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## Article 5. Subdivisions

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## Article 5. Subdivisions and Planned Developments

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

This Article presents the different ways that land can be subdivided and developed, ranging from traditional subdivisions, to open space subdivisions where green space and natural features are preserved by reducing lot sizes.

### Sec. 502. Definitions related to subdivisions.

**Alley:** See under "street."

**Building Line:** The line established by law beyond which a building shall not extend as determined by front, side, and rear yards herein.

**Building Permit:** A written permit that allows construction issued by the Planning Director.

**Condominium:** A form of ownership distinguished by the absence of individual lots or lot lines and utilizing instead a system of ownership whereby dwelling or other units are individually owned but where land outside of the building walls is held in common and maintained by a condominium association in accordance with OCGA Section 44-3-70, known and cited as the "Georgia Condominium Act."

**Conservation Subdivision:** See "Subdivision, Conservation."

**Design Professional of Record:** The licensed professional whose seal appears on plats or plans subject to these regulations.

**Development Review Committee (DRC):** An internal review group to provide technical review of zoning applications, construction plans and other related items, and consisting of representatives of the Planning and Code Enforcement, City Engineer/ Public Works, Water Resources, Health, EMA and/or other City or County Departments.

**Double Frontage Lot:** A lot having frontage on two (2) streets as distinguished from a corner lot.

**Engineer:** A registered, practicing engineer, licensed by the State of Georgia.

**GIS:** Geographic Information System.

**GPS:** Global Positioning System.

**Interchange:** A grade separated intersection, usually on a controlled access or limited access roadway, where access to such roadway is provided by means of bridges and ramps so that traffic entering and exiting the highway can merge into and exit from the highway at the posted speed limit. This definition shall not include at-grade intersections.

**Landscape Architect:** A registered, practicing landscape architect licensed by the State of Georgia.

**Land Disturbance Permit:** Authorization from the local or state regulatory agency to perform construction activities or land disturbance activities in conformance with an approved soil erosion and sediment control plan and/or minimum standards as provided by law.

**Net Density:** For the purposes of conservation subdivisions, net density shall be the total contiguous acreage within the boundaries of the subdivision divided by the total number of building lots and shall be expressed in "lots per acre" (e.g., 50 total acres divided by 43 building lots = one lot per 1.1628 acres net density).

**Parcel:** A general term including all plots of land shown with separate identification on the Official Tax Appraisal Maps. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided.

**Parkway:** A road or street in which the travelways are separated by a vegetated median; and, within the context of its use, the vegetated median itself within such a road or street.

**Paved Roadway Width:** The shortest distance as measured from curb face to curb face or, if without curbing, as measured from edge of pavement to edge of pavement.

**Planned Unit Development:** Any planned concentration, which provides for innovative concepts in large scale residential, commercial, or industrial development, which enables economy in capital expenditures or utilities and streets and in subsequent maintenance.

**Plat:** A map, plan or layout of a City, town section, subdivision, parcel or lot indicating the location and boundaries of properties.

**Plat, Final:** A plat of a subdivision of property that is intended to be recorded with the Athens-Clarke or Oconee Clerk of the Superior Court.

**Plat, Preliminary:** A plat showing the layout of a proposed subdivision, submitted for approval prior to submission of the final plat.

**Private Access Drive:** A driveway that provides access to a public road for not more than 5 parcels of residential, commercial, or industrial property.

**Public Utilities:** Water, gas, sanitary sewer, storm sewer, electrical, and communications lines and facilities, and natural or improved drainage facilities.

**Right-Of-Way:** Access over or across particularly described property for a specific purpose or purposes.

**Right-Of-Way Line:** The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

**Shoulder:** That portion of a street or road from the outer edge of the paved surface or the back of curb to the inside edge of the ditch or gutter or original ground surface.

**Sidewalk:** That portion of a street or road available exclusively for pedestrian traffic.

**Site Development Plans:** A set of plans, details and technical specifications for the construction of site improvements to a commercial, office, industrial or multi-family lot that includes but is not limited to building footprints, drives, parking, drainage systems, utilities, buffers, landscaping, parking lot lighting, embankments, signage, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

**Site Plan, Preliminary:** A plan showing the layout of a proposed nonresidential or multi-family development project.

**Street:** A public right-of-way or private easement for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, drive, expressway, freeway, boulevard, lane, place, circle, alley, or otherwise. Various types of streets may be defined as follows:

1. **Arterial:** A public way which is used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery for intercommunication among large areas. (ADT greater than or equal to 10,000 vehicles per day)
2. **Major Collector:** A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of high classification. (ADT between 2,501 and 9,999 vehicles per day)
3. **Minor Collector:** Principal entrance streets to subdivisions and the main streets for circulation within a subdivision, which serve a network of 4 or more local streets. Minor collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and major collector or arterial streets. (ADT between 251 and 2500 vehicles per day)
4. **Local:** A street used primarily in residential subdivisions or within nonresidential developments for access to abutting properties as opposed to the collection and dispersion of traffic. (ADT less than or equal to 250 vehicles per day)

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5. **Cul-De-Sac:** A local street with only one outlet, closed and terminated by a vehicular turnaround.
  6. **Alley:** A platted service way providing a secondary means of access to abutting properties.

