

City of Valdosta Land Development Regulations

Article 3 Subdivision and Site Development Plan Review Procedures

Section 302-20 Application and Authority

- (A) Permitting Authority.
- (1) No person shall proceed with any disturbance of the land, including clearing, grubbing, or grading activities on a proposed structure, development or subdivision before obtaining a land disturbance permit from the Engineering Department. See Section 302-44.
 - (2) No building or development permit of any kind shall be issued for any lot or lot of record not created in accordance with the provisions of this LDR.
 - (3) Nonconforming lots shall be exempt from Section 302-20(A)(2), provided that new development of said lots shall be in accordance with the LDR, except as to deficient lot dimensions on said lots and that said lots shall not be further divided in any manner except in accordance with Chapter 302.
- (B) Platting Authority. No plat of a land subdivision shall be filed or recorded in the office of the Clerk of the Superior Court unless it receives final plat approval from the Department pursuant to the requirements of this LDR, except as otherwise authorized in O.C.G.A. Section 15-6-67(d). The filing or recording of a plat of a subdivision not exempted by O.C.G.A. Section 15-6-67(d) without the approval of the Department is a violation of Section 302-20 of this LDR and is punishable as provided by Chapter 110 of the LDR.
- (C) Prohibitions. No lot or plat shall be created by subdivision except in accordance with the provisions of this Chapter 302. No lot shall be created based solely on a metes and bounds legal description. All lots shall be conforming lots, except where otherwise specifically authorized.
- (D) Use of Plat. The transfer of, sale of, or agreement to sell land by use of a plat that has not been given final approval by the Department and recorded in the office of the Clerk of the Superior Court is prohibited and shall constitute a violation of this Chapter in accordance with LDR Chapter 110. The description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties provided in Chapter 110.
- (E) Opening and Improving Public Streets. The City of Valdosta shall not accept, lay out, open, improve, grade, pave, or light any street or lay any utility lines in any street unless the street corresponds to the location approved in the preliminary plat or site development plan prepared consistent with this Chapter and meets all other requirements of the LDR, specifically Chapter 332.
- (F) Erection of Buildings. No buildings except model homes approved by the Director, and developments with approved private streets shall be erected on any lot in the City of Valdosta unless the street giving access thereto has been accepted or opened as a public street in accordance with this Chapter and has met all other requirements of the LDR, specifically Chapter 332. Model homes approved by the Director pursuant to this paragraph shall not be issued a Certificate of Occupancy until a final plat providing for approved access to a public street has been approved and recorded.
- (G) Refusal of Building Permit. No building permit shall be issued in connection with any lot or parcel or building site created by subdivision in violation of this Chapter.
- (H) Transfer or Conveyance. Transfer or conveyance of any lot, building site, or other parcel created by subdivision in violation of this Chapter shall be illegal and shall be subject to enforcement action as provided in Chapter 110 of the LDR.

City of Valdosta Land Development Regulations

Section 302-21 Developments of Regional Impact

- (A) DRI Review Threshold. When an applicant desires a building permit, land disturbance permit, site development plan, or preliminary plat review that meets or exceeds the thresholds of a Development of Regional Impact (DRI) as provided in Georgia Department of Community Affairs regulation 110-12-3, and the use has not had prior review in accordance with Section 242-5 of the LDR, then the Department shall initiate and the applicant for such permit or preliminary plat review shall participate in a review by the SGRDC as provided in Section 242-5 of the LDR.
- (B) Notification of Applicant. The applicant will be notified by the City of Valdosta in the pre-application conference or else shall be informed in writing by the City of Valdosta within 5 working days of receipt of the completed building permit, land disturbance permit, site development plan review or preliminary plat review application concerning the required DRI procedures, and additional information requirements, if any.
- (C) Suspension of Land Development Processing During Review. No action shall occur on such application by the City of Valdosta until a recommendation is received from the SGRDC regarding the DRI. The schedule for review and action on the application shall be adjusted accordingly.

