



**PUBLIC HEARING**

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, October 25, 2001 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Johnnie McDaniel and Dick Morrow present. Commissioner Martha McDaniel was absent and Commissioner Massengale was absent at the beginning of the meeting but came in later. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane. Planner Jennifer Peterson was also absent.

**A G E N D A**

**A. Call to order – Vice-Chairman Johnnie McDaniel in the absence of Chairman Massengale**

**B. Planned Development:**

Vice Chairman McDaniel stated that the first three (3) items could be heard at one time but have to be voted on separately.

1. **Application #01-19Z:** Lewis Brewer, Jr., Owner – Minerva Properties, LLP, Agent – 111.49 acres on Johnson Road Extension, located in Land Lot(s) 247, 248, & 234 of the 3<sup>rd</sup> Land District – requesting a rezoning from R-2, Single Family Residential, to PDD, Planned Development District.
2. **Application #01-19AZ:** Quail Creek Land & Timber Company, Owner – Minerva Properties, LLP, Agent - 3± acres on Johnson Road Extension, located in Land Lot 145 of the 2<sup>nd</sup> Land District – requesting a rezoning from R-2, Single Family Residential, to PDD, Planned Development District.
3. **Application #01-19BZ:** Cole Tract Associates, LP, Owner – Minerva Properties, LLP, Agent – 95.47 acres on Trestle Road, located in Land Lot 145 of the 2<sup>nd</sup> Land District – requesting a rezoning from R-2, Single Family Residential, to PDD, Planned Development District.

Mr. Brian Davison gave his address as 1733 Council Bluff Drive, Atlanta, GA and stated he was one of the three (3) partners of Minerva proposing this development. He gave a quick overview on the project. The rezoning is for approximately 210 acres which will be a portion of a 1200 acre master planned community with interesting housing types for Spalding County. He said the homes would be in the range of \$130,000 to \$500,000 depending on their location.

Ms. Barbara Jarrett gave her address as 416 Johnson Road and stated she was representing the residents in the community and they have no objections to the rezoning of the property for the planned development; however, they do have concerns with the entry way coming out the back side of their road. The road is narrow and dirt and needs to be widened and paved but they do not meet the county criteria for it to be widened and paved. She feels with this many homes there should be some reconsideration made to their road.

There were letters from Thomas and Tonya Sheats, 1355 Trestle Road; Joseph G. Wall and Charles M. Sheats that are referenced and have been placed in the Zoning File in Community Development Department. These letters reference the widening and paving of Johnson Road due to the increased traffic and asked that Johnson Road and also Trestle Road be reassessed since the last one was done in 1993. There is also a letter from Ed & Doreen Palmer regarding the same request that will be made a part of the zoning file and kept in Community Development Department.

*Motion made by Commissioner Dick Morrow to approve **Application #01-19Z** with the following conditions. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 3-0. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion made by Commissioner Morrow to approve **Application #01-19AZ** with the following conditions. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 3-0. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion made by Commissioner Morrow to approve **Application #01-19BZ** with the following conditions. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 3-0.*

***The Resolution will be incorporated into the minutes on second and final reading.***

*The conditions are as follows for all three of the above approved applications.*

Section A. Zoning by Pod:

1. Section AA shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.
2. Section BB shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.
3. Section CC shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.
4. Section DD shall be developed consistent with the requirements of the R-1 zoning district, with the additional conditions prescribed in Section B and C; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.
5. Section EE shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.
6. Section FF shall be developed consistent with the requirements of the R-1 zoning district, with the additional conditions prescribed in Section B and C; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.
7. Section GG shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.

The development incentives referred to in Section A, Nos. 1-7, pertain to development incentives stated within the Planned Development District.

Section B. General conditions applied to all property within these three tracts:

1. All front and side yards shall be sodded. Rear yards abutting open space or the golf course shall be sodded.
2. The minimum roof pitch for all structures shall be 6:12.
3. Architectural shingles shall be required.
4. Cantilevered chimneys are not permitted.
5. Exposed concrete foundations shall not be allowed. No concrete block foundations are allowed.
6. Wooden decks shall be painted or stained if they back onto the golf course or open space.
7. Mailboxes shall be coordinated and uniform within neighborhoods.
8. No chain link fencing permitted unless it is vinyl coated.
9. Free standing dog pens shall not be permitted.
10. Accessory structures shall match the style and materials of the home.

11. Recreational vehicles shall not be stored between the street and the front building line of any home.

Section C. Sections AA, BB, CC, DD, FF and GG: Street trees shall be required on both sides of the street. Trees are required at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.

The minimum standard for vinyl use on all siding construction dwellings within the property subject to rezoning shall be the standard of a Georgia Pacific Vision Pro 5- inch width woodgrain texture or comparable or higher grade product. The maximum protusion for a front entry garage is 10-feet measured from the front wall of the house and the front wall of the garage.

4. **Application #01-41S:** Lewis Brewer, Jr., Owner – Minerva Properties, LLP, Agent – 111.49 acres on Johnson Road Extension, located in Land Lot(s) 247, 248 & 234 of the 3<sup>rd</sup> Land District – requesting a Special Exception to allow condominium dwellings, patio dwellings or zero lot line dwellings in the Planned Development District.

There was no one signed up to speak for or against this Application.

*Upon motion by Commissioner Morrow, seconded by Commissioner Kendall Application #01-41S was unanimously approved by a vote of 3-0.*

5. **Application #01-42S:** Cole Tract Associates, L.P., Owner – Minerva Properties, LLP, Agent – 95.47 acres on Trestle Road, located in Land Lot 145 of the 2<sup>nd</sup> Land District – requesting a Special Exception to allow condominium dwellings, patio dwellings or zero lot line dwellings in the Planned Development District.

There was no one signed up to speak for or against this Application.

*Upon motion by Commissioner Morrow, seconded by Commissioner Kendall Application #01-42S was unanimously approved by a vote of 3-0.*

### C. Special Exceptions:

1. **Application #01-33S:** Garland H. and Josephine A. Knott, Owners – Locust Grove Road (2 acres located in Land Lot(s) 77 & 84 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

There was no one present to speak for or against this application. Board of Zoning Appeals recommended denial of this application as criteria did not meet compatibility standards, and no effort was made to render the defects in the application. Vice Chairman McDaniel stated that we had a letter from Jessie & Norman Morton in opposition to this application and it will become part of the permanent zoning file in the Community Development Department.

*Upon motion by Commissioner Morrow, seconded by Commissioner Kendall Application #01-33S was denied by a unanimous vote of 3-0.*

2. **Application #01-43S:** Albert T. and Opal Price, Owners – Regina Paradis, Agent – 275 Meeks Street – requesting a Special Exception to allow an additional dwelling on property due to hardship in the AR-1 District.

Ms. Regina Paradis gave her address as 417 Patton Road and stated she was asking for this special exception to place a mobile home on their property to take care of her elderly parents. She said her mother is in bad health and her father was not able to take care of her.

Mr. Marvin Nix gave his address as 265 Meeks Street and said that he is an adjacent property owner and has no objections to Ms. Paradis' request.

