

AN ORDINANCE

AN ORDINANCE OF THE HARRIS COUNTY BOARD OF COMMISSIONERS TO AMEND THE HARRIS COUNTY CODE OF ORDINANCES, APPENDIX A - ZONING ORDINANCE, ARTICLE IV - ZONING DISTRICT OBJECTIVES, SECTION 1 - DISTRICT OBJECTIVES AND SECTION 3 - ZONING DISTRICT REGULATIONS; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HARRIS COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. AMENDMENTS

1. Article IV. Zoning District Objectives, Uses and Regulations; Section 1 - District Objectives; Subsection 1.15 PRD - Planned Residential Development, is hereby amended by deleting in its entirety and substituting in lieu thereof, the following:

1.15 PRD - Planned Residential Development. A planned development with principal land use designated as residential; R-1, R-2, R-3. Commercial uses are secondary and may include C-1, C-3, non-residential A-1, and CORD district uses, with limitations provided in Section 3, subsection 3.15, without requiring specific zoning for non-residential uses. The intent is to encourage development in areas of the county that have the required infrastructure and are capable of supporting the residential recreational, and commercial features. No new PRD district may be created which contains less than 100 acres.

2. Article IV. Zoning District Objectives, Uses and Regulations; Section 3 - Zoning District Regulations; subsection 3.15 - PUD Planned Unit Development; item A - PRD Planned Residential Development, is hereby amended by deleting in its entirety and substituting in lieu thereof, the following:

A. *PRD Planned Residential Development*

1. Minimum Development Standards.

(a) PRD must be a minimum of one hundred (100) acres.

(b) All PRD lots shall have public water and public sewer. No septic tanks permitted. Developer shall be responsible for all costs to connect to public water and public sewer, regardless of political boundaries, to include all taps, fire plugs, and main, as well as the cost for any property or easement acquisition.

(c) A minimum thirty (30) foot undisturbed vegetative buffer around the perimeter of the development outside of road rights of way.

- (d) Seventy-five (75) percent of the dwelling units shall be single family units.
- (e) Roads within residential and commercial development areas shall have curb and gutter and have a minimum right-of-way width of fifty-five (55) feet, twenty (20) foot paved surface, and two and one-half (2.5) foot curb and gutter. Utility easements shall be on either side or both sides of paved road surface and may fall within the right of way. In the absence of curb and gutter, roads shall meet minimum regulations as set forth in Chapter 4, Article IV, of the Code of Ordinances. No on street parking shall be permitted in residential or commercial development areas without adequate parking space provided between curbs (i.e. width of paved surface would increase from twenty (20) feet to thirty-four (34) feet).
- (f) Standards for commercial development shall adhere to regulations set forth in Appendix A (Zoning Ordinance), Article IV (Zoning District Objectives, Uses and Regulations), Section 3 (Zoning District Regulations).
- (g) Minimum residential lot size is 1/4 acre. Residential lot building setbacks are 20 feet front, 30 feet back, 10 feet side, 20 feet for side streets.
- (h) Minimum of eight percent (8%) of the development area shall be designated for C-1 or C-3 commercial development. This area may be set in reserve, with natural vegetation, until such time that commercial development is feasible yet shall be easily accessible by pedestrian traffic from residential areas and highway traffic from development access points.
- (i) All utilities shall be underground.

2. Open Space Amenity Requirements

- (a) Applicability. PRD shall have a minimum of three (3) open space amenities, without duplication, as described in this section. At least two (2) of the amenities shall be located on land suitable for residential or commercial development.
- (b) General Provisions for Open Space
 - (1) Land designated as open space on the approved development plan shall be maintained as open space and may not be subdivided or used for development.
 - (2) Access for a public or private street shall be provided to all designated open space with a minimum of twenty (20) foot wide access to the open space areas. Lakes or ponds within the development used as open space shall provide adequate community access to at least fifty percent (50%) of the shoreline and an undisturbed natural buffer of twenty (20) feet from the full

pond mark and beyond the required access corridor. The required twenty (20) foot undisturbed natural buffer shall not be included in the calculation of Minimum Open Space as set forth in this article.