Section 302-22 Minor Subdivisions

- (A) Applicability. For the purpose of this ordinance, each of the types of activities described below shall be considered subdivisions, but are exempt from the preliminary platting procedures and requirements of this LDR and may be approved by the Director.
 - (1) The combination, recombination, or reconfiguration of two or more buildable lots of record, where the total number of lots is not increased.
 - (2) The division of land into four or fewer lots where no new streets, public utilities, or other public improvements or access easements are planned or required.
 - (3) The conveyance of land to a public entity as defined in Chapter 106.
- (B) Standards. The following standards apply to subdivisions meeting the standards of 302-22(A):
 - (1) The subdivision or lot meets all requirements of this LDR, and the applicant demonstrates that approval of the subdivision or lot will not create non-conformity to the requirements of this LDR on any other portion of the original property from which the lot was subdivided.
 - (2) All new lots front on an existing public street with a minimum frontage of 60 feet.
 - (3) No extension of utilities or construction of public streets are required or provided.
 - (4) The lots shall comply with the requirements of the Department of Utility Services and Lowndes County Health Department, as appropriate. If existing utilities are being modified, the Lowndes County Health Department or the Utilities Department, as appropriate, shall certify approval of wastewater treatment service prior to approval of the Final Plat by the Director.
 - (5) All slope and utility easements and additional street right-of-way, as determined by the Director on the basis of the latest GDOT Functional Classification Systems for the City of Valdosta shall be provided at no cost to the City.
- (C) Procedures. Subdivisions not requiring a preliminary plat shall be platted in accordance with the Final Plat standards of this LDR (Section 302-27 and Section 302-66), and shall be submitted with an application and appropriate non-refundable fees to the Director for review and approval demonstrating proof that the subject property is exempt as provided in Section 302-22(a) and (b). Upon approval by the Director, the plat shall be recorded with the Clerk of Superior Court of

City of Valdosta Land Development Regulations

Lowndes County and the Director may grant the issuance of development permits pursuant to Article 5 of this Chapter.

Section 302-23 Major Subdivisions

- (A) Applicability. This section applies to all subdivisions of property for non-residential use, all multi-phase subdivisions, and subdivisions of property for residential use other than those meeting the standards of Section 302-22.
- (B) Process. All subdivisions not meeting the standards of Section 302-22 shall be subject to the application, review, and approval procedures of this Section, consisting of the preparation and approval of a preliminary plat, site construction plans, and final plat.
- (C) Preliminary Plat.
- (1) Application.
 - (a) Prior to any land disturbance activities, the applicant shall submit a preliminary plat of the proposed subdivision to the Department for review and approval. When multi-phase subdivisions receive prior approval as a whole in the concept plan stage, preliminary plat applications may be submitted individually for each phase. The application for approval of a preliminary plat shall be accompanied by the required fee and the following additional documents, as appropriate:
 - i. A natural resources plan shall be required by the Department. The natural resources plan shall include a map drawn at 1" = 100' that indicates the presence of streams, lakes, floodplain, wetlands, areas of prime vegetation, steep slopes, shallow or exposed rock, or other site resources or site hazards and the appropriate protection or mitigation measures that will be taken in development of the site.
 - ii. A traffic impact study for developments that have trip generation greater than 2,000 daily trips or otherwise as required by the City Engineer (see Chapter 332). The traffic study will be conducted in accordance with The City of Valdosta Traffic Study Standards found in Appendix I, or as otherwise required by GRTA for DRI review.
 - iii. Traffic calming plan, in accordance with the Chapter 332-10.
 - (b) The preliminary plat for a subdivision shall be in substantial conformity with the concept plan as required in Section 302-60.
 - (c) The preliminary plat shall be prepared in accordance with this Chapter and consist of the elements as described in Section 302-61.
 - (d) After approval of the preliminary plat, the developer shall provide copies of the approved preliminary plat to all utility companies serving the area.
 - (2) Preliminary Plat Review Procedures and Standards.
 - (a) Preliminary plats prepared pursuant to this section shall be reviewed with respect to their consistency with the City of Valdosta Comprehensive Plan and conformity with each of the standards and requirements of this section and all other applicable sections of the LDR and state and Federal regulations as they may be applicable.
 - (b) The applicant shall be responsible for compliance with all Federal, state, and local codes, regulations, and zoning requirements and for the satisfaction of all of the noted and written comments of the Department and related agencies reviewing the preliminary plat.
 - (c) Within 15 working days from receipt of the preliminary plat, the Director shall coordinate the internal review of said preliminary plat with staff representing applicable disciplines, including but not limited to: planning and zoning, transportation, stormwater,

City of Valdosta Land Development Regulations

engineering, GIS, water/sewer, environmental health, the City Arborist, the Fire Chief and other departments, as applicable.

