

## Article 5. Subdivisions and Planned Developments

Effective January 1, 2009, as Amended through June 16, 2015

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## Article 5. Subdivisions and Planned Developments

Effective January 1, 2009, as Amended through June 16, 2015

This Article presents the different ways that land can be subdivided and developed, ranging from conventional subdivisions, to open space subdivisions where green space and natural features are preserved by reducing lot sizes, to planned developments which allow a wider variety of housing types in a well-planned mixed-use environment while also preserving green space and natural features.

### Sec. 501. Minor subdivisions.

#### (a) Minor subdivisions; in general.

- (1) A "minor subdivision" is the division 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, the provision of storm water detention facilities, or the construction or improvement of any public utilities.
- (2) Minor subdivisions, as more fully described under this Section, are reviewed and processed as final subdivision plats under the provisions for such plats in the Procedures and Permits Article of this Development Code.
- (3) The term "original tract" as used in this Section means the entire tract of land as it existed as a legal lot of record prior to the adoption of this Development Code.

#### (b) Types of minor subdivisions.

Minor subdivisions are defined as, and limited to, any one of the following:

- (1) Recombination. *[Amended June 16, 2015]*

The sale or exchange of portions of adjoining lots between separate or common owners of adjoining properties, including the recombination of existing lots of record, provided that additional lots are not thereby created, or where the number of lots is reduced, and each resulting lot has a greater area and the same or greater width than each original lot. Any lot that conforms to the minimum size requirements of the UDC cannot be reduced to a non-conforming lot.

- (2) Exempt Subdivisions. *[Amended June 16, 2015]*

The division of a parcel or tract of land that does not create any new streets or roads, requires no utility improvements, and requires no new sanitary sewer or septic system improvements. Any such plat 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 as follows in bold, clearly legible type:

**I certify that this plat does not create any new streets or roads, requires no utility improvements, and requires no new sanitary sewer or septic system improvements, meeting the requirements in O.C.G.A. 15-6-67(d) and meets or exceeds the minimum lot size requirements of the Camden County UDC.**

\_\_\_\_\_, GA Land Surveyor #\_\_\_\_\_.

- (3) Ten-lot split.

The subdivision of an original tract in any zoning district that creates no more than 10 lots, building sites, or other divisions (including the remaining portion of the original tract), subject to the following:

- a. Each lot shall front on an existing paved public or existing paved private road and meet the minimum requirements of this Code. *[Amended April 15, 2014]*
- b. New lots or tracts of land that are created from the subdivision of the original tract may not be further subdivided as a minor subdivision. Once the capacity of the original tract to be divided into a total of 10 lots as a minor subdivision is exhausted, the remaining portion of the original tract may not be further subdivided as a minor subdivision. Any further subdivision of a lot created as part of a ten-lot split must be accomplished through the procedures for a major subdivision.
- c. All slope and utility easements as determined by the Public Works Director are to be provided at no cost to the County.
- d. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to the approval of the final plat by the Planning Director.
- e. The potential location of a driveway connection serving each lot and meeting the requirements of this Development Code must be reviewed and approved by the Public Works Director, and shall be indicated on the final subdivision plat.

(4) Four-lot rural subdivision.

The subdivision of an original tract in the A-F zoning district that creates no more than 4 lots, building sites or other divisions (including the remaining portion of the original tract), subject to the following:

- a. Each lot shall gain its access directly from an existing county road or from an access easement meeting the requirements of this subsection.
- b. New lots or tracts of land that are created from the subdivision of the original tract may not be further subdivided as a minor subdivision. Once the capacity of the original tract to be divided into a total of 4 lots as a minor subdivision is exhausted, the remaining portion of the original tract may not be further subdivided as a minor subdivision. Any further subdivision of a lot created as part of a four-lot rural subdivision must be accomplished through the procedures for a major subdivision.
- c. Access easement requirements:
  1. The access easement must be at least 60 feet wide and established as a cross easement between all properties that it serves.
  2. The easement shall be clearly depicted on the final subdivision plat and in the deeds of the properties that it serves.
  3. The following statement shall be shown on the final subdivision plat in bold, clearly legible type, and included as a deed restriction for each property that the easement serves:
 

