

## **Article 5. - Subdivisions and Planned Developments**

### **Sec. 501 - Purpose of Article 5.**

This Article sets out the different types of subdivisions and planned developments addressed in this Development Code, the methods for their creation, and standards that apply to each type of subdivision or planned development. Design and construction standards that all major subdivisions, multi-family and nonresidential developments must meet are found in Article 10. Procedures for the approval of a subdivision and other development projects are contained in Article 12.

### **Sec. 502 – Minor and major subdivisions; defined.**

#### **502 (a) Minor subdivisions.**

A "minor subdivision" is one in which limited public improvements (such as new streets, stormwater drainage facilities or public utilities) are required. Minor subdivisions are defined as any one of the following:

(1) Re-subdivision "Revised Final Plat".

The re-subdivision of a lot within a recorded subdivision requires a revised final plat. For the purposes of this minor subdivision definition, "subdivision" means the named subdivision final plat including the subject lot as recorded in the office of the Clerk of the Superior Court. The title of the revision plat shall be "Revised Final Plat" for the named subdivision and depict all previously recorded information and incorporate the requested changes. The plat must be submitted to the Planning and Zoning Department for review by all agencies that authorized the originally recorded plat and allow them, the Development Services Director, and the Chairman of the Board of Commissioners to affix their stamp/signature of approval on the plat, along with appropriately titled deeds for each parcel created or reconfigured, and the plat and deeds must be recorded in the records of the Clerk of Superior Court of Douglas County.

(2) Nondevelopment land sales.

The sale of a parcel or tract of land for which no new streets or roads are created, or no new utility improvements are required, or no new sanitary sewer or approval of a septic tank is required. Any plat for such sale that is filed for recordation by the Clerk of the Superior Court must contain a certification signed and sealed by a licensed surveyor that approval of the plat is not required under the provisions of O.C.G.A. 15-6-67(d), and the plat shall be clearly captioned "The tract or tracts depicted on this plat are not eligible for connection to a sanitary sewer system or for septic tank approval." Development of lots so created will require the review and approval of a subsequent subdivision review process to recognize the lots as platted or as reconfigured should reconfiguration be necessary.

(3) Five-lot split.

The subdivision of an original tract that creates no more than 5 lots, building sites, or other divisions (including the remaining portion of the original tract). Each lot shall front on an existing paved public road and meet the minimum requirements of the zoning district. None of the lots created under this definition may be further subdivided except as a major subdivision. A subdivision under this category is reviewed by the Plat Review Committee, Development

Services Director, and the Chairman of the Board of Commissioners and those agencies will affix their approval stamp/signature to the plat to authorize its recordation. The plat shall be titled as a named minor subdivision. The plat, along with appropriately titled deeds for each parcel created, must be recorded in the records of the Clerk of Superior Court of Douglas County.

(4) Large lot subdivision.

The subdivision of an original tract that creates any number of lots that are 5 acres in size or greater (including the remaining portion of the original tract). Any lot created under this exemption, including the remainder of the original tract, may not be further subdivided except as a major subdivision. A subdivision under this category is reviewed by the Plat Review Committee, Development Services Director, and Chairman of the Board of Commissioners and those agencies will affix their approval stamp/signature to the plat to authorize its recordation. The plat shall be titled as a named large-lot minor subdivision. The plat, along with appropriately titled deeds for each parcel created, must be recorded in the records of the Clerk of Superior Court of Douglas County.

(5) Judicial Subdivision Exemption.

The subdivision of an original tract that creates any number of lots, whether conforming or not, because of a Court-ordered procedure such as the probate of a will or divorce decree or the result of condemnation proceedings. Such subdivisions shall have a plat prepared by a registered surveyor under their seal and signature depicting the property according to the requirements of the Georgia Plat Act with the title "Judicial Subdivision Exemption for" the appropriately named ownership interest and the plat must be submitted to the Planning and Zoning Department for its stamp/signature granting administrative recognition. The plat, along with appropriately titled deeds for each parcel created, must be recorded in the records of the Clerk of Superior Court of Douglas County.