- (d) Review of natural resources plan, traffic impact study, and traffic calming plan.
 - i. Concurrent with review of the preliminary plat the Director and the Engineering Department shall review the natural resources plan, traffic impact study, and traffic calming plan, if required. Such reviews shall assess the conformity with each of the standards and requirements of this Chapter, Chapter 332 and Chapter 222.
 - ii. If the natural resources plan, traffic impact study, or traffic calming plan is disapproved, the applicant shall revise and resubmit such document so that it meets the standards of this section and addresses the reasons for disapproval in a manner that is satisfactory to the Director.
 - iii. Approval of the preliminary plat shall be contingent on the Director's approval of the natural resources plan, traffic impact study, and traffic calming plan, if applicable.
 - (e) The Director shall indicate on a review copy of the drawings or in a memorandum all comments related to compliance of the preliminary plat with this Chapter, principles of good engineering and design, conditions of zoning approval, and regulations of other City departments and State agencies as appropriate. The Director shall have final staff authority to determine the applicability of any and all comments of staff, and review agencies under these regulations or conditions of zoning approval.
 - (f) When the Director has determined that the preliminary plat is in compliance with this LDR and approval has been received from all affected City Departments and outside agencies having jurisdiction the Director shall proceed with action on the application.
- (3) Action on Application.
- (a) No more than 30 working days following submission of the preliminary plat, the Director shall either approve or disapprove the preliminary plat unless the applicant consents to waive this requirement and consent to an extension. Otherwise, if the Director fails to take action within 30 working days after the date of submission of the preliminary plat, then the preliminary plat shall be deemed to be approved.
 - (b) If approved, the Director shall sign such preliminary plat and certify approval on nine copies of the preliminary plat. One copy shall be returned to the applicant and the other copies retained and made a part of the City's records.
 - (c) If the preliminary plat is disapproved, the Director shall notify the applicant in writing, within seven working days following the 30 day period provided in Section 302-23(C)(3) stating the reasons for disapproval.
 - (d) The Director may not approve any preliminary plat whereon is shown a lot which would present particularly unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" because of its unsuitability, whether due to the presence of floodplain, unusual configuration, lack of public utilities or for any other reason. At the discretion of the Director, a house or structure location plan, see Section 302-25, may be required to be filed as a part of the preliminary plat approval to substantiate the buildability of any such difficult or unusual lot.
- (4) Resubmission. If the preliminary plat application is disapproved, the applicant shall resubmit the preliminary plat and completed application form correcting all deficiencies, along with the appropriate resubmission fee. Failure to resubmit within 180 calendar days shall void the application and require the applicant to submit a new preliminary plat.
- (5) Effect of Preliminary Plat Approval.

City of Valdosta Land Development Regulations

- (a) Approval of the preliminary plat shall be deemed an expression of approval of the layout of the subdivision to be used as a guide for the preparation of the final plat.
- (b) Approval of the preliminary plat shall entitle the applicant to prepare and submit construction plans for site development and improvement as provided in Article 4 of this Chapter 302 and to meet all other provisions of the LDR.
- (c) Land Disturbance Permits. Following approval of construction plans for subdivisions and required improvements, a land disturbance permit to construct the required improvements for a subdivision may be issued at the applicant's request. See also Section 302-44.
- (d) The approval of the preliminary plat shall expire if a land disturbance permit for any required improvements has not been issued or a final plat has not been submitted for recording within 12 months of the date of approval of the preliminary plat. This period may be extended one time by the Director for an additional period of time not to exceed 120 days.