*Upon motion by Commissioner Morrow, seconded by Commissioner Kendall Application #01-43S was unanimously approved by a vote of 3-0.*

3. **Application #01-45S:** Joseph Paul and Patricia A. Hatley, Owners – 2312 N. Walkers Mill Road – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Timothy Hillgeford gave his address as 2312 N. Walkers Mill Road and stated that they are requesting the special exception to replace a old manufactured home with a new one.

There was no one else signed up to speak on this application.

*Upon motion by Commissioner Morrow, seconded by Commissioner Kendall Application #01-45S was unanimously approved by a vote of 3-0.*

#### **D. Rezonings:**

1. **Application #01-20Z:** Michael West, Owner – Pilkenton-Murray, LLC, Agent - 46± acres on the southwest corner of Swint Road and Morgan Road, located in Land Lot 24 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-1, Single Family Low Density Residential.

Mr. Michael West gave his address as 68 Morgan Road and stated that this is a very well thought-out development allowing land for greenspace, walking trails, etc. He said that the neighborhood has no objections to their development of this land.

Mr. Niles Murray gave his address as 1400 Maple Drive and stated this project is called Morgan Lakes and consists of approximately 46 acres. He said that there is 19.3 acres in greenspace and common space that will be owned jointly by the 20 property owners when fully developed. The homes will be 1750 sq. ft. minimum. There will be common driveways which will accommodate 4 to 5 lots.

There was no one signed up to speak against this application.

*Motion made by Commissioner Morrow to approve Application #01-20Z subject to maximum of 23 lots and 42% greenspace minimum. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 3-0. **The Resolution will be incorporated into the minutes on second and final reading.***

2. **Application #01-21Z:** Ralph Hajosy, Owner – Pilkenton-Murray, LLC, Agent - 25± acres on Aerodrome Way, located in Land Lot 86 of the 2<sup>nd</sup> Land District – requesting a rezoning from AR-2, Rural Reserve, to R-2, Single Family Residential.

Commissioner Massengale came into the meeting during this discussion.

Mr. Niles Murray also addressed this application. He said this land is off Aerodrome Way and this project will be called Raventree. He said that there were purchasing 40+ acres and would be developing 25.6 acres. He said that they had amended their request from R-2 to R-4 Zoning with 1500 sq. ft. minimum. He said that there is 5.1 acres in greenspace, which will the homeowners association will utilize and maintain. This has been increased to 20% in greenspace. He said that there would be 26 lots maximum ranging from .6 to .75 acre lots and that all the lots would be on one entrance and it would be a circular street and all lots would face inward.

Assistant County Manager Sabine stated that the conditions mutually agreed to were: (1) all front yards would be sodded to building line; (2) all roofs would have a minimum 7:12 roof pitch and (3) a minimum of one car garage would be required per home.

Mr. Sabine said that this concept is quite different from any other with the lot sizes being .6 to .75 acre each and the standard density for R-4 zoning is 1 acre lots with water. He said that the Board would have to condition the maximum number of lots and the property would have to have variances approved for reduction of lot sizes. The Board has never exercised their authority to approve variances without them being on a Board of Zoning Appeals agenda for

consideration, and the Board was not comfortable with setting a precedent in approving a variance in this manner.

Those signed up to speak against this application were as follows:

Mr. Bennie Lamar Leverette gave his address as 73 Aerodrome Way and stated his property joins this property and had concerns with additional traffic (business traffic such as dump trucks), water and drainage problems, which was caused when road was improved. He is also concerned about his property being reassessed because of this new subdivision.

Ms. Joyce Leverette Adams gave her address as 102 Kathy Lane. She stated that she had concerns about additional traffic and the driveway to the subdivision was planned on a very dangerous curve. She also addressed the drainage problems that her father has experienced since the road was paved. She said that there is a 6 ft. ditch going down his pasture.

Ms. Ethel Calhoun gave her address as 142 Aerodrome Way and stated she agreed with what Mr. Leverette and Ms. Adams had previously said. She said that she is surprised that there have not been several wrecks on this road when the business traffic gets out at 5:00 p.m. She mentioned UPS trucks and also dump trucks heavy on this road.

Mr. Dennis Duncan gave his address as 142 Mobley Road and stated that he had a problem with changing the first plan to 1500 sq. ft. homes on small lots. He asked the Board to hold people to their original plans and not break the standards already in place.

Mr. Murray stated under the circumstances they have two (2) options, to go with the concept they originally approved with the 5.1 acres of greenspace or go for a variance which would be something similar to this or we can ask for you to vote on this concept as presented to you.

Zoning Attorney Newton Galloway stated that the Board could condition the rezoning that the applicant seeks a variance and variance is approved. He said that we have sent property through both zoning and variance processes simultaneously having them dovetailed usually with zoning, just like you did tonight with Minerva applications.

Mr. Murray asked the Board to vote on the rezoning and they would go through the process to seek a variance on this piece of property based on the concept presented to the Board tonight.

*Motion made by Commissioner Morrow to approve **Application #01-21Z** subject to 20% minimum of greenspace with R-4 zoning, 1500 sq. ft. minimum and with the three conditions recommended by Planning Commission, which are (1) All front yards must be sodded to the building line; (2) All roofs must have a minimum 7:12 roof pitch; (3) A minimum of a one car garage is required per home. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

3. **Application #01-22Z:** Lawrence and Helen Jump, Owners – 6 acres on Patterson Road, located in Land Lot 88 of the 3<sup>rd</sup> Land District – requesting a rezoning from R-4, Single Family Residential, to AR-1, Agricultural & Residential.

Mr. Lawrence Jump gave his address as 53 Mobley Road and stated he wanted to have a pasture for horses. He said that the property is already fenced in.

Mr. Dennis Duncan gave his address as 142 Mobley Road and stated that he owns nine (9) acres adjacent to this property and he has no objections to this rezoning.

*Upon motion by Commissioner Massengale, seconded by Commissioner Morrow **Application #01-22Z** was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

#### **E. Text Amendments:**

1. **Amendment to UDO #A-01-16:** C-1, C-1B, C-1C Zoning Districts – add provision to allow minimum lot frontage of 50’ for lots abutting the turn around portion of dead end streets (cul-de-sacs).

There was no one signed up for speak for or against this text amendment.

*Upon motion by Commissioner Massengale, seconded by Commissioner Morrow UDO-#A-01-16 was unanimously approved by a vote of 4-0.*

IN RE:

**Text Amendment #A-01-16**

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

### **RESOLUTION AMENDING THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on October 25, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia is in conformance with sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: Existing Section 1204(H) of the Zoning Ordinance shall be deleted in its entirety.

Section 2: A new Section 1204(H) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Minimum Frontage Width: 75 feet. Minimum frontage width shall be reduced to 50 feet for lots abutting the turnaround portion of dead end streets (cul-de-sacs).

Section 3: Existing Section 1404(H) of the Zoning Ordinance shall be deleted in its entirety.

Section 4: A new Section 1404(H) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Minimum Frontage Width: 75 feet. Minimum frontage width shall be reduced to 50 feet for lots abutting the turnaround portion of dead end streets (cul-de-sacs).

Section 5: Existing Section 1404A(H) of the Zoning Ordinance shall be deleted in its entirety.

Section 6: A new Section 1404A(H) of the Zoning Ordinance of Spalding County shall be created as follows:

Minimum Frontage Width: 100 feet. Minimum frontage width shall be reduced to 50 feet for lots abutting the turnaround portion of dead end streets (cul-de-sacs).