The access easement [shown on this plat] [serving this property] is private and not maintained by Camden County. Maintenance of the easement is the responsibility of the property owner. Any liability arising from the original construction, the lack of maintenance or inability to be served by public safety or emergency vehicles is the responsibility of the property owner. The access easement shall not be dedicated to or accepted by Camden County for maintenance or for any other purpose unless and until it meets all design and construction standards for a public street in accordance with the Unified Development Code of Camden County.
- d. Each proposed lot in the subdivision shall provide a minimum lot size of 3 acres and must meet all other minimum requirements of the A-F zoning district, with the following additional provisions: *[Amended 4-17-12]*

1. Each lot shall meet the minimum lot area requirement exclusive of any land contained within an access easement.
  2. For the purpose of establishing required building setback lines, minimum lot widths and frontages, etc., an access easement boundary line shall be treated the same as a "public street right-of-way line" under this Code.
- e. All slope and utility easements as determined by the Public Works Director are to be provided at no cost to the County.
  - f. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to the approval of the final plat by the Planning Director.
  - g. The potential location of a driveway connection serving each lot and meeting the requirements of this Development Code must be reviewed and approved by the Public Works Director, and shall be indicated on the final subdivision plat.

(5) Estate subdivision.

Estate subdivisions may be developed in the A-F Agricultural zoning district under the following provisions:

- a. Each lot created by the subdivision, including the remaining portion of the original tract, must contain 25 acres or more.
- b. Each proposed lot shall provide at least 60 feet of frontage on an existing public or private road, shall provide at least 150 feet of lot width measured in accordance with the requirements of this Development Code, and shall meet or exceed all other minimum requirements of the A-F zoning district.
- c. If any lot created in an estate minor subdivision fronts on an unpaved street or road, the final subdivision plat shall contain the following statement in bold, clearly legible type:

No further division of any lot or tract shown on this plat shall be allowed unless and until the street or road providing access to the lot or tract shall have been improved to a paved road standard to the nearest paved public street or road. Such improvement shall meet the requirements for a public street contained in the Camden County Unified Development Code.
- d. All slope and utility easements as determined by the Public Works Director are to be provided at no cost to the County.
- e. Each lot or tract, thus created, may be re-subdivided into lots of no less than five acres as a minor ten-lot split subdivision meeting all requirements of Sec. 501(b)(3), provided that each such lot shall meet all requirements of this Code (including minimum lot width and frontage) and shall have frontage on an existing paved public or existing paved private road. Such lots may not be further re-subdivided as a four-lot rural minor subdivision under Sec. 501(b)(4). *[Amended April 15, 2014]*
- f. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to approval of the final plat by the Planning Director.
- g. The potential location of a driveway connection serving each lot and meeting the requirements of this Development Code must be reviewed and approved by the Public Works Director, and shall be indicated on the final subdivision plat.

<b>Summary Comparison of Minor Subdivisions</b>			
	<b>Ten- Lot Split</b>	<b>Four- Lot Rural Subdivision</b>	<b>Estate Subdivision</b>
<b>Approval</b>	By right	By right—A-F only	By right—A-F only
<b>Max. Number of Lots</b>	10, including the remainder of the original tract	4, including the remainder of the original tract	Not limited
<b>Minimum Lot Size per Dwelling Unit:</b>	Per zoning district and Health Dept.	3 acres	25 acres
<b>Road frontage</b>	Lots must front on existing <b>paved</b> road*	Lots must front on existing road or private access easement	Lots must front on existing road
<b>Further Subdividing of New Lots</b>	Not allowed as another minor subdivision	Not allowed as another minor subdivision	Allowed as a minor Ten-Lot Split subdivision if lots front on an existing <b>paved</b> road
<b>Open Space</b>	None required	None required	None required
<b>Natural Resources or Conservation Easement</b>	None required	None required	None required
<p>* The subdivision must have continuous paved road access to the County road system. See Article 10.                      Note: See the text for minor recombination plats and non-development land sales.<i>[Amended April 17, 2012]</i></p>			

**Sec. 502. Major subdivision.**

(a) **Major subdivisions; defined.**

A “major subdivision” is any subdivision that does not qualify as a “minor subdivision” under Sec. 501. A major subdivision commonly involves the construction of a new street or widening of an existing roadway, the provision of storm water drainage facilities, or the construction or improvement of public utilities.