Section 302-24 Site Development Plans

- (A) Applicability. Site developments consist of proposed developments of a single parcel of land, having a single phase, other than a single-family dwelling or a residential accessory structure, that do not require subdivision of property into separate lots or units for sale.
- (B) Process. Site development plans shall be subject to the application, review and approval procedures of this section, consisting of the preparation and approval of a site development plan and construction plans for site development and public improvements.
- (C) Site Development Plan Application.
 - (1) Prior to undertaking disturbance of land or construction requiring a building permit, the developer shall submit to the Department a site development plan and an application on a form provided by the Department. When multi-phase developments receive prior approval as a whole in the concept plan stage, site development plans may be submitted individually for each phase. The application for approval of a site development plan shall be accompanied by the required fee and the following information:
 - (a) A natural resources plan, if the site is larger than 1 acre and has not been developed previously for commercial use or is a recorded lot in a commercial subdivision. The natural resources plan shall include a map drawn at 1 in. = 100 ft. that indicates the presence of streams, lakes, floodplain, wetlands, prime vegetation, endangered species, shallow or exposed rock or other site resources or site hazards and the appropriate protection or mitigation measures that will be taken in development of the site.
 - (b) A traffic impact study for developments that have trip generation greater than 2,000 daily trips. The traffic study will be conducted in accordance with The City of Valdosta Traffic Study Standards found in Appendix I, or as otherwise required by GRTA for DRI review.
 - (c) Traffic calming plan, if required in accordance with Section 332-10.
 - (2) The site development plan shall provide all elements required in Section 302-62.
 - (3) New construction of condominium developments shall be reviewed as site developments as provided in this Section 302-24. Condominium developments shall meet the requirements of the "Georgia Condominium Act", O.C.G.A. Section 44-3-80 et seq.

City of Valdosta Land Development Regulations

- (D) Site Development Plan Review Procedures and Standards.
- (1) Site development plans prepared pursuant to this section shall be reviewed with respect to their consistency with the City of Valdosta Comprehensive Plan and conformity with each of the standards and requirements of this section and all other applicable sections of the LDR, the Standards and Specifications, and state and Federal regulations as they may be applicable.
 - (2) The applicant shall be responsible for compliance with all Federal, state, and local codes, regulations and zoning requirements and for the satisfaction of all noted and written comments of the Department and related agencies reviewing the site development plan.
 - (3) Within 15 working days of receipt of the site development plan, the Director shall coordinate the internal review of said site development plan with staff representing applicable disciplines, including but not limited to: planning and zoning, transportation, stormwater, engineering, GIS, water/sewer, environmental health, the City Arborist, the Fire Marshal and other departments, as applicable.
 - (4) Review of natural resources plans, traffic impact study and traffic calming plan.
 - (a) Concurrent with review of the site development plan the Director and the Engineering Department shall review the natural resources plan, traffic impact study, and traffic calming plan, if required. Such reviews shall assess the conformity with each of the standards and requirements of this Chapter, Chapter 332 and Chapter 222.
 - (b) If the natural resources plan, traffic impact study, or traffic calming plan is disapproved, the applicant shall revise and resubmit such document so that it meets the standards of this section and addresses the reasons for disapproval in a manner that is satisfactory to the Director.
 - (c) Approval of the site development plan shall be contingent on the Director's approval of the natural resources plan, traffic impact study, and traffic calming plan, if applicable.
 - (5) The Director shall indicate on a review copy of the drawings or in a memorandum, all comments related to compliance of the site development plan with the Comprehensive Plan, this LDR, the Standards and Specifications, principles of good engineering and design, conditions of zoning approval and regulations of other City departments and state agencies as appropriate. The Director shall have final staff authority to determine the applicability of any and all comments of staff and review agencies under these regulations or conditions of zoning approval.
 - (6) When the Director has determined that the site development plan is in compliance with this LDR, the Standards and Specifications, and approval has been received from all affected City Departments and outside agencies having jurisdiction the Director shall proceed with action on the application.
 - (7) Action on the Application.
 - (a) No more than 30 working days following submission of the site development plan, the Director shall either approve or disapprove the site development plan unless the applicant consents to waive this requirement and consents to an extension. Otherwise, if the Director fails to take action within 30 working days after the date of submission of the site development plan, then the site development plan shall be deemed to be approved.
 - (b) If approved, such action shall be noted on two copies of the site development plan. One copy shall be returned to the applicant, and the other copy shall be retained and made a part of the Department's records.