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 7: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 8: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

#### **F. Other Business:**

**Resolution #A-01-01P:** Amendment to Comprehensive Land Use Map (consideration of change relative to Minerva Properties/Georgia Highway 155 Corridor.)

*Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 4-0.*

#### **RESOLUTION AMENDING THE SPALDING COUNTY FUTURE LAND USE MAP**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations, along therewith to develop and implement comprehensive long range strategic planning; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia adopted by resolution the Spalding County Comprehensive Plan 1994-2014 on October 18, 1994 and therein adopted a Future Land Use Plan at Section VIII Land Use Element; and

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain revisions to be made to the Future Land Use Plan, in particular the amending of the Future Land Use Map; and

WHEREAS, such revisions to the Future Land Use Map, contained in the Spalding County Comprehensive Plan, 1994-2014, Section VIII were reviewed by the Spalding County Planning Commission; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia on October 25, 2001, conducted a public hearing thereon in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed revisions to the Future Land Use Map, contained in the Spalding County Comprehensive Plan, 1994-2014, along with any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing, and at such hearing adopted and approved the Future Land Use Plan Map as being in conformity with sound comprehensive planning principles and being of substantial benefit to the public and in the promotion of the best interests and general welfare of the people; and

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Spalding County Comprehensive Plan, 1994-2014, Section VIII, Land Use Element shall be and is hereby amended as follows:

Section 1: The Future Land Use Plan, as presently found and located in the Spalding County Comprehensive Plan, 1994-2014, Section VIII, Land Use Element shall be and is hereby deleted.

Section 2: The Future Land Use Plan attached hereto and incorporated herein as if fully set forth shall be and is hereby adopted as part of the Spalding County Comprehensive Plan, 1994-2014, Section VIII and shall be from this point forward identified and referenced as the Future Land Use Plan for Spalding County for any and all such purposes.

Section 3: The foregoing amendments of the Spalding County Comprehensive Plan, 1994-2014 shall become effective immediately upon adoption of this resolution.

Section 4: The Board of Commissioners of Spalding County, Georgia, in compliance with Georgia law, shall submit this revised Future Land Use Plan to McIntosh Trail Regional Development Center for general review and comment by that agency.

Section 5: All Ordinances or resolutions in conflict herewith shall be, and are hereby, repealed.

This the 25<sup>th</sup> day of October 2001.

Consider at second reading an amendment to the Official Zoning Code and Official Zoning Map of the following:

**UDO #A-01-14:** Appendix A. Subdivision Ordinance—add Article 7, Conservation Subdivisions.

*Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 4-0.*

**RESOLUTION AMENDING  
THE SUBDIVISION ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted as Appendix A thereto, the Subdivision Ordinance of Spalding County;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Subdivision Ordinance of Spalding County;

WHEREAS, such text amendments to the Subdivision Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on September 27, 2001 pursuant to O.C.G.A. 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Subdivision Ordinance of Spalding County, Georgia conforms with sound comprehensive planning principles and is of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Subdivision Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

**Section 1:** The following shall be added to the Zoning Ordinance of Spalding County, Appendix A, Subdivision Regulations to appear as Article 7, entitled □Conservation Subdivisions,□ as follows:

## **ARTICLE 7. CONSERVATION SUBDIVISIONS**

### **Section 701. Purposes.**

A. The purpose of this Article is to encourage development principles and strategies which conserve open land in Spalding County, including those areas with unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands by setting them aside from future development. To accomplish this purpose, this Article encourages development and design standards separate and distinct from traditional subdivision development with the following additional goals,

1. To provide greater design flexibility and efficiency in siting services and infrastructure, including the opportunity to reduce the length of roads, utility easement runs and the amount of paving required for residential development;
2. To reduce soil erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
3. To provide for a diversity of lot sizes and residential density;
4. To protect areas of Spalding County with productive agricultural soil for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operation;
5. To create neighborhoods with direct visual access to open land, with amenities of neighborhood open space and with a strong neighborhood identity;

6. To provide for the conservation and maintenance of open land within Spalding County for active or passive recreational use by residents;
7. To provide for multiple options for development to minimize impacts on environmental resources and sensitive lands such as wetlands, floodplains and steep slopes;
8. To prevent disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, wildlife habitats and historic buildings or structures; and
9. To conserve scenic views and elements of Spalding County's natural character and to minimize perceived density by minimizing views of new development from existing streets and roads.

B. In order to achieve the purposes of this Article, flexibility is allowed for the design of residential subdivisions by allowing three forms of subdivision development, as follows:

1. ***Neutral Density and Basic Conservation:*** Residential uses are allowed at the density permitted in the zoning district. Greenspace and undeveloped land must make up not less than 50% of the tract. This form of subdivision development is allowed in all residential zoning districts for single family residential development, except R-5.
2. ***Enhanced Density with Greater Conservation:*** Residential uses are allowed at a density which is greater than that permitted in the zoning district. Greenspace and undeveloped land must make up not less than 60% of the tract. This form of subdivision is allowed in all residential zoning districts for single family residential development, except R-5.

#### **Section 702. General Regulations.**

The design of all Conservation Subdivisions shall be governed by the following minimum standards:

- A. **Ownership:** The tract of land may be held in single or multiple ownership. However, a tract held in multiple ownership shall be planned as a single development.
- B. **Site Suitability:** The tract shall be suitable for supporting development based on its size, configuration and environmental conditions.
- C. **Intersections and Access:** Driveways serving residences located within conservation subdivisions must provide access by intersections with roads developed within the subdivision. New intersections between existing roads and roads within the conservation subdivision shall be minimized. Each conservation subdivision containing fifteen (15) or more residential dwellings shall have a minimum of two means of ingress and egress onto existing public roads.
- D. **Sensitive Area Disturbance:** The subdivision design shall strictly minimize disturbance of environmentally sensitive areas, including but not limited to areas located within the 100 year floodplain, having a slope exceeding 25% and/or wetlands. As a prerequisite of approval (either preliminary or final) of any development, the Applicant must demonstrate that these features will be protected.
- E. **Wastewater/Septic Systems:** The subdivision design shall include a plan for the provision of wastewater and sewage disposal for each residential dwelling, showing the anticipated location of such systems, the type of system being used and (provided all or part of any system providing service to a particular residential dwelling is not located wholly and completely on the same lot as the residential dwelling served) documents evidencing the right to locate such system within any necessary area of the development.

- F. **Greenspace:** That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views and other unique features. Greenspace may be accessible for the residents of the development and/or to Spalding County, or it may contain areas of conservancy lots that are not accessible to the public.
- G. **Conservancy Lot:** A large, privately owned lot constituting part of an area of greenspace. The purpose for the conservancy lot is to provide surrounding residents with visual access to greenspace land while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standard for greenspace. Public access to public conservation lots is not required.