(6) Rearrangement/Recombination, Lot Split, and Lot Combination

Minor rearrangement or alteration of lot lines or the subdivision of an original tract that creates no more than two lots, building sites, or other divisions (including the remaining portion of the original tract) may be made to any tract of land whether described by a recorded survey plat, unrecorded survey plat, or deeded description of a tract. It is subject to administrative review and approval of the County Development Services Director or his designee, provided such minor rearrangements, combinations or splits: front on an existing public road and meets the requirements for public access and meet the minimum standards for development of the zoning district. Further, for a two-lot split request, neither lot created under this definition may be further subdivided within 24 months of the recordation of the plat except by major subdivision procedures. Lot line rearrangements or lot combinations are permissible at any time and would still be eligible for lot split approvals, however, once a two-lot split approval has been granted, neither lot created under this definition as a two-lot split may be further subdivided within 24 months of the recordation of the plat. The rearrangement, lot combination or two-lot split procedures must meet the following requirements: The property being rearranged, split or combined must be shown on a plat prepared, stamped and signed by a professional engineer or land surveyor displaying the information required under the Procedures and Permits Article of this Development Code. The

plat must be submitted to the Planning and Zoning Department for its stamp of approval and the plat, along with appropriately titled deeds for each parcel created, must be recorded in the records of the Clerk of Superior Court of Douglas County.

**502 (b) Major subdivision.**

A "major subdivision" is any subdivision that does not qualify as a "minor subdivision." A major subdivision involves the construction of a new street or widening of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or which otherwise has 6 or more lots (not in a large lot minor subdivision), building sites or other divisions.

**Sec. 503 - Subdivision activity.**

**503 (a) Creation of minor subdivision.**

- (1) A "minor subdivision" is the subdivision of an original tract in which each lot has frontage on an existing County street or road, and the subdivision does not require the construction of a new street or the widening of an existing roadway (other than the provision of dedicating right-of-way along substandard corridors). The provision of stormwater drainage facilities may be required, and limited construction or improvement of any public utilities may be required.
- (2) The term "original tract" as used in this Article means the entire tract of land as it existed as a legal lot of record prior to its division or reconfiguration as a minor subdivision.
- (3) Sidewalks for a Minor Subdivision shall be required along the frontage of paved roadways where existing or programed sidewalks are planned within 1 mile of the proposed Minor Subdivision development. The 1 mile distance will be measured from an existing or programmed sidewalk location, along the roadway shoulder to the nearest front property corner of the site. The need for sidewalk construction within a Minor Subdivision will be evaluated on a case by case basis and will be at the discretion of the Department of Transportation Director.

**503 (b) Creation of major subdivisions.**

Major subdivisions fall into the following categories for the purpose of development regulation:

- (1) Conventional subdivisions, in which the maximum density allowed for the zoning district determines the total number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown in Article 4. Open space outside of the lots may be created, but is not required. The installation of a new road which shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision is required.
- (2) Private estate subdivisions, a type of conventional subdivision with minimum 5-acre lots and no more than 4 lots served exclusively by a private road. The installation of a new road which shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision is required.
- (3) Planned unit developments approved under the PUD District. Projects approved as PUDs will be reviewed as conventional subdivisions when subdivision is requested under the Overall Development Plan, however the standards of development shall be governed by the Overall

Development Standards contained in the approved PUD ODP and ODS as granted by the Board of Commissioners unless otherwise stated in the authorizing ordinance. The installation of a new road which shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision is required.

- (4) Legacy Status - Master planned developments. Any special use application for a mixed-use master planned development approved prior to December 5, 2020 shall continue to be permitted and eligible for amendments thereto as may arise from time to time.
- (5) Conservation or open space subdivisions, in which the maximum density allowed for the zoning district determines the total number of lots in the subdivision. As opposed to a conventional subdivision, conservation subdivisions incentivize creation and preservation of open space by allowing flexibility in lot size in accordance with the provisions of this Article. Open space outside of the building lots is required. The installation of a new road which shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision is required.

**503 (c) Conservation easement required.**

- (1) All primary conservation areas in a conventional subdivision, open space subdivision or master planned development that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development and unauthorized use, by a conservation easement in conservation subdivision or master planned development, or a natural resources easement for conventional subdivisions.
- (2) Land within conservation easements and natural resource easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.
- (3) See the Environmental Protection Article of this Code regarding conservation and natural resource easements.