City of Valdosta Land Development Regulations

- (c) If the Director disapproves the site development plan, the Director shall notify the applicant in writing within seven working days following the 30 day period provided in Section 302-24(D)(7)(a), stating the reasons.
- (E) Resubmission. If the site development plan is not approved, the applicant shall resubmit the site development plan and completed application form correcting all deficiencies, along with the appropriate resubmission fee. Failure to resubmit the site development plan within 180 calendar days shall void the application and require the applicant to submit a new application for site development plan approval with appropriate fees.
- (F) Effect of Approval.
- (1) Approval of the site development plan shall be deemed an expression of approval of the layout of the development to be used as a guide to the preparation of construction plans.
 - (2) The approval of the site development plan shall expire if a land disturbance permit for any required improvements has not been issued within 12 months of the date of approval of the site development plan.
 - (3) Approval of the site development plan shall entitle the applicant to prepare and submit construction plans for site improvements required in this section in conformity with Article 4 of this Chapter and other provisions of the LDR.
- (G) Land Disturbance Permits. Following approval of construction plans for site developments and required improvements, a land disturbance permit may be issued at the applicant's request. See also Section 302-44.
- (H) Development Conformance for Site Developments.
- (1) After completion of the construction of any required improvements for all or part of the area shown on the approved site development plan and before seeking a building permit, the developer shall submit all required certificates, including certification for stormwater management facilities, and guarantees and sureties for required improvements not yet completed, as provided in Section 302-30, to the Department for approval.
 - (2) All improvements and utility installations that are required for approval that are to be dedicated under the rules and regulations of the City shall be completed in accordance with the appropriate specifications, unless the applicant provides guarantees and sureties for required improvements not yet completed in accordance with the performance and maintenance agreement, as provided in Section 302-30.
 - (3) The Director shall certify by signature on the original of the site development plan that all of the requirements of this LDR, the Standards and Specifications, and the conditions of zoning approval, if any, have been met, and that all other affected departments and agencies have inspected and approved the construction of improvements pursuant to the approved site development plan.

Section 302-25 House or Structure Location Plans

- (A) The Director, in accordance with Sections 302-23 and 302-27 may require the submittal of a house or structure location plan to ensure that a new home or structure is located properly on a lot in accordance with minimum setback requirements and buffers due to unusual conditions such as lot line configuration or the location or easements.
- (B) If required by the Director, any applicable house or structure location plans shall be approved prior to approval of a preliminary plat.

City of Valdosta Land Development Regulations

- (C) House and structure location plans shall be prepared in accordance with the requirements outlined in Section 302-68.

Section 302-26 Approval of Development Conformance for Subdivisions

- (A) Approval of Development Conformance. Approval of development conformance shall be a prerequisite to the approval of a final plat or issuance of a Certificate of Completion or Certificate of Occupancy for any part of a project included in a land disturbance permit. The approval shall reflect certification that all site work and construction has been accomplished according to the terms of approved plans and permits, except when performance bonds have been authorized, and that all facilities intended for maintenance, supervision and/or dedication to the public are in compliance with appropriate standards, regulations, codes and ordinances. Such approval shall be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.
- (B) As-built Drawings. Upon completion of the development activity as authorized by the land disturbance permit, and prior to final development inspection of public and private improvements, the developer shall submit to the Department for review and approval a complete set of drawings prepared by a registered land surveyor in the state of Georgia showing “as-built” conditions, (see Standards and Specifications) as well as electronic “as-built” files in AutoCAD format.
- (C) Certification.
- (1) Upon completion of the project, the owner may request a Certificate of Completion or Certificate of Occupancy from the Director. The Certificate of Completion or Certificate of Occupancy shall be in a form as provided by the Director.
 - (2) Following final inspection and approval of all as-built drawings, the Director shall approve the Certificate of Completion or Certificate of Occupancy.