**Section 703. Dimensional Standards and Density Determinations.**

**A. Dimensional Standards for Neutral Density and Basic Conservation:**

- 1. Density Factor: Maximum density as allowed under the particular zoning district in which the conservation subdivision is located. Density shall be calculated on the basis of Adjusted Tract Acreage or Yield Plan.
- 2. Minimum Required Greenspace: 50% of the Adjusted Tract Acreage shall be reserved for greenspace. Greenspace shall not be used for residential lots.
- 3. Average Minimum Lot Area: 15,000 square feet on average. Up to 20% of the lots within the subdivision may be reduced to a minimum of 12,000 square feet.
- 4. Minimum Lot Width at Building Line: 80 feet
- 5. Minimum Street Frontage: 30 feet
- 6. Yard Regulations: Variations in principal building positions and orientation are encouraged, but shall meet the following minimum standards:
 

<u>Front:</u>	20 feet
<u>Rear:</u>	40 feet
<u>Side:</u>	30 feet separation for principal buildings with no side yard less than five (5) feet
- 7. Maximum Impervious Coverage: 25% limit on each lot
- 8. Maximum Height Regulations: 35 feet

**B. Dimensional Standards for *Enhanced Density with Greater Conservation*:**

- 1. Density Factor: Maximum density as allowed under the particular zoning district in which the conservation subdivision is located may be increased by 25%. Density shall be calculated on the basis of Adjusted Tract Acreage or Yield Plan.
- 2. Minimum Required Greenspace: 60% of the Adjusted Tract Acreage shall be reserved for greenspace. Greenspace shall not be used for residential lots.
- 3. Average Minimum Lot Area: 12,000 square feet on average. Up to 20% of the lots within the subdivision may be reduced to a minimum of 9,000 square feet.
- 4. Minimum Lot Width at Building Line: 80 feet
- 5. Minimum Street Frontage: 30 feet
- 6. Yard Regulations: Variations in principal building positions and orientation are encouraged, but shall meet the following minimum standards:

Front: 20 feet  
Rear: 40 feet  
Side: 30 feet separation for principal buildings with no side yard less than five (5) feet

7. Maximum Impervious Coverage: 25% limit on each lot
8. Maximum Height Regulations: 35 feet

**C. Density Determinations for Neutral Density and Basic Conservation and Enhanced Density with Greater Conservation Subdivisions:**

There are two authorized methods for determining the maximum permitted residential dwelling density for *Neutral Density and Basic Conservation* and *Enhanced Density with Greater Conservation* subdivisions:

1. **Adjusted Tract Acreage Method:** Determination of the maximum number of permitted residential dwelling units shall be obtained by multiplying the acreage classified within categories of “constrained” land by the numerical density factor for each category, which calculation of constrained land shall be deducted from the total tract area, as follows:
  - a. All land within the right of way of existing public streets or highways or within the right of way for existing or proposed overhead right of way for utility lines;
  - b. Wetlands, including ponds and lakes: multiply the acreage of designated wetlands by 0.95;
  - c. Floodway: multiply the acreage within the floodway by 1.00;
  - d. Floodplains: multiply the non-wetland portion of the 100 year floodplain by 0.50;
  - e. Steep slopes: multiply the acreage of land with natural ground slope exceeding 25% by 0.75;
  - f. Extensive rock outcroppings: multiply the total area of rock outcrops and boulder fields more than 1,000 square feet by 0.90;
  - g. Moderately steep slopes: multiply the acreage of land with natural ground slopes of between 15%-25% by 0.25.

For purposes of the calculation of Adjusted Tract Acreage, if a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, such acreage shall be subject to the most restrictive deduction only.

1. **Yield Plan:** Determination of the maximum number of permitted residential dwelling units shall be obtained by a Yield Plan which meets the following requirements:
  - a. A Yield Plan will be prepared as a conceptual layout plan showing proposed lots, streets, rights of way and other pertinent development features based upon the standard lot size and dimension requirements for the applicable zoning district. Though a scale drawing is not required, the conceptual layout plan must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for septic tanks.
  - b. A Yield Plan must also reflect the dimensional standards set forth in this Article for development as a conservation subdivision.

- c. A Yield Plan must also incorporate the site's naturally occurring resources and characteristics, and the plan must demonstrate that the site's naturally occurring resources and characteristics may be successfully absorbed in the development process without disturbance by allocating a particular area of the tract to proposed single-family dwelling lots that conform to the density factor.
- d. On unsewered tracts, density shall be further determined by evaluating the number of residential dwellings that could be supported by individual septic systems on conventional lots. Based thereon, the Planning Commission shall select a 10% sample of the lots considered to be marginal for on-lot sewage disposal. The Applicant is required to provide evidence that these lots meet the standards for an individual septic systems, at which time the Applicant shall be granted the full density determined by the Yield Plan. Should any of the sample lots fail to meet the standard for individual septic systems, those lots shall be deducted from the Yield Plan and a second 10% sample shall be selected and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual septic system.

**Section 704. Greenspace Land Use and Design Standards.**

Protected greenspace within all conservation subdivisions shall meet the following standards:

**A. Permitted Uses:**

1. Conservation of open land in its natural state, such as woodland, fallow field, or managed meadow)
2. Agricultural activities, excluding commercial livestock operations involving dairy cattle, swine, poultry and/or any other animals likely to produce offensive odors.
3. Pastureland for horses use solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 25% of the required greenspace.
4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
5. Neighborhood open space uses such as village greens, common, picnic areas, community gardens, trails and similar low-impact recreational uses, but specifically excluding use of motorized off-road vehicles, rifle ranges or related shooting recreational activities.
6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts and bikeways, provided such areas consume less than 1/2 of the greenspace or five acres, whichever is less. Playing fields shall not be located within 100 feet of abutting properties. Parking facilities for the same shall be permitted, provided they are gravel surfaces, unlighted and properly drained containing no more than ten (10) spaces.
7. Golf courses, excluding driving ranges and miniature golf, may constitute up to 1/2 of the greenspace. Parking and access ways to serve the golf course may be paved and lighted.
8. Water supply and sewage disposal systems and stormwater detention areas designed, landscaped and available for use as an integral part of the greenspace.
9. Easements for drainage, access, sewer or water lines or other public purposes.
10. Aboveground utility rights of way and street rights of way may traverse conservation areas but shall not count toward the minimum required greenspace.

**B. Greenspace Design Standards:**

1. Greenspace shall be laid out in a manner to ensure that an interconnected network of open space with adjoining properties will be provided.
2. Greenspace shall generally remain undivided and may be owned and maintained by a homeowner association, land trust, or a conservation organization recognized by Spalding County.
3. Up to 5% of the total greenspace may be subject to Spalding County's public land dedication requirement
4. No portion of any building lot may be used for meeting the minimum greenspace requirement. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenspace requirement.
5. Pedestrian and maintenance access shall be provided to greenspace in accordance with the following requirements:
  - a. Each neighborhood shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width;
  - b. Access to greenspace used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural activities.
6. All greenspace that is not wooded, farmed or managed as meadows shall be landscaped.
7. Spalding County shall be given an easement in and to all greenspace within each conservation subdivision.

**Section 705. Permanent Greenspace Protection Through Conservation Easements**

Greenspace that is developed and preserved in conservation subdivisions pursuant to the provisions of this Article shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities thereon. Such easements shall provide that the clearing of woodland areas shall be generally prohibited, except as necessary to create trails and active recreation activities or to install subsurface septic sewage disposal systems or spray irrigation facilities.

