

AN ORDINANCE TO AMEND CHAPTER 58, ARTICLE IV AND CHAPTER 58, ARTICLE V OF THE CODE OF ORDINANCES OF LEE COUNTY; TO PROVIDE FOR AMENDED PROCEDURES FOR APPROVAL OF MAJOR SUBDIVISIONS; TO PROVIDE FOR AMENDED PROCEDURES FOR FINAL APPROVAL OF MAJOR SUBDIVISIONS; TO PROVIDE REQUIREMENTS FOR DESIGNATION OF PARKS, JOINTLY OWNED SPACE, AND GREENSPACE IN CONNECTION WITH MAJOR SUBDIVISION APPROVAL; TO PROVIDE FOR DESIGNATION OF PARKS, JOINTLY OWNED SPACE, AND GREENSPACE IN DEEDS CONVEYING SUCH PARKS, JOINTLY OWNED SPACE, AND GREENSPACE; TO PROVIDE FOR THE SUBMISSION OF EVIDENCE OF CONVEYANCE OF PARKS, JOINTLY OWNED SPACE, AND GREENSPACE TO A HOMEOWNERS ASSOCIATION OR TRUST AS PART OF THE FINAL SUBDIVISION APPROVAL PROCESS; TO PROVIDE FOR PROCEDURES AND REQUIREMENTS FOR THE DESIGNATION OF PARKS, JOINTLY OWNED SPACE, AND GREENSPACE IN CONNECTION WITH GENERAL DEVELOPMENT APPROVAL APPLICATIONS; TO PROVIDE FOR THE PROHIBITION OF THE REDUCTION IN SIZE OF APPROVED PARKS, JOINTLY OWNED SPACE, AND GREENSPACE, THE PROHIBITION OF RELOCATION OF APPROVED PARKS, JOINTLY OWNED SPACE, AND GREENSPACE, AND THE PROHIBITION OF CONSTRUCTION IN APPROVED PARKS, JOINTLY OWNED SPACE, AND GREENSPACE; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED that Chapter 58, Article IV, Section 58-122 of the Code of Ordinances of Lee County regarding preliminary approval of major subdivisions, is hereby amended by deleting subsection (e)(8) and, adopting, in lieu thereof a new Section 58-122 (e)(8) as follows:

(8) Lot lines, lot numbers (consecutively numbered), lot sizes (to the nearest one-tenth of an acre), and the area in parks, jointly owned public space, or greenspace. Once preliminary subdivision approval has been granted, the areas set aside for parks, jointly owned public space, and greenspace shall not be changed until the preliminary approval has expired under this Code or until the preliminary approval application has been withdrawn and a new preliminary approval application has been submitted.

BE IT FURTHER ORDAINED that Chapter 58, Article IV, Section 58-124 of the Code of Ordinances of Lee County regarding final approval of major subdivisions, is hereby amended by adding thereto a new subsection to be known as subsection (q) which shall provide as follows:

(q) Notwithstanding any other provisions of this Code of Ordinances, with respect to the establishment of greenspace as required by the County's Code of Ordinances, the following shall apply:

(1) The proposed parks, jointly owned public space, and greenspace area shall be designated by appropriate metes and bounds survey depiction upon the preliminary plat and the final plat of the subdivision. All designated greenspace area shall meet the requirements for greenspace as established in Sec. 70-94 of this Code.

(2) Where the designated parks, jointly owned public space, or greenspace is not to be conveyed to and accepted by the County, written proof in the form of a properly executed and recorded deed shall be provided to the County establishing that a legal entity, such as a homeowner's association or a trust for maintenance and care, has been legally established under Georgia law and that such association or trust has acquired legal title to the designated parks, jointly owned public space, or greenspace no later than the date that the final subdivision and the final subdivision plat is approved by the governing body of Lee County. Any deed or other instrument conveying real property in a major subdivision for the purpose of setting aside such real property as parks, jointly owned public space, or greenspace shall include language appearing in bold typeface therein providing that the real property conveyed is conveyed for one or more of such purposes. The failure to provide such written proof shall be valid grounds for the denial of final approval of a subdivision under this Section 58-124.

(3) After final approval of the parks, jointly owned public space or greenspace designations by the governing body of Lee County, there shall be no reduction of the areas constituting such parks, jointly owned public space, or greenspace areas, no relocation of the areas constituting such parks, jointly owned public space, or greenspace area, nor any construction within the areas constituting such parks, jointly owned public space, or greenspace areas without such changes being presented to the Planning Commission for review and recommendation to the Board of Commissioners and final approval of such changes by the governing body of Lee County.

BE IT FURTHER ORDAINED THAT Chapter 58, Article V, Section 58-159 of the Code of Ordinances of Lee County regarding the effect of approval of a general development plan, is hereby amended by adding thereto a new subsection to be known as subsection (e) which shall provide as follows:

(e) Each proposed general development plan shall include a designation of areas constituting parks, jointly owned public space, or greenspace on the proposed plat filed with the proposed general development plan at the time such plan is submitted for approval. All designated greenspace area shall meet the requirements for greenspace as established in Sec. 70-94 of this Code. Upon approval of the areas constituting parks, jointly owned public space, or greenspace, there shall be no reduction of the areas constituting such parks, jointly owned public space, or greenspace areas, no relocation of the areas constituting such parks, jointly owned public space, or greenspace area, nor any construction within the areas

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constituting such parks, jointly owned public space, or greenspace areas without such changes being presented to the Planning Commission for review and approval, subject to the right of the applicant to appeal the decision of the Planning Commission to the governing body of Lee County as authorized by this Code in connection with the appeal of decisions of the Planning Commission regarding a proposed development plan to the governing body of Lee County.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the date of its adoption by the governing body of Lee County and shall be applicable to all subdivisions approved on or after the effective date of this Ordinance.

SO ORDAINED, effective the 10 day of March, 2020.

**Board of Commissioners
of Lee County, Georgia**

By: _____

Billy Mathis, Chairman

Attest: _____

Christi Dockery, County Clerk

ACTION TAKEN

FIRST READING: _____

February 25, 2020

SECOND READING: _____

March 10, 2020

DATE OF ADOPTION: _____

March 10, 2020