(b) **Types of major subdivisions.**

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

- (1) **Conventional subdivisions**, in which all of the lots meet the minimum lot size and other dimensional requirements for the zoning district. Open space outside of the lots may be created, but is not required.
- (2) **Open space subdivisions**, in which the maximum density allowed for the zoning district determines the maximum number of lots in the subdivision, but the minimum lot size is reduced to allow for maximum flexibility on a site and in order to create conservation areas, open space and recreational amenities for the residents.
- (3) **Planned developments**, in which flexibility in housing types and densities, mixed-use projects and certain commercial uses are allowed in accordance with the concept plan and conditions of zoning approval for the PD zoning of the development.

The following table presents a summary of the requirements of this Article as they apply to each of the three types of major subdivisions. Refer to the text and other tables of this Article for specific provisions. *[Table amended March 2, 2010]*

<b>Summary Comparison of Major Subdivisions</b>			
	<b>Conventional Subdivision <sup>1</sup></b>	<b>Open Space Subdivision</b>	<b>Planned Development</b>
<b>Approval</b>	By right	By right	PD Zoning
<b>Max. Number of Lots</b>	All lots must meet minimum standards for the zoning district	Per maximum density calculation	Per PD zoning approval
<b>Minimum Lot Size per Dwelling Unit (du):</b>  <b>Well + Septic Tank:</b> A-F district  A-R & R-districts	Per zoning and Health Dept.  Per zoning and Health Dept.	Per zoning and Health Dept.  N/A <sup>2</sup>	N/A <sup>2</sup>
<b>Public/Community Water + Septic:</b> All districts	Per zoning and Health Dept.	Per Health Dept. and Preliminary Plat	Per Health Dept. and Concept Plan
<b>Public/Community Water &amp; Sewer:</b> All districts	Per zoning	Per Preliminary Plat	Per Concept Plan
<b>Subdivisions:</b>  <b>Road frontage</b>	Subdivision must front on existing <b>paved</b> road <sup>3</sup>	Subdivision must front on existing <b>paved</b> road <sup>3</sup>	Subdivision must front on existing <b>paved</b> road <sup>3</sup>
<b>Paved Internal Streets</b>	All streets paved	All streets paved	All streets paved
<b>Public/Community Sewer</b>	All lots if more than 10 and over 0.2 du/acre <sup>4</sup>	All lots if more than 10 and over 0.2 du/acre <sup>4</sup>	All lots
<b>Open Space</b>	None required	Minimum 10% + Primary conservation areas	Minimum 20% + Primary conservation areas
<b>Natural Resources or Conservation Easement required</b>	<i>Natural Resources easement:</i> Primary conservation areas	<i>Conservation easement:</i> Primary conservation areas  + Secondary conservation areas if designated by developer	<i>Conservation easement:</i> Primary conservation areas  + Secondary conservation areas if designated by developer

<sup>1</sup> All requirements of the applicable zoning district apply to Conventional Subdivisions.

<sup>2</sup> Not applicable. All planned developments must be connected to a public or community water system. All open space subdivisions must be connected to a public or community water system except in the A-F zoning district.

<sup>3</sup> The subdivision must have continuous paved road access to the County road system. See Article 10.

<sup>4</sup> See the Utilities Section of Article 10 relating to the use of septic tanks. *[ Amended March 2, 2010]*

**Sec. 503. Conventional subdivisions.****(a) Maximum number of lots.**

The maximum number of lots (or dwelling units) in a conventional subdivision shall be determined by meeting the minimum lot requirements of the zoning district and the Health Department (depending on the source of water supply and method of sewage disposal) applicable to the property.

**(b) Minimum lot size.**

In a conventional subdivision, the minimum lot area per dwelling unit for the applicable zoning district (or the Health Department, if larger) establishes the minimum lot size for each lot.