**Section 706. Discretionary Density Bonuses**

Additional density shall be allowed when one or more of the following public benefits is proposed:

- A. Public Usage of Greenspace. To encourage the dedication of conservation land for public use (including active or passive recreation areas, spray irrigation areas and other public facilities), a density bonus shall be computed on the basis of a maximum of one dwelling unit per five acres of greenspace or per 2,500 feet of trail that becomes publicly accessible. The decision to accept the dedication of greenspace to public usage within a conservation subdivision shall be at the discretion of the Board of Commissioners.
- B. Endowment for Greenspace Maintenance. If the greenspace is to be donated to a land trust or to Spalding County, a 10% density bonus may be allowed to generate additional income for the purpose of endowing a permanent fund to offset continuing costs of maintaining the greenspace (including such activities as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, including costs associated with active or passive recreation facilities). Spending from this fund should be restricted to expenditure of interest so that the

principal may be preserved. The amount required for contribution to the endowment shall be at least twenty (20) times the annual estimated maintenance costs. The applicant shall present an estimate prepared by an agency, firm or organization acceptable to Spalding County and with experience in managing conservation land and recreational facilities.

- C. Implementation. The density bonus that may be allowed pursuant to this section shall reduce the amount of required greenspace by up to 10%, reducing the minimum lot area requirements by up to 10% or by a combination thereof (at the discretion of Spalding County). The reductions may be cumulative, if Spalding County is satisfied that the public purpose of preserving greenspace and conservation lands within Spalding County is best being served.

**Section 707. Ownership and Maintenance of Greenspace and Common Facilities.**

- A. All greenspace shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the greenspace, except for those uses set forth in Section 104(A) of this Article.
- B. The following methods may be used, either individually or in combination to own common facilities in the conservation subdivision; however, greenspace land shall be initially offered for dedication to Spalding County. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted by this Section, and then only when there is no change in the common facilities or in the greenspace percentage of the overall development. Ownership methods shall conform to the following:
1. Fee Simple Dedication to Spalding County: Spalding County may, but shall not be required to accept any portion of the greenspace or common facilities, provided that:
    - a. There is no cost of acquisition to Spalding County; and
    - b. Spalding County agrees to and has access to maintain such facilities.
  2. Homeowners Association: Greenspace and common facilities within a conservation subdivision may be held in common ownership by a homeowner association, subject to all of the provisions for the creation, operation and governance thereof under laws of the State of Georgia. In addition, the following regulation shall apply:
    - a. The Applicant shall provide Spalding County with a description of the organization of the proposed association, including its bylaws any and all documents governing ownership, any and all documents governing maintenance and use restrictions for greenspace and common facilities.
    - b. The proposed association shall be established by the owner or applicant and shall be operating (with sufficient financial subsidization by the owner of applicant, if necessary) before the sale of any dwelling units in the development.
    - c. Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title.
    - d. The association shall be responsible for maintenance and insurance of any and all common facilities.

- e. The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in payment of any required dues, fees or assessments. Such dues shall be paid with the accrued interest before the lien may be deemed satisfied.
  - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to Spalding County no less than thirty (30) days prior to such event.
3. Private Conservation Organization or Spalding County. With permission of Spalding County, an owner may transfer either fee simple title to the greenspace or easements on the greenspace to a private nonprofit conservation organization or to Spalding County, provided that:
- a. The conservation organization is acceptable to Spalding County and is a bona fide conservation organization intended to exist indefinitely;
  - b. The conveyance contains appropriate provisions for proper reversion or retransfer in the event that either the conservation organization or Spalding County becomes unwilling or unable to continue carrying out its functions.
  - c. The greenspace land is permanently restricted from further development through a conservation easement and Spalding County is given the ability to enforce such restriction; and
  - d. A maintenance agreement acceptable to Spalding County is established between the owner, the conservation organization and Spalding County.
4. Declaration of Easements to Spalding County. Spalding County may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the homeowner association or private conservation organization while the easements are held by Spalding County. In addition, the following regulations shall apply:
- a. There shall be no cost of acquisition to Spalding County.
  - b. Any such easements for public use shall be accessible to the residents of Spalding County.
  - c. A satisfactory maintenance agreement shall be reached between the owner and Spalding County.
5. Noncommon Private Ownership. Up to 50% of the greenspace may be included within one or more large conservancy lots of at least ten acres, provided the greenspace is permanently restricted from future development through a conservation easement and Spalding County is given the ability to enforce the restrictions.

C. Maintenance.

- 1. Unless otherwise agreed to by Spalding County, the cost and responsibility of maintaining greenspace and common facilities shall be borne by the property owner, homeowners association or conservation organization.

2. The applicant shall, at time of submission of the preliminary plan, provide a “Plan for Maintenance of Greenspace and Operation for Common Facilities” in accordance with the following requirements:
  - a. The plan shall define ownership;
  - b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadows, pastures, croplands, woodlands, etc.);
  - c. The plan shall estimate staffing needs, insurance requirements, and associated costs and define the means for funding the maintenance of the greenspace and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regularly yearly operating and maintenance costs;
  - d. At the discretion of Spalding County, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year;
  - e. Any changes to the maintenance plan shall be approved by Spalding County.
3. In the event that the organization plan established to maintain the greenspace and common facilities or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, Spalding County may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
4. Spalding County may enter the premises and take corrective action, including extended maintenance. The cost of such corrective action may be charged to the property owner, homeowner association, conservation organization or individual property owners who make up the homeowners association, and may include any administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by Spalding County.

#### **Section 708. Plan Submission and Approval Procedures**

Spalding County will provide a Conservation Subdivision Plan Requirements Checklist which identifies all the documents required to be submitted for approval of a conservation subdivision at each step of the review process. The checklist facilitates review by Staff, as each application is reviewed for completeness and conformance with relevant ordinance provisions.

#### **A. Sketch Plan Overlay Sheet**

1. A Sketch Plan shall be submitted by the applicant as a diagrammatic basis for informal and preliminary discussion with the Staff and Planning Commission regarding the design and layout of a proposed conservation subdivision. The purpose of the sketch plan is to help Spalding County and the applicant understand the property and the proposed development and to help establish an overall design approach that respects the special features of the property while providing for the density allowed in this Ordinance.
2. The Sketch Plan shall include the following information:

- a. Name and address of the owner of legal title to the property;
  - b. Name and address of the applicant;
  - b. Name and address of the professional engineer, surveyor, planner, architect, landscape architect or site designer responsible for preparing the plan;
  - c. Graphic scale (not greater than 1 inch = 200 feet), however, dimensions on the plan need not be exact on the sketch plan, and north arrow;
  - d. Tract boundaries or plat of the tract;
  - e. Location map;
  - f. Zoning district;
  - g. Streets on or adjacent to the tract (both existing and proposed);
  - h. 100 year flood plain limits;
  - i. Approximate location of wetlands, if any;
  - j. Topographic, physical and cultural features including fields, pastures, meadows, wooded areas, trees (with diameters of 15 inches or greater), hedgerows or other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, existing rights-of-way or easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
  - k. Schematic layout indicating a general concept for land conservation and development;
  - l. Proposed general street and lot layout;
  - m. General description of proposed method of water supply, sewage disposal and stormwater management.
3. After receipt of the Sketch Overlay (but prior to review by the Planning Commission as required in the following subsection), Applicant shall arrange for a site inspection of the property by Staff. The purpose of the visit is to familiarize Staff with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated greenspace and potential locations for proposed building and street alignments. Comments of both parties at the site inspection shall be suggestions only, with all parties understanding that no formal recommendations can be offered or decisions made at that time.
  4. The Sketch Overlay shall be reviewed by Staff and Planning Commission and applicant at the first regularly called meeting or workshop of the Planning Commission following filing thereof.
  5. The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this Ordinance and with other application ordinances of Spalding County. The Planning Commission shall informally advise the applicant of the extent to which the proposed conservation subdivision conforms to the relevant standards of this Ordinance. The Planning Commission may suggest plan modifications that would increase the degree of conformance of the conservation

subdivision. At this stage, the Planning Commission's review shall include but is not limited to:

- a. The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water retention and management, etc.) with respect to the notable features of natural or cultural significance;
- b. The potential for street connections with existing streets, other proposed streets or potential developments on adjoining parcels;
- c. The location of proposed access points along the existing road network;
- d. The proposed building density and impervious coverage;
- e. The compatibility of the proposal with respect to the objectives of the Spalding County Zoning Ordinance and Comprehensive Plan.

