transfer of ownership or for building development.
- 2.3. MINOR SUBDIVISION.** A minor subdivision is defined as a subdivision with 3 or more lots, all of which are two (2.0) acres in size or larger.
- 2.4. MAJOR SUBDIVISION.** A major subdivision is defined as a subdivision with 3 or more lots, any of which are smaller than two (2.0) acres.

ARTICLE III DEVELOPMENT PLAN

- 3.1. PLAN APPROVAL.** In order to construct, alter, or expand a subdivision, a developer must secure approval of a development plan from the County Administrator, acting under the authority of the Evans County Board of Commissioners. Such plans must be submitted at least thirty (30) days prior to the time construction is to begin. The County will then have thirty (30) days to approve, disapprove, or request additional information on the plans.
- 3.2. PLAN REQUIREMENTS.** The subdivision development plan shall contain the following information:
- A) Name and address of applicant.
 - B) Name and address of proposed subdivision, location, and legal description of the property.
 - C) Three paper copies of the plat that conforms to the Georgia Plat Act and shows the following:
 - 1) The subdivision area including the shape and dimensions of the size.
 - 2) Location and width of all existing and proposed roads including all entrances, exits, access ramps, walkways, drainage easements, and utility easements.
 - 3) Green space/buffer zone.
 - 4) Provisions for providing water, sewer, and garbage disposal.
 - 5) Identify size and location of garbage disposal area (if applicable).

- 6) Other information as may be required by the Board of Commissioners and necessary to carry out the terms of this Ordinance.
- D) The proposed usage of land such as single or multi-family residences or mobile or conventional homes.

3.3. PLAT FILING. No subdivision plat – exempt or non-exempt, minor or major – shall be filed without prior stamped approval of the Evans County Board of Commissioners.

ARTICLE I V SUBDIVISION DESIGN AND SPECIFICATIONS

4.1. SET BACKS. To allow for safety and adequate traffic control, all structures shall have a front set back of 25 feet from the road right of way. Back and side set backs shall be 15 feet from the respective property lines.

4.2. ENTRANCES & EXITS/LOT ACCESS. The subdivision entrance and exit streets shall be designed to provide safe access to the public street and shall be designed and located in accordance with GDOT Driveway and Encroachment Control guidelines. Lots fronting an existing public road with ramps accessing directly onto an existing public road are only allowed in minor subdivisions and must abut the existing public road by at least 125 feet. Access ramps on the same side of the road, accessing directly onto an existing public road, must have at least 250 feet of spacing from center to center. For major subdivisions, there shall be no more than four subdivision entrances that access existing public roads; any subdivision with more than 100 lots must have at least four entrances. All lots in a major subdivision must front an interior road, and all driveways in a major subdivision must access an interior road. Joint use access ramps are allowed in a minor subdivision but not in a major subdivision. All access ramps must meet GDOT sight distance guidelines. All subdivision lots shall be limited to one access ramp per lot.

4.3. ROADS & RIGHT OF WAY. All roads, including private roads, within a subdivision, excluding a drive-way leading to a residence, shall be designed and constructed in accordance with Evans County Road Specifications, have a right of way of at least 60 feet and an asphalt paved road bed of not less than 22 feet. Right of way can be reduced to 40 feet in major subdivisions due to the use of curb and gutter and other drainage structures. Interior road right of ways cannot be included in the lot acreages, and interior roads cannot be proposed as access easements. All interior roads shall have a speed limit not to exceed 25 MPH. All road right of ways must be grassed and cleared of all

obstructions including timbers and other structures. Preparation and maintenance of the interior roads will be the responsibility of the developer until accepted by Evans County. Additionally, for major subdivisions, all interior roads shall have concrete curb and gutter on both sides. All driveways in major subdivisions must be paved either in concrete or asphalt from the nearest road to the residential structure and must be at least 10 feet in width.

4.4. CUL-DE-SAC. A cul-de-sac with a radius from the center of not less than 50 feet shall be constructed at the closed end of all dead end streets Within a subdivision. Cul-de-sacs must be paved to Evans County Road Specifications.