**Sec. 504 - Conventional residential subdivisions.**

**504 (a) Maximum number of lots.**

The maximum number of lots (or dwelling units) in a conventional residential subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

**504 (b) Minimum lot size.**

In a conventional residential subdivision, the lot area per dwelling unit shown in Article 4 establishes the minimum lot size for each lot.

**504 (c) Minimum lot width, setbacks.**

The lot width and setback requirements of Article 4 apply to each lot in a conventional residential subdivision.

**504 (d) Open space optional.**

The developer may set aside common open space in a conventional residential subdivision voluntarily, but such open space is not required by this Code. Designated conservation areas required under this Development Code must be included within a natural resources easement, established in accordance with the conservation and natural resources easements Division of Article 9; such conservation areas may be located on the subdivision lots or within common open space.

**504 (e) Private estate subdivisions.**

Subject to the following conditions, private estate subdivisions shall be allowed as conventional residential subdivisions in Douglas County:

- (1) Single-family dwellings only shall be constructed in each residential subdivision.
- (2) All lots within the platted subdivision must be a minimum of 5 acres, with only one dwelling per lot, and each lot shall have a minimum of 50 foot frontage on a public street or a private street serving the subdivision.

There shall be no greater than 4 lots that front only on the private roadway, and the entire development shall be shown on a plat that must be approved by the Development Services Director and recorded upon the records of the clerk of the superior court of Douglas County. All property to be served by the private roadway shall be subdivided at the time of the approval of the private estate subdivision. Without the approval of the Board of Commissioners and all lot owners within the private estate subdivision, and subject to all provisions of this Development Code, there shall be no further subdivision of any of the lots following the date of the approval of the subdivision. At no time shall the total number of lots that front only on the private roadway in the private estate subdivision exceed 4.

- (3) The private estate subdivision shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision, including the standards for the street upon which each lot in the subdivision fronts, whether public or private.
- (4) If the property is served by a well, all costs incurred in connection therewith shall be borne by the property developer or the individual lot owners. If public water is to be used, all water lines serving the private estate subdivision shall be constructed solely at the expense of the developers of the private estate subdivision, and each residence must have a separate water meter located at or near the intersection of the public right-of-way and the private drive. Separate lines shall be run from the water meters to each residence.
- (5) The developer and/or lot owner shall be responsible for and bear expenses of the placement of an operable fire hydrant at the intersection of the private drive and the public right-of-way to which it intersects; provided, however, that fire hydrants shall not be necessary if the county public water system is a distance of 1000 feet or more from the intersection of the private driveway and the public roadway.
- (6) Each lot with a house shall have its address posted on the house and at its driveway.
- (7) The roadway serving the private estate subdivision shall have placed thereon an identifying road sign that meets the requirements of the Project Design and Construction Standards Article of this Development Code.
- (8) School buses will not enter the subdivision, but shall stop at its entrance to serve eligible students who live in the subdivision.

- (9) Each deed to lots located within private estate subdivisions fronting on a private street shall contain the following recital:

"The property represented by this instrument is located within a private estate subdivision as defined and regulated by the Unified development Code of Douglas County, Georgia, and the record title holder hereof agrees to be bound by the terms and conditions of such regulations with respect to the lots and common roadway located in such subdivision."

- (10) All provisions of this Development Code not inconsistent with this section shall be complied with by the developer and/or lot owners.

**504 (f) Residential development standards.**

- (1) Recreation amenity.
- Every conventional residential subdivision having any lots less than 2 acres in size and proposed to contain 25 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the subdivision.
  - Unless otherwise established as a condition of zoning approval for the subdivision or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 5.1: Recreation Amenities—Conventional Residential Subdivisions with the final composition of the types of amenities fulfilling each of these specific aspects of recreation being at the discretion of the Director of Development Services.

**Table 5.1: Recreation Amenities—Conventional Residential Subdivisions**

	Number of Dwellings in the Subdivision			
Amenity Required	25 to 50	51 to 100	101 to 200	201 or more
Active Play Area <sup>1</sup>	1 (1 acre)	1 (1 acre)	1 (1 acres)	2 (1 acre each)
Athletic Court <sup>2</sup>		1 (1 acre)	1 (3 acres)	2 (1.5 acres each)
Swimming Pool <sup>3</sup>			Min. 1,800 sf, 30 x 60 <sup>4</sup>	Min. 2,250 sf 30 x 75 <sup>5</sup>
Clubhouse		Min. 1,500 sf	Min. 2,000 sf	Min. 2,600 sf <sup>5</sup>

<sup>1</sup> Children's play area including active play equipment.