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

The lot width and setback requirements of the applicable zoning district (or the Health Department, if larger) apply to each lot in a conventional subdivision.

**(d) Other lot and building standards.**

All other lot and building standards of the applicable zoning district not modified under this under this Sec. 503 shall apply to conventional subdivisions.

**(e) Conservation, open space and recreation.**

Requirements regarding the protection of primary conservation areas in natural resources easements and the provision of recreation amenities in conventional subdivisions can be found under Sec. 506.

**Sec. 504. Open space subdivisions.**

Open space development provisions may be applied to any single-family residential subdivision in any zoning district. In addition to any conditions of zoning approval that may apply to a specific property, the following shall apply to all such subdivisions:

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

(1) The maximum number of lots in an open space subdivision shall be calculated in accordance with Paragraph (2) of this Subsection or as determined through preparation of a "yield plan" in accordance with Paragraph (3).

(2) An open space subdivision shall not exceed the number of dwelling units allowed for the property based on the maximum density of the applicable zoning district. The total number of lots shall not exceed the maximum density allowed for the zoning district of the property under Table 5.1 times the net developable acreage of the site calculated in accordance with Sec. 504(a)(2)b.

**a. Maximum density.**

The following table calculates the maximum practical density in dwelling units per acre (du/ac) that could be achieved in a single-family subdivision under optimum conditions for those zoning districts in which an open space subdivision could be located. In the R-1 and R-2 districts, minimum lot sizes and widths are required depending on whether the lots are served by a public or community water system and individual on-site sewage disposal systems (septic tanks), or served by both a public or community water system and a sewer system. (Open space subdivisions are not allowed on wells and septic tanks in the A-R, R-1 and R-2 districts.) [See also the minimum density requirement for any subdivision having more than 10 lots on septic tanks under the Utilities Section of Article 10.]

	A- F	A- R	R- 1 or R- 2		
			Well + Septic	Water + Septic	Water + Sewer
Min. Lot Area per Zoning	130,680	87,120	N/A	21,780	10,000
<i>Min. Width of Lot</i>	<i>300</i>	<i>150</i>		<i>100</i>	<i>75</i>
Associated area:					
Min. Street <sup>1</sup>	9,000	4,500		3,000	2,250
Efficiency Loss <sup>2</sup>	9,000	4,500		3,000	2,250
Total per Lot	18,000	9,000		6,000	4,500
Avg. Land Area per Lot	148,680	96,120		27,780	14,500
<b>Max. Density (du/acre)</b>	<b>0.2930</b>	<b>0.4532</b>		<b>1.5680</b>	<b>3.0041</b>
<sup>1</sup> Width x ½ r-o-w (30 feet from centerline).					
<sup>2</sup> Equal to area in R.O.W. to account for corner and cul-de-sac lots.					

[Table 5.1 amended March 2, 2010 as to minimum lot sizes per zoning]

b. Net developable acreage.

The net developable acreage of a site may be calculated as the total (gross) acreage minus all areas defined as primary conservation areas under the Environmental Protection Article of this Development Code.

*[Ed Note: Saltwater marshes are restricted from development by the Ga. Coastal Marshlands Protection Act and are therefore not to be included in the "net developable acreage" calculation of the site (although such marsh lands can be included within a lot that otherwise meets the minimum lot size requirements of this Development Code).]*

c. Maximum number of lots.

The maximum number of lots for a particular open space subdivision is calculated by multiplying the maximum density for the applicable zoning district [from Sec. 504(a)(2)a] times the net developable acreage (Sec. 504(a)(2)b).

- (3) As an alternative, the maximum number of lots shall be the number achieved through preparation of a yield plan. A yield plan must be prepared as though a preliminary subdivision plat layout for a conventional subdivision meeting all requirements of the County Health Department, as applicable, and this Development Code.