4.5. DRAINAGE.

A) For minor subdivisions: All roads must be brought up to an elevation which prevents flooding, be equipped with proper drainage pipes, including driveway and ramp pipes, and have drainage easements and out-fall ditches as needed. All cross drains shall contain at least 32 feet of approved pipe of a size sufficient to provide for proper drainage. All drainage pipes must be concrete or double wall ADS. The Road Department Superintendent must approve road elevations, drainage plan, drainage structures, cross drains and out-fall ditches before installation.

B) For major subdivisions: All roads and lots must be brought up to an elevation which prevents flooding. All roads must be equipped with proper drainage structures, including storm drains. Drainage easements, retention ponds, and out-fall ditches should be in place, if necessary. The Road Department Superintendent must approve road elevations, drainage plan, and drainage structures before installation.

4.6. SANITARY CONDITIONS. The owner or developer of the subdivision shall ensure that all unsold lots, its facilities, equipment, grounds, road, buffers, and fences are maintained in a clean, orderly, safe, and sanitary condition.

4.7. ROAD SIGNS. Street name signs and other appropriate traffic signs such as stop signs shall be installed by the developer per GDOT specifications.

4.8. HEALTH, SAFETY, AND WELFARE. In approving a subdivision, the Evans County Board of Commissioners may attach additional conditions to protect the health, safety and welfare of both the occupants of the subdivision, the occupants of the surrounding property, and other citizens of the county.

- 4.9. GREEN SPACE/BUFFER ZONE.** The perimeter boundaries of all subdivisions shall provide for a fifty (50) foot green space or buffer zone beginning at the exterior property lines of the subdivision and continuing inward; provided, however, that such green space or buffer be required where a State or county road or highway is the division line between the subdivision and the adjoining property, or where the subdivision road is the division line. The buffer zone shall be considered a portion of the exterior lots which it encompasses.
- 4.10. GREEN SPACE/BUFFER ZONE RESTRICTIONS.** There shall be no man-made improvements allowed in the green space or buffer zone.
- 4.11. UTILITIES.** In a major subdivision, all utilities including, but not limited to, electricity, gas, water, sewer, cable television, and telephone, shall be placed underground and out of visual sight.
- 4.12. LIGHTING.** Decorative lamp post style street lights shall be placed no more than 100 feet apart along both sides of all interior roads of a major subdivision. The developer shall ensure that the lights are maintained and functional and that they are operational from dusk until dawn.

ARTICLE V LOT REGULATIONS

- 5.1. LOT SIZES FOR MINOR SUBDIVISIONS.** All subdivision lots in a minor subdivision must have an area of not less than two (2) acres, with a minimum of one (1) acre of useable property, unless more is required by County Health Department regulations.
- 5.2. WIDTH REQUIREMENT FOR MINOR SUBDIVISION LOTS.** Minor Subdivision lots served by public water shall have a width of at least 100 feet at the actual building line. Lots served by non-public water shall have a width of at least 150 feet at the actual building line. All lots shall have a minimum width of 80 feet where they abut an interior road or a minimum width of 125 feet where they abut an existing public road.
- 5.3. LOT SIZES FOR MAJOR SUBDIVISIONS.**
- A) Subdivision lots served by both non-public water and an individual septic tank shall contain an area of not less than two (2) acres, with a minimum of one (1) acre of useable property, unless more is required by County Health Department regulations.
 - B) Subdivision lots served by public water and individual septic tanks shall contain an area of not less than 1.5 acres, with a minimum of .5 acres of useable property, unless more is required by County Health Department regulations.

- C) Subdivision lots served by non-public water and public sewer shall contain an area of not less than 1.5 acres, with a minimum of .5 acres of useable property, unless more is required by County Health Department regulations.
- D) Subdivision lots served by public water and public sewer shall contain an area of not less than .75 acres, with a minimum of .5 acres of useable property, unless more is required by County Health Department regulations.
- E) "Useable property" shall be determined by the Evans County Health Department.

5.4. WIDTH REQUIREMENT FOR MAJOR SUBDIVISION LOTS. Major subdivision lots under sections 5.3(B), 5.3(C) and 5.3(D) shall have a width of at least 100 feet at the actual building line. Lots under section 5.3(A) shall have a width of at least 150 feet at the actual building line. All lots shall have a minimum width of 80 feet where they abut the road.