<sup>2</sup> Any combination of greenspace, pavilion, picnic area, etc.

<sup>3</sup> Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

<sup>4</sup> Pool may be located in the active play area.

<sup>5</sup> Pool and clubhouse must be located outside of any other required active or passive play area.

All required active and passive areas must be placed within the subdivision to equally serve all residents. If more than one active or passive area is required, each area must be located individually and may not be combined.

- c. The proposed amenity area(s) and recreation amenities to be provided shall be submitted as part of the preliminary subdivision plan application for project approval as required under Article 12 of this Development Code.
  - d. All required amenities shall be completed and available for use prior to the issuance certificates of occupancy for any residential units for the initial phase of the subdivision.
  - e. Such amenities may not be developed within a Primary Conservation Resource Area.
  - f. All required amenities shall be located interior to the subdivision. No such amenities shall be located immediately adjacent to existing county or state right-of-way without significant screening landscaping and fencing or adjacent to existing residentially zoned properties.
- (2) Lots within the subdivision shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable, etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.
  - (3) All dwelling units shall have front, side and rear facades which consist entirely of those materials allowed on residential construction as provided for in Article 3, Section 307.
  - (4) Each dwelling unit must include at least two paved off-street parking spaces.
  - (5) Subdivisions with more than 119 dwelling units proposed in total, regardless of the phasing for installation, shall provide a minimum of two full access points to existing public right-of-way or an alternative that meets the requirements of the Fire Marshall's office and is approved by the Department of Transportation Director.

#### **Sec. 505 - Commercial and industrial subdivisions.**

##### **505 (a) Maximum number of lots.**

The maximum number of lots in a commercial or industrial subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

##### **505 (b) Minimum lot size.**

In a commercial or industrial subdivision, the lot area shown on the zone district development standards tables in Article 4 establishes the minimum development standards for each lot.

##### **505 (c) Minimum lot width, setbacks.**

The lot width and setback requirements of Article 4 apply to each lot in a commercial or industrial subdivision.

##### **505 (d) Open space optional.**



The developer may set aside common open space in a commercial or industrial subdivision voluntarily, but such open space is not required by this Code. Designated conservation areas required under this Development Code must be included within a natural resources easement, established in accordance with the conservation and natural resources easements Division of Article 9; such conservation areas may be located on the subdivision lots or within common open space.

**Sec. 506 - Planned unit developments.**

**Section 506 (a) Purpose**

The PUD district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. These plans may supersede the regulations included in Articles 1-15 of the Unified Development Code (UDC) where indicated by these development plans. The PUD district is intended to provide a means of accomplishing the following specific objectives:

- a. To provide for development concepts not otherwise allowed within non-PUD zoning districts;
- b. To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;
- c. To accommodate varied design and layout of housing and other buildings;
- d. To allow appropriate relationships of open spaces to intended uses and structures;
- e. To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;
- f. To lessen the burden of traffic on streets and highways; and
- g. To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

**Section 506 (b) Lot Development Standards**

**Table 5.06-1**

Lot Dimensions	
Minimum Lot Area	5-acres minimum INITIAL development site
Minimum Lot Width	
Minimum Lot Frontage	



Maximum Density	
<b>Minimum Setbacks</b>	
<b><i>Principal Building</i></b>	
Front	
Side	
Rear	
<b><i>Accessory Building</i></b>	
From Principal Structure	
Front	
Side	
Rear	
<b>Maximum Height</b>	
Principal	
Accessory	
<b>Minimum Floor Area</b>	
<b>Impervious Surface Coverage</b>	

**Section 506 (c) Minimum Standards.**

- (1) No PUD district may be established without the concurrent approval of the Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the Board of Commissioners, in accordance with the provisions herein.
- (2) PUD districts shall have a minimum contiguous area of five acres.
- (3) PUD districts shall provide a mix of a minimum of two of the following use categories, whether fully private or in partnership with public entities, and/or must contain two or more densities (units per acre) of residential type uses, which shall be accommodated in

each building in vertical mixed-use development configuration or horizontally throughout the areas within the proposed development boundary:

- a) Residential single, and/or multifamily units;
  - b) Commercial offices;
  - c) Retail;
  - d) Hotel/Lodging;
  - e) Light Industrial, warehousing, and/or distribution uses;
  - f) Civic/Convention/Sports uses, or
  - g) Agricultural Uses
- (4) Twenty percent open space, which shall include a town center, community green, park, or other community focal point.
- (5) The boundaries of each PUD, upon approval, must be shown on the Zoning Map, shall be in conformance with the adopted Comprehensive Plan, and the approved Overall Development Plan.
- (6) Any development standards not expressly defined by the ODP shall be regulated by the development standards as applicable and expressed in Articles 1-15 of the UDC.

**Section 506 (d) Application of Regulations.**

- (1) Overall Development Standards (ODS). Development of the PUD is governed by the ODS that designates the standards of zoning and development for the property. These standards will replace the development standards in the UDC and should include, at a minimum, the following:
- a. Permitted and prohibited uses;
  - b. Maximum FAR and/or density of units;
  - c. Maximum impervious surface;
  - d. Minimum open space;
  - e. Minimum and Maximum building height;
  - f. Minimum lot size;
  - g. Required Yard setbacks;
  - h. Maximum block length;
  - i. Parking requirements; and
  - j. Building massing.

- (2) Overall Development Plan (ODP) - Development of the PUD is also governed by the ODP which includes a series of plans and design related documents regulating the development of the property. At a minimum, the ODP shall include the following:
  - a. Analysis of Existing Conditions. An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum 1 inch = 40 feet scale shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included.
  - b. Overall Master Plan. A masterplan at a minimum 1 inch = 40 feet scale outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements.
  - c. Phasing Plan. Should a PUD be expected to require five years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD.
  - d. Regulating Plan. A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed cross sections shall also be included in this plan or as an attachment to this plan.
  - e. Streetscape and Hardscape Manual. A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art etc. within the plan.
  - f. Architectural Pattern Book. An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
- (3) To the extent that the approved ODS and ODP for a PUD contradict the development regulations and this UDO, the approved ODS and ODP for the PUD district governs.
- (4) Due to the mixed-use nature of PUD proposals, design must be determined based upon the context and guidance of the comprehensive plan and specific character area plan area in which the PUD is located, as applicable.

- (5) Any additional information deemed necessary by the Development Department to determine compliance with ordinance standards.

#### **Section 506 (e) PUD Perimeter Compatibility**

Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning, or a 100-foot wide buffer shall be provided between the uses in the PUD and the perimeter of the site. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.

#### **Sec. 507 - Mixed-use master planned developments.**

##### **Sec. 507 (a) Legacy Status**

- (1) No applications to establish new mixed-use master planned developments or to expand the boundaries of existing mixed-use master planned developments shall be accepted for processing after December 5, 2020, except that any special use application for a mixed-use master planned development that is in process on December 5, 2020 shall continue to be processed and may be approved.
- (2) The special use approval, concept plan, and development plan text govern the use and development of existing, approved mixed-use master planned developments. Amendments to existing mixed-use master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

#### **Sec. 508 - Master planned developments.**

##### **Sec. 508 (a) Legacy Status**

- (1) No applications to establish new master planned developments or to expand the boundaries of existing master planned developments shall be accepted for processing after December 5, 2020, except that any special use application for a master planned development that is in process on December 5, 2020 shall continue to be processed and may be approved.
- (2) The special use approval, concept plan, and development plan text govern the use and development of existing, approved master planned developments. Amendments to existing master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

#### **Section 509 Centralized or clustered mailbox units**

##### **Sec. 509 (a) Centralized or clustered mailbox units, where allowed.**

This amendment applies to developments where the USPS has determined that individual mail delivery will not be available to a new development. This section applies specifically to mail kiosks and their

attached parking areas when not in association with other principle amenities that may be covered by other Articles of the Development Code.

