

RESOLUTION AMENDING THE SUBDIVISION REGULATIONS OF MADISON COUNTY

For the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of Madison County and to further the purposes of the Madison County Subdivision Regulations as set forth therein, the Board of Commissioners of Madison County does hereby ordain and exact into law the following changes to the Subdivision Regulations.

1.

A new section 5.6 is added as follows, and existing sections 5.6 and 5.7 are hereby re-numbered to 5.7 and 5.8:

Section 5.6 – Traffic Impacts. For new subdivisions expected to generate more than 990 vehicle trips per day (assuming 10 trips per household per day) a traffic impact study should be submitted with the preliminary plat. A registered traffic engineer shall determine the extent of the impact and specify appropriate traffic control devices to mitigate the traffic impacts.

2.

Section 6.0 is hereby deleted and the following substituted in its place:

Section 6.0 - Application for Final Plat Approval. After the Preliminary Plat of a proposed subdivision has been given approval by the Board of Commissioners, the sub-divider shall have one year from the date of such approval to submit the Final Plat with all required documentation. Should the sub-divider fail to submit the final plat within the one-year period, approval of the Preliminary Plat will be considered null and void. To apply for a Final Plat, the sub-divider must provide the Zoning Administrator with the following:

1. A written request for review and approval of final subdivision plat.
2. Title opinion from developer's attorney certifying clear title to all streets, rights-of-way, drainage easements, well lots, wells and other areas to be dedicated to Madison County, and dedication deeds or easement agreements to be accepted by the Board of Commissioners.
3. Conservation or natural resources easement, if required by the provisions under the Environmental Protection Article of the Development Code.
4. All public improvements, including roads, water and/or sewer infrastructure, and traffic control devices, shall have been properly installed and completed in accordance with all requirements of the Madison County Development Codes. Maintenance Bonds from an acceptable surety licensed to do business in the State of Georgia for the following are required:
 - (a) If the proposed water requires the approval of the Georgia Environmental Protection Division, the Industrial Development Authority, or other public water source, this approval shall be obtained prior to making application for approval of the final plat. The approval shall be in writing along with any required maintenance bond required by the issuing water authority, and shall accompany the application for approval to the Planning and Zoning Department.
 - (b) Road maintenance bonds in an amount adequate to assure proper performance and maintenance are required on all subdivisions, the amount to be determined by the Chairman in the reasonable exercise of his discretion. The bond(s) and is to stay active for one (1) years following the date of approval of the final plat, and at that time the developer may request a release on the bond.
5. Executed Storm Water Management Facility Maintenance Agreement.
6. Protective Covenants, if any, shall be submitted with the application request.

7. Ten (10) signed prints and one digital copy of the Final Plat and all documentation required by these Regulations.

3.

Sections 6.1 and 6.4 are hereby deleted in their entirety, and the existing sections re-numbered as follows:

- Existing 6.1 is deleted;
- Existing 6.2 becomes 6.1;
- Existing 6.3 becomes 6.2;
- Existing 6.4 is deleted;
- Existing 6.5 becomes 6.3;
- Existing 6.6 becomes 6.4;
- Existing 6.7 becomes 6.5;
- Existing 6.8 becomes 6.6; and
- Existing 6.9 becomes 6.7.

4.

Former Section 6.2(12)(e), re-numbered hereby to section 6.1(12)(e), is hereby deleted and the following substituted in its place:

Certification of Dedication. A certification by the owner setting forth the description of the areas and improvements he/she dedicates to the public and the extent of the title that he/she is dedicating should be attached to the Final Plat.

“I (we) hereby certify that I (we) adopt this plan of subdivision and dedicate all streets, and open space (s) to public use as noted.

_____ Date _____
Owner

“ I hereby certify that the streets within this subdivision have been fully inspected and meet all the Madison County Road requirements to be adopted.

_____ Date _____
Madison County Road Superintendent

5.

Former section 6.6, re-numbered hereby to section 6.4, is hereby deleted and the following substituted in its place:

Section 6.4 – Distribution of Final Plat. Copies of the Final Plat shall be distributed as follows;

1. Sub-divider or agent, one (1) print
2. Zoning Administrator, one (1) print
3. Clerk of Superior Court, two (2) prints
4. Tax Assessor, one (1) print
5. Chairman, one (1) print
6. 911, one (1) print

7. Building Inspection, one (1) print
8. Mapping, one (1) print and one (1) digital copy
9. Road Department

6.

Article XI is hereby deleted in its entirety and the following substituted in its place:

ARTICLE XI: MAINTENANCE AND PERFORMANCE SURETY

Section 11.0 – Surety Required. No final subdivision plat shall be approved by the County or accepted for recordation by the Clerk of the Superior Court until The Board of Commissioners has received performance surety in the form of a bond or letter of credit issued by an acceptable surety licensed to do business in the State of Georgia, to insure the workmanship, maintenance and materials of the improvements in the project required by these Subdivision Regulations.

Section 11.1 – Amount of Surety. The bond or letter of credit shall be payable to the County in an amount not less than 20% of the actual cost (or, if actual cost cannot be readily determined, then 20% of the estimated cost as estimated by the Chairman of The Board of Commissioners in the reasonable exercise of his discretion) of the subdivision street(s), drainage, and other required improvements dedicated to the County under section 6.0(2) hereof.

Section 11.2 – Duration and Release. The bond or letter of credit be for a period of twelve (12) months after approval of the final plat and acceptance of the improvements by the Board of Commissioners pursuant to sections 6.0 and 8.13 hereof.

Section 11.3 – Conditions and Default. The bond or letter of credit shall obligate the developer/owner to guarantee the workmanship and materials of the required improvements, and to maintain the required improvements, for a period of twelve (12) months after approval of the final plat and acceptance of the improvements by the Board of Commissioners pursuant to sections 6.0 and 8.13 hereof. The bond shall provide that should the owner/developer default in his obligations hereunder during said period, the Surety shall promptly: (1) perform or cause to be performed such work as is necessary to cure the default; or (2) pay over to the County the cost of performing such work as is necessary to cure the default (not to exceed the amount of the bond. The surety be further liable, to the extent of the bond amount, for all loss, damage, and expense, including but not limited to attorney's fees, which the County may sustain or incur by reason of the failure to perform or default on the part of the owner/developer.

These amendments shall be effective immediately upon approval by the Madison County Board of Commissioners.

Approved by the Madison County Board of Commissioners on the _____ day of _____, 2009.

By: _____
Chairman Anthony Dove

By: _____
County Clerk Linda Cox