5.5 FLOOD PLAIN AREAS. Developers shall be required to inform all potential buyers about areas within the subdivision that are designated by the Federal Emergency Management Agency as a flood plain area.

ARTICLE VI WATER, SEWER AND GARBAGE REGULATIONS

6.1. SEWAGE SYSTEM. If the soil conditions of the subdivision are unable to support individual septic tanks, then a sanitary sewage system shall be installed in accordance with the rules and regulations of the Evans County Board of Health and the Environmental Protection Division of the Georgia Department of Natural Resources.

6.2. SEWAGE SYSTEM APPROVAL. Prior to the construction of any community sewage disposal system such as septic tanks, oxidation ponds or other facilities, the location, size, plans, and specifications shall be approved by the Evans County Board of Health and any other applicable agencies.

6.3. WATER SUPPLY. All water systems shall be installed in accordance with the rules and regulations of the Evans County Board of Health and the Environmental Protection Division of the Department of Natural Resources. Public and non-public water system definitions shall mirror that of County Health Department regulations.

6.4. GARGABE. Garbage shall be collected by residential curbside pickup by Evans County, as arranged through a private contractor. The storage, collection, and disposal of garbage for the subdivision shall be so conducted as to prevent health hazards, rodent harborage or insect breeding areas.

ARTICLE VII VARIANCES

7.1. VARIANCES. When due to a particular hardship experienced by the owner of the land it is impractical for a developer to comply with the interpretations of the requirements of this Ordinance, the Board of Appeals shall be authorized to vary such requirements provided the intent and purposes of this Ordinance are not violated. Such variances and reasons for granting them shall be entered into the minutes of the meeting.

ARTICLE VIII APPEALS PROCESS

8.1. APPOINTMENT. The Board of Appeals shall consist of not more than five members appointed by the Board of Commissioners. Members shall be removed for cause upon written notice of the charges by the County Commission. A member shall be disqualified to act upon a matter before the Board of Appeals in which the member has an interest.

8.2. TERM OF OFFICE. The term of office for each member shall be 3 years; however, in order that all terms do not expire on the same date, the terms of the original Board of Appeals shall be as follows: Two members shall be appointed to 2-year terms, and three shall be appointed to 3-year terms. Members may be re-appointed to successive terms.

8.3. POWER AND DUTIES. The Board of Appeals shall have the following powers:

- A) To hear and decide upon appeals where it is alleged that there is an error in any requirement, determination, or decision made by the County Administrator in the enforcement of this Ordinance. The Board of Appeals is not authorized to hear appeals of decisions of the Board of Commissioners.
- B) To hear and decide upon special exceptions to the terms of this Ordinance.
- C) To authorize upon appeal in specific cases a variance from the terms of this Ordinance that will not be contrary to the public interest and intent of this Ordinance.

8.4. APPEALS PROCESS. An appellant must file an appeal with the County Clerk in writing within 10 days of learning of a requirement, determination, or decision. The appeal shall contain a statement describing what is appealed. The County Administrator will notify the appellant of the time, date, and place of the hearing.

8.5. DECISION. The Board of Appeals shall render its decision during the meeting at which the appeal is considered; however, by majority vote, the Board may continue the meeting until a time certain within 10 days. If an appellant is not satisfied with the decision of the Board of Appeals, then he or she may request an appeal hearing before the Board of Commissioners. The Board of Commissioners will have 10 days to Consider granting the appellant an appeals hearing. If an appeals hearing before the Board of Commissioners is granted, the Commissioners' decision will be final.

ARTICLE IX PENALTIES

9.1. VIOLATIONS OF ORDINANCE. Any person violating any provision of this Ordinance shall be subject to citation to magistrate court and, upon conviction, be guilty of a misdemeanor and shall be subject to each separate day of violation shall be a separate offense.

9.2. COMPLIANCE. If the Board of Commissioners determines that certain improvements to the subdivision do not comply with the approved development plans or any other provisions of this Ordinance, the developer or owner shall, upon demand by the Board of Commissioners, immediately correct any deficiencies as required by the Board of Commissioners.