**Sec. 509 (b) Standards for development.**

- (1) Centralized or clustered mailbox units will be in place prior to the approval of any Certificates of Occupancy. Centralized or clustered mailbox units shall be developed on individual lot(s) within the subdivision.
- (2) The Homeowner's Association will own and maintain the lot(s) where the mailbox units are located. The lot serving the centralized mailbox units shall not be in a cul-de-sac or at a dead-end. The neighborhood amenities lot can serve as the location for the centralized mailbox units, provided that the amenities are centrally located to equally serve all residents. There may be more than one lot dedicated to the centralized mailbox units.
- (3) All lots dedicated to centralized mailbox units shall be identified on all preliminary and final plats as well as construction plans. Completion of all lots serving centralized mailbox units shall be the responsibility of the developer and/or builders in the subdivision.
- (4) Parking shall be provided on a hardened and treated surface constructed to county standards as provided for in this development code. Access into and out of the lot shall be from a driveway which is subject to the approval of the Douglas County Department of Transportation. On-street parking shall not be allowed at the location of the centralized mailbox units. The route of access to the mailbox must be handicapped accessible. Parking for mail kiosk without any other amenities shall be implemented according to the standards of this Section as follows:
  - (a) Automobile parking spaces.
    1. Every automobile parking space shall be designed according to the standards of Article 6 of this code.
  - (b) Layout and circulation.
    1. No automobile parking spaces shall be accessible directly from an access driveway within the first 20 feet of the driveway back from the street back of curb.
    2. Aisles serving off-street automobile parking spaces shall be designed according to the standards of Article 6 of this Code.
    3. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.
    4. Off-street parking for mail kiosks without any other amenities shall be set back from the front property line by at least 5 feet. An additional 5-foot setback from any zoning buffer required along a side or rear property line shall also be maintained.
- (5) The maximum required parking provided shall be 10% of the number of mailbox units provided on the lot. The minimum number of spaces provided for mail kiosks shall be no less than 60% of the required maximum, but not less than two parking spaces. If located in a principle amenity area, the number of parking spaces serving the centralized mailboxes and their design shall be in addition to the number of required spaces serving the amenity and shall be so designated to serve the mailbox units. At least one parking space shall be handicapped accessible.
- (6) Reserved.

- (7) Reserved.
- (8) Lots serving the centralized mailbox units shall be lighted with pedestrian scale lighting and landscaped so that there is visual screening from adjoining residential properties.
- (9) Centralized mailbox units shall be covered with a decorative roofing structure to provide all weather coverage for individuals picking up mail.

**Sec. 510 - Property owners' association.**

**510 (a) Homeowners' association, when required.**

For any residential development composed of individual properties held in fee simple ownership and containing common open space or other lands in common ownership, a Homeowners' Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

- (1) The open space shall be owned by a nonprofit homeowners' association composed of all of the property owners in the subdivision containing the open space. The homeowners' association shall be formed under the provisions of O.C.G.A. 44-3-220, which is known as the "Georgia Property Owners' Association Act."
- (2) Membership in the Homeowners' Association must be mandatory for each property in the development.
- (3) Such associations must also include homeowners' declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
- (4) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.
- (5) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the Association. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all reasonable expenses of the Association for the one-year period following transfer of control.

Prior to that time that control of the Association transfers from the developer to the purchasers of homes in the development, monthly statements of income and expenditures by the Association shall be maintained in the Association's headquarters or office, and made available upon request to any homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof. Additionally, developers shall cause a financial review by a registered Certified Public Accountant to be performed on the Association's finances one year after approval of the final plat of the subdivision, or the first phase of the subdivision in the case of multiple phases, and again annually after that, for as long as the developer controls the Association, and shall file the report from the financial review in the Development Services office. Also projected annual maintenance costs associated with, including but not limited to, all amenities, common open space, lakes, dams, detention ponds, trails, etc. shall be maintained and made available upon request by any

homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof.

(6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:

- a. Equal access and right of use to all shared facilities;
- b. Perpetual and continued maintenance of open and shared space, specifically including, but not limited to, storm water detention facilities, dams, and lakes;
- c. Tax liability in the case of default;
- d. The method of assessment for dues and related costs;
- e. Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
- f. Animals, including household pets;
- g. Signs;
- h. Exterior items such as fences, lawn ornaments, and landscape areas and zoning buffers;
- i. Building improvements;
- j. Outside storage;
- k. Overnight parking of vehicles;
- l. Decorations and holiday lighting;
- m. Trash collection containers; and