(b) **Minimum lot size**

The minimum lot size per dwelling unit shall be established as part of the preliminary subdivision plat for the open space subdivision (see Project Approval under the Procedures and Permits Article of this Code), provided that:

- (1) Lots in the A-F zoning district shall not be less than 2 acres in size; and
  - (2) All lots shall comply with Health Department requirements depending on the source of water supply and method of sewage disposal.
- (c) **Location of structures; lot widths and setbacks.**
- (1) Minimum lot widths and building setbacks shall be established through approval of the preliminary subdivision plat. However the following restrictions shall apply:
    - a. Principal Buildings within the development shall not be less than 20 feet apart.
    - b. Every dwelling unit shall have direct frontage on a street; private alleys may be provided for rear access to parking garages.
    - c. Health Department requirements regarding lot widths using on-site sewerage disposal shall be met.
  - (2) The front or rear face of a dwelling unit shall be not less than 60 feet from the front or rear face of another dwelling unit without regard to intervening streets or alleys. Minimum setback from the edge of an alley for all structures shall be 20 feet. *[Amended November 18, 2014]*
  - (3) No dwelling unit shall be situated so as to face the rear of another dwelling unit within the subdivision unless a vegetated buffer will provide effective visual separation.
- (d) **Other lot and building standards.**
- All other lot and building standards of the applicable zoning district not modified under this Sec. 504 shall apply to open space subdivisions.
- (e) **Conservation, open space and recreation.**
- Requirements regarding the protection of primary conservation areas in conservation easements, the provision of common open space and the provision of recreation amenities in open space subdivisions can be found under Sec. 506.

## **Sec. 505. Planned developments.**

A planned development provides a development opportunity that mixes various types of housing and nonresidential properties within the same development.

- (a) **Zoning approval required.**
- (1) Because a planned development allows a combination of housing types and nonresidential uses that are not otherwise allowed in other zoning districts, approval of a PD Planned Development district, individually tailored to the particular development project, is required.
  - (2) Overlay zoning districts created under this Development Code also apply to a property zoned PD. See the Use of Land and Structures Article of this Development Code and the official zoning map for applicability.
  - (3) A property zoned PD is subject to and limited by its approved concept plan and conditions of zoning approval for the specific development project.
- (b) **General design criteria and development standards.**
- (1) Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships.

- (2) Variety in building types, heights, placement on lots and size of open spaces are encouraged if they are conducive to a safe, healthy and aesthetically pleasing living environment.
  - (3) The sign, parking and street design regulations of this Development Code shall be accepted as the applicable standards, unless sign, parking or street design standards are established as part of the PD zoning approval. All traffic signage shall conform to the Manual on Uniform Traffic Control Devices, latest edition, published by the Federal Highway Administration.
  - (4) Shopping centers and other types of planned developments shall not have more than two access points to any one public street, unless unusual circumstances dictate the need for additional access points.
  - (5) All access points from a PD district should be located at least 100 feet from the intersection of any street.
- (c) **Maximum number of dwelling units.**
- (1) Either:
    - a. The average density for residential dwelling units in a PD district should not exceed those set forth in the R-2 district, although it may be clustered within the PD district; or
    - b. The overall residential density of the PD and the density for individual areas within the PD shall be established on the concept plan approved for the PD.
  - (2) All common open space shall be considered “single-family detached” for gross density calculations.
  - (3) Land areas planned for nonresidential use and land in primary conservation areas shall not be included in residential density calculations.
  - (4) Loft dwelling units in commercial buildings shall not be included in the development density calculations. The number of loft units allowed shall be established as part of the zoning approval for the PD.
- (d) **Minimum lot size**
- The minimum lot size per dwelling unit shall be dependent on the source of water supply and method of sewage disposal and shall be established for each housing type or area through the approval of the planned development concept plan and conditions of zoning approval.
- (e) **Buffer requirements.**
- (1) A 50-foot buffer strip meeting the requirements for a natural or structural buffer (in accordance with the Buffers, Landscaping and Tree Conservation Article of this development Code) shall be provided around the periphery of the PD district, unless the adjoining use is compatible. For instance, when one-family and multi-family dwellings within a PD district are on property adjoining an R-2 district, then no buffer shall be required.
  - (2) While the design may include buffers suitable for screening residential areas from commercial or industrial uses when dangers of incompatibility exist, internal buffers as would otherwise be required by the Buffers, Landscaping and Tree Conservation Article of this Development Code between land use areas within a planned development are waived, subject to conditions of special use approval for the planned development.
- (f) **Ownership Control.**
- (1) All of the land in a PD initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity of all owners.
  - (2) Common open space and other common areas shall be governed by one or more owner’s associations pursuant to Sec. 507.