The Planning Commission may commit its comments to writing.

#### **B. Conceptual Preliminary Plan**

1. A Conceptual Preliminary Plan shall be submitted by the applicant as a diagrammatic basis for further development of the conservation subdivision. The Conceptual Preliminary Plan shall consist of the following four elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:
  - a. Site Context Map
  - b. Existing Resources and Site Analysis Map
  - c. Preliminary Resource Impact and Conservation Plan
  - d. Preliminary Improvements Plan
  - e. Any preliminary study or other report as may be required by any other section of this Ordinance.
2. Drafting Standards. The Conceptual Preliminary Plan shall be drawn to a scale of 1 inch = 100 feet, unless otherwise allowed by Staff. Each sheet shall be numbered, and the plan shall provide an adequate legend indicating clearly which features are existing and which are proposed. Plans submitted shall be on sheets no larger than 34 inches x 44 inches nor smaller than 17 inches x 22 inches.
3. Plan Requirements. The following plans and maps shall bear the name, signature, address and telephone number of the engineer, land surveyor or landscape architect responsible for preparing the plan or map.
  - a. Site Context Map. A map showing the location of the proposed conservation subdivision within its neighborhood context shall be submitted, which shall also show the relationship of the proposed subdivision to natural and man-made features existing within 1,000 feet of the site. The Site Context Map shall include topography (from USGS maps), streams and their valleys, wetlands, woodlands (over 1/2 acre) ridge lines, public roads, trails, utility easements and rights-of-way, public land and land protected under conservation easements.
  - b. Existing Resources and Site Analysis Map. An Existing Resources and Site Analysis Map shall be prepared to provide the developer and Spalding County with a comprehensive analysis of existing conditions both on the

proposed development and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and aerial photographs. Staff shall review the map to assess its accuracy, conformance with Spalding County ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be included on the Map:

1. A vertical aerial photograph enlarged to a scale of not less than 1 inch = 400 feet, with the site boundaries clearly marked;
2. Topography, the contour lines of which shall generally be at two foot intervals, determined by photogrammetry (10 foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps). Slopes exceeding 15% shall be clearly indicated. Topography shall be determined by a registered land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography, coordinated by USGS benchmarks;
3. The location and delineation of ponds, streams, ditches, drains and natural drainage swales, as well as the 100 year flood plains and wetlands on the proposed development parcel shall be indicated, as evident from testing, visual inspection or the presence of wetland vegetation;
4. Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 15 inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age, and condition;
5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for Spalding County, and accompanying data published for each soil relating to its suitability for construction and septic location;
6. Ridge lines and watershed boundaries;
7. A view analysis showing the location and extent of open views into the property from the public roads and from public parks, public forests and/or state game lands;
8. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant;
9. All existing man-made features, including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers;
10. Location of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks and graves;
11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.);
12. All easements and other encumbrances of property that are or have been filed of record with the Clerk, Superior Court, Spalding County;
13. Total acreage of the tract, plus the adjusted tract acreage with detailed supporting calculations.

C. Subdivision Design in the Conceptual Preliminary Plan. All Conceptual Preliminary Plans shall include documentation of a four step design process in determining the layout of proposed greenspace, house sites, streets and lot lines, as follows:

1. Step 1: Delineation of Greenspace: The minimum percentage and acreage of required greenspace lands shall be calculated by the applicant and submitted as part of the Conceptual Preliminary Plan. Greenspace shall be designated using the Existing Resources and Site Analysis Maps as a base.
2. Step 2: Location of House Sites: Potential house sites shall be tentatively located using the proposed greenspace lands on the map as a base map as well as other relevant data on the Existing Resources and Site Analysis Map, such as topography and soils. House sites should generally be located not closer than 100 feet from greenspace areas, taking into account the potential positive impacts of house locations to provide attractive views and visual settings for residences.
3. Step 3: Alignment of Streets: Upon designating house sites, a street plan shall be designed to provide vehicular access to each house, and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed greenspace shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by Spalding County and to facilitate access to and from homes located on different parts of the tract.
4. Step 4: Drawing Lot Lines: Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots. Applicants should be prepared to submit four separate sketch maps indicating the findings of each step in the design process, if requested by Staff.

d. Preliminary Resource Impact and Conservation Plan. A Preliminary Resource Impact and conservation plan shall be prepared for all conservation subdivisions to categorize the impacts of the proposed subdivision on those resources shown on the Existing Resources and Site Analysis Map. All proposed improvements, including but not limited to grading, fill, streets, buildings, utilities and stormwater detention facilities as proposed in the other Conceptual Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan, which shall clearly demonstrate the applicant has minimized site disturbance to the greatest extent possible.

1. Using the Existing Resources and Site Analysis Map as a base, impact areas shall be mapped according to the following categories:
  - a'. Primary impact areas (i.e., areas directly impacted by the proposed subdivision);
  - b'. Secondary impact areas (i.e., areas in proximity to primary areas that may be impacted); and
  - c'. Designated protected areas either to be included in proposed greenspace or an equivalent designation such as dedication of a neighborhood park site.

2. The requirement for a Preliminary Resource Impact and Conservation Plan may be waived by the Staff if the proposed development areas, as laid out in the Conceptual Preliminary Plan would be likely to cause no more than an insignificant impact on the site's resources.
- e. Preliminary Improvements Plan. The Preliminary Improvements Plan shall include the following items:
1. Historic resources, trails, and significant natural features, including topography, areas of steep slope, wetlands, 100 year flood plains, swales, rock outcroppings, vegetation, existing utilities and other site features, as indicated on the Existing Resources and Site Analysis Map.
  2. Existing and approximate proposed lot line, lot areas, any existing easements and rights-of-way. Boundaries of greenspace lands shall be indicated.
  3. Approximate location, alignment, width and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas, preliminary engineered profiles for proposed streets.
  4. Approximate location of proposed swales, drainage easements and stormwater and other management facilities.
  5. Where county water is provided, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and where appropriate, wells or other water resources.
  6. Location of all percolation tests as may be required under this ordinance, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot. All approved sites shall be clearly distinguished from unapproved sites.
  7. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved.)
  8. Approximate location and dimensions of all proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
  9. If applicant intends to install improvements in phases, a delineation of the proposed phases and a schedule of deadlines within which applications for final approval of each phase is expected to be filed.
  10. Typical street cross section drawings for all proposed streets shall be shown, including details relating to thickness, crowning, and construction materials.
  11. Utilities and Easements:
    - a'. Exact locations of existing utility easements and approximate locations of proposed utility easements.
    - b'. Approximate layout of all proposed sanitary and storm sewer and location of all inlets and culverts

and any proposed connections with existing facilities.

c'. Tentative location of proposed on-site sewage and water facilities.