(1) Registration requirements

- i. The covenants shall acknowledge that all new Property Owners Associations shall be required to register with Douglas County. The Association will provide their name, mailing addresses, and name and contact information of the association's officers to the Clerk of the Douglas County Board of Commissioners;
- ii. The covenants shall acknowledge that, upon the election of new officers, the Association will provide name and contact information of new officers to the Clerk of the Douglas County Board of Commissioners within ten (10) days of the election;
- iii. The covenants shall acknowledge that a set election date for officers shall be identified and that date shall be provided to the Clerk of the Douglas County Board of Commissioners;
- iv. The covenants shall acknowledge that notice of an upcoming election must be provided to members of the Association 30 days prior to the election by:
  - 1. Direct mailing via US Postal Service to 100% of members primary mailing address; or
  - 2. Direct email to 75% of members primary email address.



- v. The covenants shall acknowledge that the Association will provide an annual summary of their financial report to the Clerk of the Douglas County Board of Commissioners.
  - vi. The covenants shall acknowledge that the Association will provide an annual summary of their financial report to members of the Association via direct mail through the US Postal Service or email to the Association member.
  - vii. The covenants shall acknowledge that the Douglas County Board of Commissioners shall provide the name of the Association, the results of their annual elections and their financial report as public record on the Douglas County Board of Commissioners website.
  - viii. The covenants shall acknowledge that failure to comply with this requirement may result in penalties in accord with Article 14, Section 1411 of this Code.
- (7) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with an application for final subdivision plat approval.
- (8) While the developer is in control of the Homeowner's Associations, before said control is turned over to the homeowner's of the subdivision, copies of the homeowner's declaration and bylaws, including covenants, conditions and regulations, shall be displayed in the subdivision's construction office. Homeowner's Association headquarters office, or other common building within the subdivision, and shall be made available to prospective buyers of subdivision lots.
- (9) The control of Category I Dams shall not be turned over to the homeowners' of the subdivision until formal acceptance of at least seventy-five percent (75%) of all actual homeowners has been obtained.

**510 (b) Owners' association.**

For nonresidential development projects, an association of the property owners that is consistent with the requirements for a homeowners' association will serve in lieu of the requirements of this Section.

**510 (c) Condominium association.**

For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:

- (1) Specific maintenance responsibilities for storm water detention facilities, dams, and lakes are included; Also projected annual maintenance costs associated with, including but not limited to, all amenities, common open space, lakes, dams, detention ponds, trails, etc. shall be maintained and made available upon request by any prospective unit owner who is a party to a contract to purchase unit(s) in the development, or any thereof; and
- (2) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an

amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.

- (3) The control of Category I Dams shall not be turned over to the Condominium Association until formal acceptance of at least seventy-five percent (75%) of all actual purchasers of units in the development has been obtained.

#### **Sec. 511 - Conservation subdivisions.**

##### **511 (a) Conservation subdivisions, where allowed.**

Conservation subdivisions include options for both cluster type development and large lot type development. Conservation development provisions may be applied to any single-family detached subdivision in the AG, R-A or R-LD zoning district, with the following limitations:

1. A cluster conservation subdivision is not allowed in the Dog River Watershed Protection District or the Estate Overlay District (O-ED).
2. A large-lot conservation subdivision is allowed in any residential zoning district, so long as the density complies with the base zoning district or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density.

Conservation subdivisions are reviewed and approved under the same process that applies to conventional subdivisions.

In addition to any conditions of zoning approval that may apply to a specific property, the provisions of this Section apply to all Conservation subdivisions.

##### **511 (b) Maximum number of lots.**

A Conservation subdivision shall not exceed the maximum density of dwelling units per acre allowed for the zoning district in which the Conservation subdivision is located (as shown in Article 4 of this code), or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density. The maximum density shall be applied to the gross acreage of the entire property, excluding only those areas excluded from maximum density computations under Article 4.

##### **1) Minimum dimensional standards – Cluster Conservation Subdivisions.**

###### **a. AG Conservation subdivision.**

For a Conservation subdivision in the AG zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-A zoning district shall apply.

###### **b. R-A Conservation subdivision.**

For a Conservation subdivision in the R-A zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-LD zoning district shall apply.

###### **c. R-LD Conservation subdivision.**

For a Conservation subdivision in the R-LD zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-MD zoning district shall apply.