(g) **Development standards within a through-road corridor.**

Restrictions within through-road corridors apply to all multi-family and nonresidential development within a PD planned development.

(1) Through-road corridor defined.

Land lying along and within 200 feet of the right-of-way of a public street, road or highway that adjoins or traverses a PD and that provides for movement of through traffic (in contrast to internal local streets) shall constitute a through-road corridor.

(2) Any multi-family, commercial, industrial, public or community use property or portion of such property within the PD that is located within a through-road corridor shall comply with the following special design standards:

a. Building setbacks.

No principal or accessory building shall be located less than 50 feet from the right-of-way of a through road. A 10 foot front landscape strip in accordance with the parking lot and loading area screening requirements of the Buffers, Landscaping and Tree Conservation Article of this Development Code shall be provided.

b. Development Standards.

1. Any multi-family, commercial, industrial or institutional property, or portion of such a property, that is located within a through-road corridor shall provide at least 20 percent of its gross land area in landscaping. Landscape areas and treatments shall be identified on the concept plan and subsequent site plans for the development.
2. No buildings with metal exterior facades will be permitted within the corridor, nor shall any metal façade buildings be visible from the corridor. Metal roofs, including mansard roofs, are not considered part of a façade.
3. In addition to buffer requirements, when the back of a commercial or industrial development is across the street from property in a residential district outside of the planned development, then a solid fence or hedge not less than six feet in height shall be installed and maintained by the developer to create a visual screen of the back of the development from the residential property.
4. Single-family and two-family lots within a through road corridor shall not have driveway access from the through road.

(h) **Multi-family project requirements.**

A multi-family project in a PD Planned development must comply with the requirements for such uses in Article 3 unless modified by conditions of zoning approval granted by the Board of Commissioners for the PD.

(i) **Other lot and building standards.**

All other lot and building standards not modified under this Sec. 505 shall be established by the conditions of zoning approval for the planned development.

(j) **Conservation, open space and recreation.**

Requirements regarding the protection of primary conservation areas in conservation easements, the provision of common open space and private open space, and the provision of recreation amenities in planned developments can be found under Sec. 506.

**Sec. 506. Resource conservation, open space and recreation amenities.**

(a) **Natural resources or conservation easement required.**

- (1) All primary conservation areas in a conventional subdivision, open space subdivision or 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 natural resources or conservation easement.
- (2) Land within a natural resources or conservation easement 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 the definition of primary and secondary conservation areas, and natural resources and conservation easements.

(b) **Common open space.**

In an open space subdivision or a planned development, a minimum percent of the gross project site area shall be reserved for common open space and recreation, as follows:

- (1) At least 10% of the net developable area of the site in an open space subdivision and 10% in a planned development must be set aside as open space for conservation of the area, or for passive recreational use such as walking trails and picnicking. The minimum required open space shall be exclusive of all areas classified in the Environmental Protection Article of this Code as primary conservation areas.
- (2) Areas classified as secondary conservation areas in the Environmental Protection Article of this Code are to be given preference for inclusion in the minimum required open space.
- (3) Land devoted to storm water detention facilities may not be counted toward the open space minimum unless the facility is a permanent lake or pond, and is designed and intended for recreational access and use by the occupants of the development.
- (4) Additional common open space may be provided and may include active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.
- (5) Required buffers on the perimeter of the property outside of any primary conservation areas may be included in the minimum open space requirement.
- (6) While common open space shall not be required to be contiguous, no individual portion of the minimum required open space shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, unless the open space area, by the very nature of its designated boundaries, is less than 50 feet in width such as "fingers" of floodplains that extend up drainage swales.
- (7) No portion of the residential lots or nonresidential sites shall be credited toward the minimum open space requirement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum open space requirements.
- (8) The required common open space shall be platted at the same time that adjacent residential lots are platted or nonresidential sites are granted project approved, in whole or in phases.