**Street Grade:** The grade of the curb or centerline of a street measured at any point along the street.

**Street, Half:** A street which does not meet the minimum right-of-way widths as set forth in these Regulations.

**Subdivider:** Any person who undertakes the subdivision of land as herein defined for himself or for another within the confines of City of Bogart.

**Subdivision:** Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and including any division of land involving a new street, public or private, or a change in existing streets, and including resubdivision or recombination of previously platted lots, and where appropriate to the context, relating to the process of subdividing or to the land or areas subdivided.

**Subdivision, Conservation:** A form of subdivision design which concentrates lots, houses, streets, utilities and related development activities on the more suitable, and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. The net density of the development is equal to or less than that of traditional subdivision design but the lot sizes are smaller in order to preserve the environmentally sensitive areas in dedicated, perpetual open space.

**Subdivision Construction Plans:** A set of plans, details and technical specifications for the construction of roads, drainage systems, utilities, embankments, signage, traffic control devices, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

**Subdivision, Traditional:** A form of subdivision design where all land areas within the development are divided into building lots and rights-of-way and where there is little or no open space land set aside outside of said building lots and rights-of-way for preservation in its natural or undeveloped condition.

**Surveyor:** A registered, practicing surveyor, licensed by the State of Georgia.

**Traditional Subdivision:** See "Subdivision, Traditional."

**Travelway:** The paved or otherwise improved portion of a street or road specifically provided and set aside to carry vehicular traffic. Travelways are commonly identified as the pavement between the curbs or between the shoulders of a road if no curbs are provided.

**Yield Plan:** A subdivision plan, similar to a preliminary plat, showing the maximum number of lots which would be permitted if the subject property was developed as a traditional subdivision under the provisions of the City of Bogart Zoning Regulations, Land Subdivision Regulations and other applicable ordinances, specifications and policies. A yield plan shall be based upon accurate topography, boundary survey, Level Two Soil Scientist Report (or greater) and other information necessary to accurately determine the maximum net density for the subject property under the City of Bogart regulations for traditional subdivisions, which may not be exceeded by the conservation subdivision.

## **Sec. 503. Minor and major subdivisions; defined.**

### **Sec. 503.01. Minor subdivision.**

A "minor subdivision" by its very nature is one in which no public improvements (such as new streets, stormwater drainage facilities or public utilities) are to be made. Minor subdivisions are defined as any one of the following:

- a. Recombination.

The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with this Development Code and with all ordinances and resolutions of City of Bogart.

b. Lot splits.

(1) Five-lot split.

The division of land into five or fewer lots, tracts or parcels with each resultant lot, tract or parcel:

- (a) Containing at least the minimum lot area required for the zoning district as set forth in the Lot and Building Standards Article of this Development Code, or more as may be required by this Development Code;
- (b) Fronting on a public street improved to City standards, provided however that up to five lots may front on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 40 feet on a paved public street; and
- (c) Conforming to this Development Code.

(2) Large lot split.

The division of land into lots, tracts or parcels with each resultant lot, tract or parcel:

- (a) Containing 25 or more acres;
- (b) Fronting on a public street improved to City or County standards, provided however that up to five lots may front on a private access drive as set forth in the Project Design and Construction Standards Article of this Development Code, which private access drive shall front for a minimum of 40 feet on a paved public street; and
- (c) Conforming to this Development Code.

(3) Restriction on resubdividing.

Once all administrative subdivisions have been exhausted under the provisions of 503.01.b using the 2006 tax map as the official record of all parent parcels, any further subdivision of a lot or tract created by approval of a minor subdivision plat under this Sec. 503.01.b must be accomplished following the procedures for a major subdivision in the Permits and Procedures Article of this Development Code.

c. Unpaved road lot splits.

The division of land into two lots, or parcels with each resultant lot, tract or parcel:

- (1) Containing at least one acre, or more as may be required by this Development Code;
- (2) Fronting on an unpaved City or County road for a minimum of width of 40 feet; and
- (3) Conforming to this Development Code.

d. Non-development land sales.