12. Approximate location of proposed shade trees, plus locations of existing vegetation to be retained.

13. Signature blocks for the Planning Commission and the Board of Commissioners shall be provided showing approval of Spalding County, as may be required by this Ordinance.

f. Preliminary Studies or Reports. The Planning Commission may require one or more of the following studies or reports when potential impacts from the development of the conservation subdivision may be significant:

1. Sewer, Septic or Water Feasibility report;

2. Groundwater Protection and Replenishment Study;

3. Preliminary Soil Erosion and Sedimentation Control Plan;

4. Traffic Impact Study;

5. Community Association Preparatory Documents (See: Section 112)

g. Preliminary Greenspace Ownership and Management Plan. The boundaries, acreage and proposed ownership of all proposed greenspace areas shall be shown. Applicant shall also submit a Preliminary Greenspace Ownership and Management Plan detailing the entities responsible for maintain various elements of the property and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of Section 107 of this Article.

h. Preliminary Engineering Certification. Prior to approval of the Conceptual Preliminary Plan, the applicant shall submit a Preliminary Engineering Certification verifying that the approximate layout of proposed streets, house lots, and greenspace complies with Spalding County zoning and subdivision ordinances. This certification requirement provides the Planning Commission with assurance that the proposed plan is able to be accomplished within Spalding County's current regulations. The certification shall also note that no variances of any development criteria are needed to implement the plan, as drawn.

#### 4. Review and Approval of the Conceptual Preliminary Plan

##### a. Planning Commission Review

1. The Planning Commission shall review the plan and any recommendation made by Staff or any County official to determine conformance of the Plan to this Article, the zoning ordinance, and any other relevant ordinance of Spalding County.

2. After such review, the Planning Commission shall submit its report to the Board of Commissioners, containing findings of facts, recommendations and reasons, citing specific sections of the statutes or ordinances relied

upon. A copy of the report shall be provided to the Applicant.

b. Action by the Board of Commissioners

1. The Board of Commissioners shall review the report of the Planning Commission, as well as the minutes and comments from any proceedings at which the Plan was considered.
2. The Board of Commissioners may specify conditions, changes, modifications or additions thereto that it deems necessary or appropriate and may make its decision to approve the plan subject to such conditions, changes, modifications or additions.
3. If the Plan is not approved, the Board of Commissioners shall specify the defects found in the Plan, shall describe the requirements that have not been met and shall cite in each case to the provision relied upon.
4. The Board of Commissioners shall make a decision to approve or deny the Plan within sixty (60) days of the date of the Planning Commission report.
5. The decision of the Board of Commissioners shall be in writing and shall be provided to Applicant at the address shown on the Plan not later than fifteen (15) days following its decision.

**Section 709. Detailed Final Plan:**

Final plans shall conform to the Conceptual Preliminary Plan, including any conditions specified by the Board. A Detailed Final Plan shall consist of and be prepared in accordance with the following:

A. Drafting Standards

All drafting standards as required in Section 107(B)(2) shall apply. Also, final plans shall be prepared at the scale of 1 inch = 100 feet.

B. Existing Resources and Site Analysis Map

A plan as stipulated in Section 107(B)(3)(a & b) consistent with the terms of Conceptual Preliminary Plan approval and modified as necessary to reflect the proposal for final approval.

C. Final Resource Impact and Conservation Plan

This plan shall comply with all of the requirements for the Preliminary Resource Impact and Conservation Plan, as set forth in Section 107(B)(3)(d), to reflect the proposal for final approval.

D. Final improvements Construction Plan

Where public or private improvements other than monuments and street traffic signs are required for any conservation subdivision, an Improvements Construction Plan and specifications, prepared by a registered professional engineer, shall be filed, setting forth the precise nature and exact location of the work and all engineering data necessary for completion of the work. The Improvements Construction Plan and specifications shall be subject to approval of the County Engineer and the Board as a prerequisite to approval of the Detailed Final Plan. The Improvements Construction Plan shall conform with the following standards and contain the following information:

1. Detailed profile sheets for all proposed streets within the tract.

2. If streetlights are to be installed, a plan, details, and specifications of such street lights, together with the necessary contract for street light installation for approval by Spalding County.
3. Detailed design of any stormwater management facilities that may be required.
4. Where off-site sewer service is to be provided, the final detailed design of all facilities, including but not limited to sewer mains, manholes, pumping stations, and sewage treatment facilities.
5. Where off-site or central water service or water supply is to be provided, the final detailed design, including location and size of water service facilities within the subdivision, shall be shown, including wells, storage tanks, pumps, mains, valves, and hydrants.
6. Detailed designs for all other improvements as required by this Ordinance.

E. Final Stormwater Management and Erosion and Sedimentation Control Plan

F. Final Greenspace Ownership and Management Plan

Using the Detailed Final Plan as a base map, the precise boundaries, exact acreage, and proposed ownership of all proposed greenspace areas shall be shown. A narrative Report shall indicate how and by whom such greenspace areas will be managed and demonstrating compliance with this Article.

G. Final Landscape Plan

H. Additional Approvals, Certificates, and Documents

1. All offers of dedication of realty or structures and all declarations, easements, and covenants governing the reservation and maintenance of undedicated open space, for the Detailed Final Plan shall be in such form as shall be satisfactory to the Board.
2. A copy of such deed restrictions, easements, covenants, and declarations that are to be imposed upon the property to comply with the Detailed Final Plan as approved by the Board. All such documents shall be in such form as is satisfactory to the Board.

**Section 710. Submission of Detailed Final Plan Documents**

A. The Detailed Final Plan (and all supplementary data) shall be submitted to Spalding County within one year of approval of the Preliminary Plan. The Detailed Final Plan shall conform to the requirements set forth in Section 108, and the Conceptual Preliminary Plan previously approved. It shall incorporate all conditions set by Spalding County for approval of the Conceptual Preliminary Plan. No application shall be deemed filed unless all requirements have been met and all fees paid in full.

B. The Board of Commissioners may permit submission of the Detailed Final Plan in phases, each covering a reasonable portion of the entire proposed development as shown on the approved Conceptual Preliminary Plan; provided that the first Detailed Final Plan phase shall be submitted within one (1) year after approval of the Conceptual Preliminary Plan.

C. Unless the filing deadline in Section 109(a) is waived or extended by the Board of Commissioners, failure to timely submit final plans renders void an approved Conceptual Preliminary Plan, and the applicant shall be required to file a new application and fee for Conceptual Preliminary Plan approval.