- (3) Open spaces shall be designated on plat as either public or private open space. Private open space is provided for benefit to owners and guests of owners within the development; public open space is provided for benefit to the public at large.

3. Minimum Open Space Dedication

Open space shall be dedicated in accordance with the table below. Percentages are based on total land area in the development. Roads, medians, buffers and road shoulders are not considered open space, but are included in the total development area for these calculations.

Total Development Area divided by Total Dwelling Units*	Minimum Percent Open Space
2.0 acres and greater	20
1.0 - 2.0 acres	25
Less than 1.0 acre	35

*Minimum density is calculated by dividing the total development area by the total number of dwelling units.

4. Open Space Amenities

All required open space shall be classified in accordance with this Section.

- (a) *Playground.* Playground is for active recreation use and provides sunny and shaded play areas, shelter(s), benches, gymsets, swings or similar play equipment. Playgrounds may stand alone or be incorporated into other types of open space. Minimum size 25,000 square feet.
- (b) *Square.* Square is an area for passive recreational use. Squares shall be bounded by streets on a minimum of fifty percent (50%) of their perimeter, yet are encouraged to be completely bounded by streets or lanes. Squares are intended to be formal or semi-formal, be maintained with canopy trees and a landscaped understory or ground cover and have features that encourage use by residents. Minimum size 10,000 square feet.
- (c) *Green.* Green is an open space for active recreation use. Greens shall be completely open with grass cover to provide space for ballfields and other recreation activities that require relatively large open areas. Greens shall contain no structures and be bounded by streets on no more than one (1) side. Minimum size 150,000 square feet.
- (d) *Park.* Park is a open space for passive or active recreational use. Parks shall incorporate features that promote use such as shelters, tables, benches, and walking paths. Natural features such as streams can be incorporated into parks. Where feasible, parks should include a majority of the area covered with canopy

trees with limited understory growth and/or landscaping to promote aesthetics and safety. Parks may include golf courses and water features. Minimum size 100,000 square feet.

- (e) *Greenway*. Greenway is large irregular open spaces designed to incorporate natural settings such as creeks, or other natural or manmade features. Greenways can be used for certain active recreational uses including, at a minimum trails for walking, jogging, and biking. Greenway shall connect points of interest such as other amenities, or areas of other civic use. Minimum width 75 feet.
- (f) *Agricultural Reserve*. Agricultural Reserve is for active farming in the form of food or forage crop cultivation. Agricultural Reserves shall contain multiple forms of agricultural production including community gardens. Minimum area three (3) acres.

5. Open Space Ownership and Maintenance

- (a) Open space may be owned by one or a combination of the following methods:
 - (1) Fee simple ownership by a land or open space conservancy,
 - (2) Common ownership by a Homeowners Association,
 - (3) Common ownership by individual property owners within the subdivision,
 - (4) Individual private ownership that maintains the open space in accordance with the purposes of this section; only in the case of Agricultural Reserve open space,
 - (5) Deed restricted open space easements on individual private properties.
- (b) In all cases, development rights shall be restricted; oversight and enforcement will be provided by a land or open space conservancy.
- (c) The owner of open space will be responsible for the upkeep and maintenance of open space.
- (d) In the case of common ownership by a Homeowners Association (HOA), the restrictive covenants shall provide that in the event the HOA fails to maintain the open space according to the standards of this section, the Board of Commissioners may demand that the deficiency of maintenance be corrected, or upon reasonable notice, enter the open space to maintain it. The costs of such maintenance may be charged to the owner, HOA, or to the individual property

owners that make up the HOA, and may include administrative costs and penalties. Such costs shall become a lien on all properties within the PRD.