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

e. Eligibility

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The minor subdivision requirements defined in this section are effective as of November 1, 2006. All minor subdivisions considered for approval after this date must adhere to the restrictions of this section.

**Sec. 503.02. Major subdivision.**

- a. A "major subdivision" is any subdivision that does not qualify as a "minor subdivision." A major subdivision commonly involves the construction of a new street or widening or other improvement of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or building sites or other divisions.
- b. Major subdivisions fall into the following categories for the purpose of development regulation:
  - (1) Traditional subdivisions, in which the minimum lot size allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown on Table 4.1 of Article 4. Open space outside of the lots may be created, but is not required.
  - (2) Conservation subdivisions, in which the maximum number of lots that would be allowed in a traditional subdivision under the property's zoning determines the maximum number of lots in the subdivision, but the minimum lot size is reduced to a certain extent in response to a higher level of development standards and in order to create open space and recreational amenities for the residents.
- c. Conservation easement required.
  - (1) All primary conservation areas in a traditional subdivision or conservation subdivision that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use, by a conservation easement in an conservation subdivision or a natural resources easement for traditional subdivisions.
  - (2) Land within natural resource easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.
  - (3) See the Environmental Protection Article of this Code regarding conservation and natural resource easements.

**Sec. 504. Traditional subdivisions.**

**Sec. 504.01. Maximum number of lots.**

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

**Sec. 504.02. Minimum lot size.**

In a traditional subdivision, the minimum total lot area and the minimum lot area per dwelling unit required by Table 4.1 of Article 4 establishes the minimum lot sizes for each lot.

**Sec. 504.03. Minimum lot width, setbacks.**

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

**Sec. 504.04. Traditional subdivisions in the Agricultural (AG) Zoning District**

Traditional subdivisions in the AG zoning district shall be prohibited in the Agricultural Preservation Character Area as shown on the most recently adopted City of Bogart Future Land Use Map.

**Sec. 505. Conservation subdivisions.**

Conservation Subdivisions, as defined herein, are permitted within the AR-3 and AR Zoning Districts provided that a conservation subdivision concept plan has been approved by the Mayor and Council at the time of rezoning of the property.

**Sec. 505.01. Purpose.**

The purposes of a Conservation Subdivision include:

- a. To provide residential subdivisions which permit flexibility of design in order to preserve environmentally sensitive areas and create efficient uses of the land.
- b. To preserve open space and unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, historic features and unique topography.
- c. To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces, utilities, earthwork and other land disturbing activities.
- d. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential developments.
- e. To conserve a portion of the otherwise developable property as open space in perpetuity. This option is not necessarily intended to allow applicant to conserve only the portion of the tract that is already unbuildable due to factors such as steep slopes, wetlands, or land adjacent to undesirable areas such as landfills or livestock farming.
- f. To promote interconnected greenways and corridors throughout City of Bogart.
- g. To promote linking of greenways and corridors between City of Bogart and neighboring jurisdictions.
- h. To encourage interaction of persons living in the resulting residential community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- i. To encourage street designs that reduce traffic speeds and reliance on main arteries.
- j. To incorporate aesthetic design standards that will increase the value of the neighborhood and create a sense of place.
- k. To conserve scenic views and reduce perceived density by promoting views to open space from roads and houses, and reducing views to housing clusters from roadways.
- l. To promote other purposes of this Development Code.

**Sec. 505.02. Minimum lot sizes and buffer widths, conservation subdivisions.**

- a. The following Table 5.1 shows the minimum lot sizes required in the AR zoning districts in traditional subdivisions, and the minimums allowed in a conservation subdivision in the same zoning districts.

<b>Table 5.1: Conservation Subdivisions—Minimum Lot Size*</b>		
	<b>AR-3</b>	<b>AR</b>
Traditional Subdivision	3 acres	2 acre
Conservation Subdivision	2 acres with public sewer	1 acre with public sewer
	2.5 acres without public sewer	1.5 acres without public sewer
*See the Lot and Building Standards Article for minimum lot area required above the flood level.		

- b. The following Table 5.2 shows the minimum landscape buffer area width required in a conservation subdivision between the lots within the subdivision and an adjoining existing public road right-of-way.