D. Official submission of the Detailed Final Plan shall consist of:

1. Three (3) copies of the application for review of final subdivision or land development plan.
2. Sixteen (16) or more copies of the Detailed Final Plan and all supporting plans and information to enable proper distribution and review, as required by the Board.
3. Copies of all applications made or notices provided to Federal, State and County agencies by or on behalf of the applicant for permits, certifications, approvals, or waivers required or sought for either subdivision or land development as proposed in the Conceptual Preliminary Plan or in the Detailed Final Plan, including but not limited to applications or notices provided to the U.S. Army Corps of Engineers, the U.S. Department of Agriculture Soil Conservation District, the U.S. Environmental Protection Agency, the Georgia Department of Natural Resources, Environmental Protection Division; the Georgia Department of Transportation, or the Spalding County Health Department.
4. Payment of application fees and deposit of escrow, if required, for plan review costs.

E. Sixteen (16) or more copies of the Detailed Final Plan and all required supplementary data shall be submitted to Spalding County together with the required fees and escrow deposit as prescribed by the Board of Commissioners.

#### **Section 711. Review of Detailed Final Plan**

A. The Detailed Final Plan shall conform in all important respects to the Conceptual Preliminary Plan as previously reviewed and approved by the Board of Commissioners and shall incorporate all modifications and revisions specified by the Board in its approval.

B. The Detailed Final Plan and supporting data (including reports from the Georgia Department of Natural Resources, Environmental Protection Division, the Spalding County Board of Health, the Spalding County office of the USDA Natural Resources Conservation Service, and the Spalding County Planning Commission) shall comply with the provisions of this Ordinance and the Spalding County Zoning Ordinance. Failure to do so shall be cause for denying the plan or (in situations where only minor details are missing and when the official approval deadline allows) tabling the plan.

C. Review by the Board of Commissioners

1. The Detailed Final Plan shall be reviewed and approved by the Board of Commissioners upon a finding that it complies with the requirements of this Article.
2. If the Final Plan is not approved, the Board of Commissioners shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall, in each case, cite the provisions of the Ordinance relied upon.
3. The Board of Commissioners may impose conditions on the approval of any Detailed Final Plan in order to affect and enforce any provision of this Article.

#### **Section 712. Design Guidelines for Streets in Conservation Subdivisions.**

A. Minimum Pavement Width: 20 feet, subject to approval by the County Engineer.

- B. Location and Alignment: Streets should not cross wetlands. Existing farm roads, if any, should be incorporated into conservation subdivision designs. Roads should follow existing contours with a minimum of cut and fills for construction, minimizing land disturbance. In conservation subdivisions where agricultural protection or meadow preservation are a primary objective, roads should be placed along the edge of a field, rather than through the middle, so as to be less intrusive on the open space character of the tract.
- C. Lengths and Curves: The length of roads should be minimized to reduce costs and aesthetic impacts. Long, straight road segments should be avoided. Curvilinear designs are preferred for rural conservation subdivisions. Streets should be curved and aligned to produce vistas of open space elements, where possible.
- D. Separate Travel Lanes: Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane should be ten (10) feet in paved width.
- E. Right-of-Way and Clearance: Rights-of-ways should be only wide enough to accommodate the required street width improvement, adequate shoulder bases for utilities, bikeways and/or walkways, and open storm drainage ditches at appropriate bank slope. Drainage easements may be provided in lieu of expanding the right-of-way for drainage ditches if approved by the County Engineer. The entire right-of-way may not necessarily have to be cleared if it can be shown to the satisfaction of the County Engineer that remaining trees or other features do not pose a traffic safety hazard or impede access by emergency vehicles.
- F. Connections: Streets should be connected with one another where possible, preferably in three-way intersections, so that the number of dead ends are minimized. Wherever possible, streets should be designed to connect with adjoining properties.
- G. Cul-de-Sacs: Cul-de-sacs are discouraged. Where cul-de-sacs are unavoidable, such as for topographic reasons, they should be accompanied with pedestrian and/or bike linkages to other nearby streets and/or trail systems. Cul-de-sac streets should serve no more than twenty dwellings, with a length not exceeding 1,000 feet. Cul-de-sac radii should not exceed forty (40) feet.
- H. Reverse Curves: Reverse curves (consecutive left and right curves without a straight segment separating them) are considered appropriate and may be encouraged, subject to the approval of the County Engineer.
- I. Single-Loading Streets: Single-loading streets (i.e., having only on one side) are considered appropriate and encouraged, particularly around village greens, neighborhood commons, or open areas.
- J. Curbs and Drainage: Because curbs detract from rural character of conservation subdivisions, natural drainage systems are encouraged in lieu of curbs. Existing natural drainage ways should be retained where possible. The County Engineer may require curbs when required to adequately handle storm drainage and allow for the placement of underground utilities.
- K. Street Trees: Street tree plantings are encouraged, provided that they are located so as not to present a traffic safety hazard, as determined by the County Engineer.
- L. Signs: For signs identifying street entrances to conservation subdivisions, signage shall be limited to one monument sign per entrance to the off-site road.

- M. Private Driveways: Private driveways may be used to access up to five (5) lots, provided the requirements for maintenance thereof are set forth in the Preliminary Concept Plan, the Detailed Final Plan and any Homeowner Association documents or restrictive covenants and provided the same are approved by the County Engineer. Private driveways must have a minimum width of twenty (20) feet. Private driveways may not exceed 750 feet in length.

**Section 713. Homeowner Association Documents**

A Homeowners' Association document shall be required for all conservation subdivisions that propose lands and/or facilities to be used or owned in common by all the residents of the subdivision and which are not deeded to Spalding County or an approved land conservation trust. The required homeowners' association document shall include, but shall not necessarily be limited to the following:

A. A description of all lands and facilities to be commonly owned, including a plat showing the precise location of such common land and/or facilities;

B. A statement of the powers, duties and responsibilities of the homeowners association, and the services to be provided thereby;

C. A Declaration of Restrictive Covenants, giving perpetual easement of the lands and facilities owned by the homeowners association, which shall provide automatic membership for all owners of real property within the conservation subdivision and which shall describe the mechanism and means by which such owners shall participate in the association, including voting, elections and meetings. The Declaration shall give power to the Association to own and maintain the common property and to make and enforce rules;

D. Statements prescribing the method and process by which the decisions of the homeowners' association shall be reached, setting forth the requirement for the legal authority of the homeowners' association to act;

E. Statements requiring each owner of real property within the conservation subdivision to become a member of the homeowners' association;

F. Statements creating cross-covenants between each owner to all other owners for the mutual benefit and enforcement of the homeowners' association;

G. Requirements that each owner of real property within the conservation subdivision provide and pay a pro rata share of the costs of the operation of the homeowners' association;

H. A process of collection and enforcement to obtain funds from owners who fail to comply;

I. A process for transition and control of the homeowners' association from the developer or applicant to the owners of real property within the conservation subdivision;

J. Statements describing how the lands and/or facilities of the homeowners' association shall be insured, both as to liability and property damage;

K. Provisions for the dissolution of the homeowners' association in the event it should become inviable.

**Section 714. Variances**

Any person seeking a variance of any provision of this Article shall file an application for a variance pursuant to the procedures set forth in Section 411 of the Zoning Ordinance of Spalding County.

Section 2: The foregoing amendment to the Zoning Ordinance of Spalding County, Appendix A, Subdivision Regulations shall be effective immediately upon adoption of this Ordinance.

Section 3: All ordinances or resolutions in conflict herewith shall be and are hereby repealed.

**G. Adjournment.**

*Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the meeting was unanimously adjourned at 8:40 P.M.*

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County Clerk

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Chairman

Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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