Section 302-27 Final Plat Approval

- (A) Final Plat Required for Subdivisions.
- (1) After completion of the construction of any required improvements for all or part of the area shown on the approved preliminary plat and before selling any lots, the applicant shall submit a final plat meeting the specifications of Section 302-66. The final plat application shall be submitted to the Department for approval together with the required certificates, including certification for stormwater management facilities and guarantees and sureties for required improvements not yet completed. The applicant also shall provide copies of the approved final plat to all utility companies serving the area.
 - (2) The final plat shall be in substantial conformity with the approved preliminary plat.
 - (3) All improvements and installations to the subdivision that are required for approval of the final plat and that are to be dedicated shall be completed in accordance with the appropriate specifications, unless the applicant provides guarantees and sureties for required improvements not yet completed in accordance with approved Performance Guarantees Agreement, as provided in Section 302-30.
 - (4) The following certifications shall accompany the final plat application:
 - (a) A statement from the Lowndes County Health Department or the Utilities Department, as appropriate, approving the water supply and wastewater disposal systems, and a statement from the Fire Chief approving the provision of fire hydrants. No final plat shall be approved except that the applicant has shown compliance with all of the requirements regarding public utilities, see Chapter 332 – Article 3.

City of Valdosta Land Development Regulations

- (b) A statement from the Department that all improvements have been made as required by this Chapter.
- (c) The appropriate final plat review and filing fees as established by the City of Valdosta.

(B) Final Plat Approval Procedures.

- (1) The final plat shall not be approved by the Director until after a final inspection, as required in Section 302-37(C), certification by the Director that all requirements of these and other applicable regulations have been met, preparation of as-built drawings, dedication of public land and improvements, and approval of an executed performance guarantee and maintenance agreement and security, if required, consistent with Section 302-29.
- (2) The Director shall certify by signature on the original of the plat that all of the requirements of this LDR, and the conditions of zoning approval, if any, have been met, and that all other affected departments and agencies have approved the plat.
- (3) After the final plat has been approved, the Director shall authorize recording with the Clerk of the Superior Court of Lowndes County. The applicant shall provide the Department with an appropriate number of copies of the plat, as determined by the Director. The final plat shall indicate rights-of-way and other lands within the subdivision that are required to be dedicated to the City.
- (4) The Director may not approve any final plat whereon is shown or by which is otherwise created a lot which would present particularly severe and unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" due to the presence of floodplain, unusual configuration, or for any other justified reason.

(C) Plat Recording and Usage.

- (1) No plat of a subdivision shall be accepted for recording in the Plat Books or Deed Books in the Office of the Clerk of Superior Court, except a final plat on which is inscribed the approval of the Director.
- (2) The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been ratified by the Mayor and City Council and recorded in the office of the Clerk of Superior Court of Lowndes County is prohibited, and the description of metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties.

Section 302-28 Dedication of Rights-of-Way and Other Public Lands

- (A) If dedication of right-of-way or other land to the City is required by the LDR, acceptance by the City shall be contingent on the developer submitting, and the City approving, a metes and bounds description of the required right-of-way and transferring title to such land by deed to the City prior to issuance of a Certificate or Completion and related building permits. The metes and bounds description shall be consistent with the right-of-way survey data and public lands survey data shown on the final plat approved by the Director.
- (B) Refusal to Accept Dedications. Whenever a plat or site development proposes dedication of land to public use, the Director may require an independent environmental review to be conducted of such property. Such environmental review shall consider, among other things, whether the proposed land to be dedicated contains wetlands, subsidence, exposed rock, hazardous wastes, human burials, rights of way with steep cross slopes (ratio 3:1 or less) or any other natural features that diminish the suitability of the property for its dedication, public use, public facilities, and maintenance. If the Director finds that the proposed dedicated land is not suitable in whole or in part, the Director may disapprove the plat or site development plan, shall notify the applicant in

City of Valdosta Land Development Regulations

writing of the reasons for such determination and shall recommend that the Mayor and City Council not accept dedication of unsuitable land.