<b>Table 5.2: Conservation Subdivisions—Minimum Buffer Width along Public Road</b>		
	<b>AR-3</b>	<b>AR</b>
Traditional Subdivision	None	None
Conservation Subdivision	200 feet	100 feet unless approved otherwise by the City of Bogart

**Sec. 505.03. Yield plan.**

No later than the time of rezone (or preliminary plat submittal, in the case of property which was rezoned prior to the date of adoption of these requirements), the applicant for a Conservation Subdivision shall submit a yield plan at the same size as the conservation concept plan, prepared by a Georgia registered Landscape Architect, Engineer or Land Surveyor for the purpose of determining the maximum allowable net density for the development. Said plan shall contain the following information with respect to the tract:

- a. A topographic map prepared from aerial or field data of a contour interval of two feet or less;
- b. Exact boundary lines of the tract with bearings and distances
- c. The location, width and names of all existing or platted streets, easements or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights-of-way, natural watercourses, flood hazard areas, wetlands, utilities and other significant natural and man-made features;
- d. Proposed street rights-of-way and pavement locations and widths;
- e. Proposed lot locations with preliminary lot dimensions noted and designed to the requirements of the City of Bogart Zoning Ordinance;
- f. Designation on each proposed lot of a minimum of 25,500 square feet (not including house and pavement footprints) of soil areas suitable for residential septic systems based on a Level II Soil Scientist Report or higher, prepared by a Georgia licensed Soil Scientist or other professional licensed by the State of Georgia to perform soil analysis;
- g. Proposed location of storm water detention or retention facilities;
- h. Graphic scale and north arrow;
- i. Notation as to the number of lots on the Yield Plan, the total acreage of the property, minimum lot size, average lot size;
- j. Any additional information as maybe reasonably required to permit an adequate evaluation of the proposed Yield Plan to accurately determine the maximum number of lots.

**Sec. 505.04. Site analysis map.**

No later than the time of rezone (or preliminary plat submittal, in the case of property which was rezoned prior to the date of adoption of this amendment) applicant shall submit a site analysis map which demonstrates that the tract is suitable for development in terms of size, environmental conditions and configuration. Said map shall contain the following information with respect to the tract:

- a. Topographic contours at 5-foot intervals. Rock outcrops and slopes of more than 15% shall be emphasized;
- b. Soil types, locations and characteristics (Level III Report) such as depth to bedrock, seasonal high water table and suitability for waste water disposal systems;

- c. Hydrologic characteristics including surface water bodies, floodplains, wetlands (including those considered buildable by federal, state and local standards), aquifers and their recharge areas, and natural swales and drainage tributaries;
- d. Wildlife habitats and corridors;
- e. Vegetation in terms of general cover type (woodlands, pasture, etc.), boundaries of woodland areas and any stand-alone trees with a diameter breast height, (DBH) of more than 36 inches;
- f. Current land use and land cover, such as cultivated areas and paved areas, all building and structures, and all encumbrances;
- g. Scenic views onto the tract and from within the tract;
- h. Known cultural resources including a brief description of historical and archeological features and structures;
- i. Existing streets and utility easements; and
- j. Existing storm drainage facilities and public and private water and sewer lines.

Sec. 505.05. **Preliminary plat; conservation subdivision.**

Based on the density determined by the yield plan, and based on open space areas from the site analysis plan, applicant shall submit a conservation subdivision preliminary plat in accordance with the Procedures and Permits Article of this Development Code, showing the lots, streets, open space, recreation areas and other requirements for preliminary plats.

Sec. 505.06. **Open space standards.**

- a. Minimum area.

The minimum area of open space preserved shall be determined by the net density from the yield plan and the actual lot size. For example: if the net density for a 50-acre AR property computes to be one lot per 2.38 acres (21 lots) and the average lot size is one acre, then 21 acres will be in lots, about 2.5 acres in right-of-way and the remaining 26.5 acres will be in perpetual open space. This will vary from one subdivision to the next but open space shall be at least 50% or more of the total site.
- b. Physiographic characteristics:

The types of land area included in the open space shall include all primary conservation areas and such secondary conservation areas as appropriate. See the Environmental Protection Article of this Development Code for descriptions of conservation areas.
- c. The open space shall be an integrated part of the project rather than an isolated element and fragmentation of the open space shall be minimized. Individual open space parcels generally shall be larger than three acres, have a length to width ratio of no less than 4:1 and a width of at least 75 feet. Exceptions may be made for entrances to trails and other particular uses as deemed appropriate by the City.
- d. The open space shall be directly accessible to the largest practical number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.
- e. Where practical, open space areas shall also be configured to provide a landscape buffer between adjoining property outside the conservation subdivision and the house sites within the subdivision. With the exception of approved fences and signs, a 50 foot landscape buffer shall be maintained between structures and the exterior boundaries of the subdivision. The intent is to decrease potential conflicts between various land uses (e.g., residential vs. agricultural uses).
- f. See also the open space ownership and management requirements of Sec. 508.