(c) **Private open space.**

In a planned development, every single-family or two-family dwelling on a lot smaller than 10,000 square feet, and every townhouse dwelling, shall have a minimum 400 square foot private yard or patio.

- (1) The private yard or patio shall be arranged for use by the occupants of the dwelling and located in the side or rear yard.
- (2) The private yard or patio must be enclosed by any combination of the following: a masonry wall, wood fence, trellis or lattice with a minimum height of 6 feet; or an evergreen hedge, shrubs or trees that will achieve a height of 6 feet within 3 years of planting under normal growing conditions.

(d) **Recreation amenity.**

- (1) Any conventional subdivision, open space subdivision or planned development proposed to contain more than a total of 24 dwelling units of any type may include, at the option of the developer, a community recreation amenity area or areas to serve the development, based on the number of dwelling units in the development.
- (2) If the development is to include community recreational facilities, then Table 5.2 establishes minimum requirements, which may be met through the provision of one or more amenity areas.

<b>Table 5.2: Recreation Amenities</b>				
<b>Amenity Required</b>	<b>Number of Dwellings in the Development</b>			<b>Standard</b>
	<b>25 to 99</b>	<b>100 to 249</b>	<b>250 or more</b>	
Active Play Area <sup>1</sup>	Min. ½ acre total	Min. 1 acre total	Min. 2.3 acres total	Total area: 400 sf per dwelling unit (d/u).
Athletic Courts <sup>2</sup>	Min. 1 court	Min. 1 courts +	Min. 3 courts +	Minimum shown + 1 court per additional 100 d/u’s (rounded down). <sup>3</sup>
Swimming Pool <sup>4</sup>		Min. 1,800 sf (30 x 60)	Min. 2,250 sf (30 x 75)	Total water surface area: Minimum shown + 9 sf per d/u >250, max. 4,500 sf (45 x 100).
Clubhouse			Min. 2,500 sf	Total floor area: 10 sf per d/u

<sup>1</sup>Children’s play area including active play equipment. Multiple play areas are allowed, but none less than ½ acre in size.

<sup>2</sup>Any combination of tennis, basketball or volleyball courts.

<sup>3</sup>For instance, 100-149 dwellings = 1 court; 150-249 dwellings = 2 courts; 250-299 dwellings = 3 courts; 300-399 dwellings = 4 courts.

<sup>4</sup>Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools and maintain compliance with construction and operating permits issued by the Health Department.

Note: “sf” stands for “square feet.”

- (3) All amenities shall be completed and available for use prior to issuance of a Certificate of Occupancy on more than 50% of the dwellings served by the recreational amenity in the development.
- (4) The recreation amenity may be designed to serve the entire development or separate amenity areas may be provided for specific residential development areas. If multiple recreation amenity areas are provided, the total of all amenities shall be no less than the total required by Table 5.2 based on the entire development as a whole, distributed proportionally to each development area based on the number of dwelling units each amenity area serves.
- (5) Such recreation amenity areas may not be developed within a primary conservation area.

**Sec. 507. Owner’s association.**

- (a) **Homeowner’s association; when required.**

For any residential development containing common open space or other lands in common ownership, a Homeowner's Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

- (1) Membership in the Homeowner's Association must be mandatory for each property in the development.
- (2) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
- (3) 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.
- (4) The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act" (Code 1981, § 44-3-220, *et seq.* enacted by Ga. L. 1994, p. 1879, § 1), and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Act if it is to act as a holder of a conservation easement.
- (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 two month's payment of the normal monthly dues assessment per dwelling unit established by the Association, times the number of existing dwelling units.
- (6) 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.

(b) **Nonresidential owners' association.**

For any nonresidential development project that contains common open space or other lands in common ownership, an association of the property owners that is consistent with the pertinent requirements for a homeowners' association shall be required.

(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 are included; 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 be equal to no less than two month's payment of the normal monthly dues assessment per dwelling unit established by the Association, times the number of existing dwelling units.

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