Section 302-29 Procedures for Revising Final Plats

- (A) When it becomes necessary or desirable to revise a recorded final plat, the developer shall prepare a letter to the Director documenting the reason for and extent of the revision and reproducible drawing(s) that contain the subject revisions along with a review fee as may be determined by the Mayor and City Council. The revised plat shall contain a new signature block, be dated with the current date, be drawn at an appropriate scale and contain notation(s) indicating the nature and location of the revision(s). The subdivision name, date and book and page number of the original recording shall be noted on the new plat; and the new plat drawings shall be designated as “revised final plat.”
- (B) All revisions shall be bound by the protective covenants, if any, recorded on the original final plat, and a statement to that effect shall be noted on the revised final plat.
- (C) If necessary, corresponding revisions to construction drawings, as-built drawings, engineering data and reports also shall be prepared, labeled appropriately, submitted, reviewed and certified by the Director, and filed in the Department along with a review fee as may be determined by the Mayor and City Council.
- (D) The Director shall forward the revised final plat and any related documentation to the appropriate departments or agencies that would be involved in checking the accuracy of the revision. Upon receipt of approval from such other departments or agencies, the Director shall certify the revised final plat and as provided in Section 302-27(B)(4) and (5).
- (E) The approved revised final plat shall be recorded by the Clerk of Superior Court and returned to the developer.
- (F) Any revised plat that does not receive approval shall be returned to the developer with written notification stating the reasons for denial.

Section 302-30 Guarantees and Sureties

- (A) Application. Guarantees and sureties shall be required for any development involving the division of land into multiple ownerships with lots or units where the actual sale of such lots or units may commence prior to the fulfillment of all requirements of this Title and all conditions of approvals and permits.
- (B) Improvements. All guarantees and sureties shall be conditioned upon the faithful completion and performance by the developer of all work required for completion of all amenities, improvements and installations that are part of a subdivision of land in order to fulfill requirements of this Title for an approved portion of the development, when such installations are to be completed within a specified period of time. Such delay in installation is subject to approval by the Director because of unusual weather, site conditions or construction phasing situations where it is in the ultimate interests of the City and the purchaser of the subject lots or units that installation and construction be delayed.
- (C) Guarantees and Sureties. With the Director’s approval, guarantees and sureties may be allowed for the following types of improvements:
 - (1) Stormwater management facilities, subject to Section 302-30 (E).
 - (2) Sidewalks, trails or walking paths.

City of Valdosta Land Development Regulations

- (3) Street surface course.
 - (a) The street base required under Section 332-7 shall be in place, as well as the binder course, if applicable.
 - (b) Streets shall be so designed to divert stormwater runoff into storm drainage systems.
 - (4) Landscaping and tree planting.
 - (a) Final landscaping and planting grass, sod, mulch and ground cover in common areas and within rights-of-way. Under no circumstances shall this be construed as allowing Erosion and Sedimentation Control measures required by Chapter 306 to be bonded for future installation.
 - (b) Planting and irrigation of trees and shrubbery in common areas and within rights-of-way.
 - (5) Recreational facilities.
 - (6) Guaranties and sureties shall not be allowed for Erosion and Sedimentation Control facilities, improvements or management practices.
- (D) Performance Guarantee.
- (1) In the pre-construction conference, the Director shall have the authority to require the applicant to establish a performance guarantee or post a performance bond prior to issuance of a land disturbance permit. Such guarantee as bond shall be presented in a form acceptable to the City in order to guarantee timely installation of required project improvements; such as; but not limited to, Erosion and Sedimentation Control Best Management Practices as required by Chapter 306, streets, utilities, stormwater management facilities, sidewalks and landscaping within the subject development that are consistent with this Title. Said performance guarantee shall be in an amount equal to 125% of the estimated construction cost and be for a term not to exceed 24 months, with one 12-month extension, subject to approval by the Director.
 - (2) The developer shall provide the Department with a certified copy of a properly executed improvement agreement covering all of the work to be done to complete all improvements. This agreement shall include the following:
 - (a) A condition requiring that all improvements, whether required by this Title or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Title.
 - (b) A condition requiring that all required improvements shall be constructed satisfactorily within the period stipulated.
 - (c) The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
 - i. An estimate prepared and provided by the applicant's engineer and approved by the Director.
 - ii. A copy of an executed construction contract with a bona fide and qualified contractor.
 - (d) Specification of the public improvements to be made and dedicated including a timetable for making such improvements.
 - (e) A condition requiring that, upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the City shall utilize the surety provided in connection with the agreement to complete the improvements.