**2) Minimum dimensional standards – Large Lot Conservation Subdivision**

- a. In a residential zoning district, a subdivision where the minimum acreage per residential lot is two acres or greater and the average lot width is 200 feet or greater may identify areas of common conservation as a part of individual lots with a stipulation on the final plat that requires those portions of the lot to remain in common conservation use, according to Article 9 of this code.

**511 (d) Common Conservation.**

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common Conservation or devoted to recreation amenities. Designated conservation areas required under this Development Code must be included within a conservation easement established in accordance with the conservation and natural resources easements Division of Article 9; or they must be clearly identified as common conservation and must include a stipulation that disallows further subdivision of the lot. All areas dedicated to common conservation shall be clearly identified on preliminary and final plats for the project.

- (1) A minimum percent of the gross project site area shall be reserved for common Conservation, as follows: no less than 40% of the total site must be set aside as Conservation for conservation, preservation or passive recreational use, such as walking trails and picnicking. Buffers, wetlands, bodies of water and otherwise unbuildable areas shall constitute no more than 50% of the minimum required Conservation.

Additional common Conservation may be provided for active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.

Required zoning buffers on the perimeter of the property may be included in the common Conservation area, provided that such buffer areas may not be counted toward more than 10% of the minimum Conservation requirement of Sec. 501 (a)(1).

While common Conservation shall not be required to be contiguous, no individual portion of the Conservation shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:

- a. The Conservation area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.
- b. Parkways between road travelways, which must be at least 26 feet in width.

Viewshed buffers are required so as to screen the view of the subdivision development. Viewshed buffers must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway. If the existing vegetation does not provide adequate screening from the abutting roadway, additional landscape plantings will be required to supplemental the viewshed buffer.

No portion of the residential lots shall be credited toward the minimum Conservation requirements unless the portion is included within the conservation easement or identified as common conservation according to this Article. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum Conservation requirements.

The required common Conservation and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.

**511 (e) Residential development standards.**

- (1) Every residence must be connected to a public water system.
- (2) Recreation amenity.
  - a. Every Conservation subdivision having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the subdivision as delineated in Article 5, Section 504(f) for Conventional subdivisions unless otherwise established as a condition of zoning approval.
  - b. Conservation subdivisions shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.
  - c. All dwelling units shall have 100% of the front façade as brick and/or stacked stone, 100% of the side façade shall be brick and rear façades which consist entirely of any combination of brick, and cementitious siding.
  - d. Each dwelling unit must include at least a 2-car garage having no less than a 10-foot by 20-foot area per parking space.

**511 (f) Internal orientation required.**

All lots within a Conservation subdivision must front upon and gain their access from a street within the subdivision, according to the following standards.

- a. For the purposes of this code section, a street shall meet the standards of a local residential street with curb & gutter or a local residential street with swale ditches according to Article 10 of this code.
  - i. Swale ditches may be used as an alternative to curb and gutter in a subdivision where the minimum acreage per residential lot is two (2) acres or greater and the average lot width is 200 feet or greater at the road frontage.
- b. In instances where a lot will front upon or gain its access from an existing County street or road, that lot shall comply with the dimensional standards of the zoning district within which the Conservation subdivision is located.
- c. With approval of the Director, the requirements for sidewalks may be modified so as to preserve the character and context of the conservation subdivision, according to the following specifications.

- i. In areas where the average lot size is under one acre, sidewalks will be required to be installed according to Article 10 of this Code.
- ii. In areas where the lot sizes range between 1 acre and 2 acres, sidewalks will be required along the roadway frontage where existing or programmed sidewalks are planned within 1 mile of the proposed Conservation Subdivision development. The 1 mile distance will be measured from an existing or programmed sidewalk location, along the roadway shoulder to the nearest front property corner of the site.
- iii. In areas where the minimum acreage per residential lot is two acres or greater and the average lot width is 200 feet or greater, sidewalks are not required.
- iv. Adequate provisions must be made for the safe internal circulation of pedestrians.
- v. Connection to a multi-use trail network may be required (off site vs. on site improvements).
- vi. Any such approval must be confirmed by the Board of Commissioners at the time of preliminary plat approval.

**511 (g) Minimum separation from adjoining streets.**

The lots within the subdivision meeting the reduced dimensional standards for a Conservation development must be separated from every existing County road or street that adjoins the development by a 50-foot wide vegetative zoning buffer approved by the Douglas County Arborist.