- (e) The developer shall place in a conspicuous manner upon the Final Plat of the subdivision a notation concerning control of open space and shall record in the deed records of Harris County a permanent non-revocable easement and a declaration of covenants.
- (f) The developer will provide proof of formation, registration and incorporation of the HOA with the Secretary of State to the Director of Community Development prior to approval of a Final Plat.
- (g) HOA or similar legal entities that are responsible for the maintenance and control of open spaces shall be established by the developer who shall record in the deed records of Harris County in the office of the Clerk of Superior Court a declaration of covenants and restrictions that will govern the HOA or similar legal entity. A copy of such document shall be provided to the Director of Community Development and shall include, at a minimum, the following:
 - (1) A provision for the establishment of the HOA or similar legal entity prior to approval of a Final Plat.
 - (2) The HOA or similar legal entity has clear legal authority to maintain and exercise control over such common open space.
 - (3) The HOA or similar legal entity has the power to assess and compel contributions from property owners within the development to cover the cost of maintenance and upkeep of open spaces. Assessments levied shall become a lien on the property, if unpaid.
 - (4) Open space restrictions are perpetual.
 - (5) The HOA or similar legal entity must have the ability to adjust the assessment to meet expenses.
 - (6) The HOA or similar legal entity must be responsible for liability insurance, applicable state, county, and municipal property taxes and maintenance of open spaces and other facilities under its control.
 - (7) It shall be expressly stated within the restrictive covenants or HOA operating documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants and restrictions or to correct any deficiencies prior to transfer of control to the HOA Board of Directors.

- (8) It shall be the responsibility of the developer to identify an appropriate land or open space conservancy and to record in the deed records of Harris County in the office of the Clerk of Superior Court an arrangement for control or oversight of open space maintenance in a land trust or similar conservation-oriented non-profit organization that is bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.

6. Rezoning Procedure

- (a) A concept plan shall be submitted at the time of a rezoning request for all PRD. If the zoning of subject property is appropriate, only a concept plan is required.
- (b) An applicant shall file, together with the prescribed application and fee, a concept plan reflecting at a minimum, the following:
 - (1) The boundaries of the entire tract or parcel.
 - (2) Generalized location of existing and proposed external roads and adjacent land use and development.
 - (3) Generalized location and description of various internal proposed land use components, including information as to proposed densities and intensities, proposed size and heights of the development.
 - (4) Generalized location and description of proposed roads, proposed dedicated open spaces and perimeter buffer areas.
 - (5) Proposed phasing of the development.
 - (6) An illustrative plan providing for the physical layout of the entire development including all streets, lots, parcels, and open space types.
 - (7) During the concept plan approval phase, the Director of Community Development and developer will review plans to determine if minimum standards are met prior to the Planning Commission review.

7. Application for Preliminary Plat and Final Plat Approval

After the concept plan and rezoning request has been recommended for approval by the Planning Commission and rezoned by the Board of Commissioners; or, if the existing zoning is appropriate, preliminary and final plat procedures as provided in the Harris County Subdivision Regulations shall apply.

SECTION 2: UNCONSTITUTIONALITY

If any part of this ordinance shall be deemed to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment and the remainder thereof shall remain in full force and effect.

SECTION 3: REPEALER

All laws, ordinances, resolutions or part thereof which conflict with this ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

INTRODUCED & READ BEFORE THE PLANNING COMMISSION:	<u> MAY 15, 2019 </u>
INTRODUCED & TABLED BEFORE BOARD OF COMMISSIONERS:	<u> JUNE 4, 2019 </u>
INTRODUCED & READ BEFORE BOARD OF COMMISSIONERS:	<u> JUNE 18, 2019 </u>
ADOPTED/ REJECTED :	<u> JUNE 18, 2019 </u>

/s/ Becky Langston, Chairman
/s/ Andrew Zuerner, Vice-Chairman

/s/ Susan Andrews, Commissioner
/s/ Rob Grant, Commissioner
/ns absent/ J. Harry Lange, Commissioner

Attest:
/s/ Nancy D. McMichael, County Clerk