City of Valdosta Land Development Regulations

- (3) Release of Bond. The performance bond or other surety shall not be released until compliance with the requirements listed below has been achieved.
 - (a) Final inspection. The Department shall perform a final inspection of the facilities and determine that they have been constructed in compliance with the requirements of this LDR.
 - (b) Execution. The Department shall determine that all provisions of the associated approved development plans have been executed faithfully.
- (4) Partial Release. A provision may be made for partial release of the amount of the bond, pro rata, upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the associated approved development plans. The applicant shall notify the Department upon completion of each stage that is ready for inspection.

(E) Required Stormwater Performance Surety.

- (1) Upon approval of the stormwater management plan, but before the issuance of a land disturbance permit, the applicant shall be required to post a performance bond, cash escrow, certified check or other acceptable form of performance security for construction of the proposed stormwater system.
 - (a) Amount of surety. The amount of surety shall be 125% of the total estimated construction costs of the facilities required by the stormwater management plan.
 - (b) Release of bond. The performance bond or other surety shall not be released until compliance with the requirements listed below has been achieved.
 - i. Final inspection. The Department shall perform a final inspection of the facilities and determine that they have been constructed in compliance with the stormwater management plan.
 - ii. Execution. The Department shall determine that all provisions of the stormwater management plan have been executed faithfully.
- (2) Partial Release. A provision may be made for partial release of the amount of the bond, pro rata, upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the stormwater management plan. The applicant shall notify the Department upon completion of each stage that is ready for inspection.

(F) Type of Surety.

- (1) Subject to the approval of the City Attorney the following types of surety arrangements may be used to secure the developer's obligations in the agreements required in the section:
 - (a) Cashier's check.
 - (b) Certified check.
 - (c) Developer/lender/City agreement.
 - (d) Interest-bearing certificate of deposit.
 - (e) Clear, irrevocable letters of credit.
 - (f) Surety bond.

- (G) Subsequent Phases. Guarantees and sureties for any subsequent phase of construction of a subdivision or development project must include all streets within the subdivision or development project that provide access to the subsequent phase, unless alternate access for construction traffic is provided and approved by the Director.

City of Valdosta Land Development Regulations

- (H) Maintenance of Improvements. Prior to approval of a Certificate of Completion or a Certificate of Occupancy, a maintenance agreement and bond shall be provided to ensure the continued function and good condition of public improvements being constructed as part of a subdivision to fulfill all requirements of this Title for a specified time until such bonds are released by the City. The developer shall be responsible for maintenance of all such public improvements for 18 months from the date of issuance of the Certificate of Occupancy or Certificate of Completion, as applicable. The amount of the maintenance bond shall be equal to 10% of the actual cost of construction of the public improvements shown on the as-built surveys. The cost of construction shall be determined by copies of contractor agreements or actual invoices paid, or as otherwise determined by the Director.
- (I) Release of Guarantees and Sureties.
- (1) It shall be the responsibility of the developer to petition the City for release of surety. During the 18-month period, the Department will inspect the improvements randomly, listing any defects. The owner shall have 30 calendar days to correct any specified deficiencies. Failure to perform said corrections shall result in the forfeiture of the surety.
 - (2) An organization shall be identified or established, with the approval of the City Attorney, for the purpose of owning and maintaining common facilities not proposed for dedication to the City. If covenants or conservation easements are used, they shall be approved by the City Attorney and recorded with the Final Plat.

Sections 302-31 through 302-33 Reserved