Sec. 505.07. **Permitted uses of open space.**

- a. Uses of open space may include the following:

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- (1) Conservation of natural, archeological or historical resources;
  - (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
  - (3) Walking or bicycle trails;
  - (4) Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests;
  - (5) Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;
  - (6) Easements for drainage, access, and sewer or water lines, or other public purposes;
  - (7) Underground utility rights-of-way; and
  - (8) Other conservation-oriented uses if approved by the Mayor and Council.
- b. Non-permitted uses of open space include the following:
- (1) Roads and non-permeable paved surfaces unless approved otherwise by City of Bogart;
  - (2) Above-ground utility rights-of-way unless approved otherwise by City of Bogart; and
  - (3) Other uses inconsistent with the purposes of these regulations and the Zoning Ordinance.

**Sec. 506. Reserved**

**Sec. 507. Reserved**

**Sec. 508. Open space ownership and management.**

The provisions of this Section apply whenever there is a major subdivision, or when common open space is required or provided in a subdivision or a multi-family or nonresidential development. Refer also to the provisions of the Environmental Protection Article of this Development Code regarding natural resource conservation areas and easements.

**Sec. 508.01. Owner's association; when required.**

a. Homeowner's association.

For any development that is a major subdivision, a Homeowner's Association or Property Owner's Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.

- (1) Membership in the Property or Homeowner's Association must be mandatory for each property in the development.
- (2) Such associations must also include property owners or 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 property or 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).

- (5) The documents creating the Property or 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; that no debt shall transfer to the Association; and that any facilities required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code, the operation and maintenance of which are the legal responsibility of the Property or Homeowners' Association, shall at the time of transfer meet the standards of and properly function under the requirements of this Development Code. The reserve fund must be equal to no less than one year's expenses reasonably expected for the association's minimum operations and maintenance as required by this Development Code. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all the association's minimum operations and maintenance as required by this Development Code for the one year period following transfer of control.
- (6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:
  - (a) Equal access and right of use to all shared facilities;
  - (b) Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities;
  - (c) Tax liability in the case of default;
  - (d) The method of assessment for dues and related costs;
  - (e) Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
  - (f) Exterior items such as fences, lawn ornaments, and landscape areas and landscape buffers;
  - (g) Building improvements;
  - (h) Outside storage;
  - (i) Overnight parking of vehicles; and
  - (j) Trash collection containers.
- (7) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed Homeowner's Association documents is to be submitted with applications for final subdivision plat approval.

b. Owners' association.

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

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

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d. Transfer of responsibility.

During the period of time that majority control is retained by the developer of a homeowners', owners' or condominium association, the developer shall retain such records as tax forms, bank statements, expense records or other data relevant to establishing the minimum operations costs of the association to support compliance with the reserve fund requirements of Sec. 508.01.a(5).

e. Association contact.

Owners associations of developments that contain stormwater management facilities subject to Sec. 1116.13 and Sec. 1117.13, shall appoint a representative as a point of contact to City of Bogart. The representative shall provide a report of all maintenance activities, submit copies of any maintenance records, and coordinate inspections to be performed by City of Bogart personnel. The contact information and reports shall be provided to City of Bogart annually, no later than July 1<sup>st</sup>.

Sec. 508.02. **Open space management.**

a. No later than the time of Project Approval for a conservation or other subdivision, or for Project Approval for a Site Development, the applicant shall submit a written management plan for the common open space areas shown on the plan, if any. The management plan shall include:

(1) Identification of the entity proposed as the "holder" of the conservation or natural resources easement, as applicable (see the Environmental Protection Article of this Development Code).

(a) For a conservation or other subdivision, a letter of intent from the proposed holder shall be submitted and approved prior to approval of the Preliminary Plat.

(b) For a multi-family or nonresidential development, a letter of intent from the proposed holder shall be submitted and approved prior to approval of the Preliminary Site Plan.

(2) Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the open space areas;

(3) Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(4) Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and an outline of the means by which such funding will be obtained or provided.

b. The common open space required in a conservation subdivision shall be permanently protected in perpetuity by a conservation easement conveyed to a nonprofit conservation land trust or other entity approved by City of Bogart prior to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article I of Chapter 10 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, 44-10-1, *et seq.* enacted by Ga. L. 1992, p. 2227, 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the holder of the easement, the homeowners' association and in City of Bogart and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of all entities having either a property right or enforcement right therein.

c. The common open space areas shall be owned and maintained in accordance with the provisions of the Conservation Easements Section of the Environmental Protection Article of this Development Code.