

Amending the Zoning Regulations by adding Section 5.17, Required Greenspace, as follows:

5.17 Greenspace Required

A. Findings:

- (1) Greenspace provides a recognizable and substantial benefit to the residents of new developments and contributes to the overall quality of life in the unincorporated county. Greenspace encourages conservation of land and the preservation of Greenspace, wildlife habitat, environmental resources, and the enjoyment of private community facilities.
- (2) The Board of Commissioners determines that the creation and establishment of permanent Greenspace discourages the premature and unnecessary conversion of Greenspace lands to urban uses and protects against the resultant adverse impacts, such as air, noise and water pollution, traffic congestion, destruction of scenic beauty, disturbance of the ecology and environment, hazards related to geology, fire and flood, and other demonstrated consequences of urban sprawl. Furthermore, Greenspace and greenways add value to neighboring houses and adjacent properties.

B. Purpose:

- (1) To provide a requirement for private Greenspace amenities to developments, and alternatively a payment in-lieu for smaller size dedications.
- (2) To preserve approximately twenty percent (20%) of the total site acreage as meaningful Greenspace. Developments having densities greater than two dwelling units per acre shall be required to provide additional Greenspace.

C. Definitions:

- (1) A larger common plan of development or sale: means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation

such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

- (2) Buffer: means as an open space, landscaped area, fence, wall, berm, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, other uses or nuisances.
- (3) Development: means a subdivision plan, rezoning application, conditional use application, building permit, or land use permit.
- (4) Greenspace: shall be set aside on a separate parcel or tract of land and may include the following:
 - (a) Permanently protected land, including agricultural and forestry land whose development rights have been severed from the property, that is in its undeveloped, natural state;
 - (b) Outdoor improved recreation, including but not limited to any amenity package, which may include but not be limited to a swimming pool, tot lot, playground, clubhouse, tennis, handball, volleyball, basketball, sidewalks, bike and pedestrian paths and benches, areas which include fields for competitive sports, golf courses, amphitheaters, and capital improvements needed to support such facilities;
 - (c) Outdoor unimproved recreation, including but not limited to areas of outstanding scenic, historic and cultural value, areas particularly suited for park and recreation purposes, including boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, skating, birding, riding horses, observing or photographing nature, picnicking, playing non-organized sports and access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and greenway corridors;
 - (d) A greenway corridor that connects separate parcels of wildlife habitat, between which some species could not travel unless the greenway remains intact;
 - (e) A private park that features scenic views;

- (f) Water bodies, land located within the 100-year floodplain, stream buffers, and utility easements may be used to partially fulfill Greenspace requirements, however any overall credit received from such water and floodplain type lands, stream buffers, and utility easements shall be reduced by 50%; by way of example, and not being limited to the foregoing, one acre of floodplain shall be credited as 0.50 acres of Greenspace; furthermore, such water, floodplain type lands, and utility easements shall not exceed fifty (50%) percent of the required Greenspace for the development unless the proposed Greenspace provides exceptional recreational and/or environmental benefit by virtue of its location, connectivity to other Greenspace or other exceptional qualities; or
- (g) Parking areas, road right-of-ways, impervious surfaces, retention ponds and yards with dwellings may not be included in determining Greenspace, unless the Greenspace contains features that demonstrate an exceptional recreational and/or environmental benefit by virtue of its location, connectivity to other Greenspace or other exceptional qualities.

D. Application and Exemptions:

- (1) Application: Development that is equal to or greater than five acres shall comply with this section. However, development that consists of less than five acres shall comply with this section where the development is a part of a larger common plan of development or sale.
- (2) Exemptions: Development in an Agricultural zoning district having a lot or parcel size equal to or greater than five (5) acres and development within a PUD zoning district shall not be required to comply with this section.
- (3) Payment in-lieu: Where the total Greenspace of a development contains equal to or less than three (3) acres, the applicant may seek to provide, and the County may accept, a payment in-lieu of providing private Greenspace.

E. Greenspace Requirements: Unless modified by the Board of Commissioners for a specified public purpose, the dedication of Greenspace acreage shall be required according to Table 1, entitled Required Greenspace.

TABLE 1 – REQUIRED GREENSPACE

Density (Houses/Acre)	Required Greenspace (acres)/ Dwelling Unit
0.1	N/A
0.15	N/A
0.2	N/A
0.211	1
0.2125	0.95
0.225	0.9
0.2375	0.85
0.25	0.8
0.3	0.75
0.35	0.68
0.4	0.615
0.45	0.55
0.5	0.485
0.55	0.42
0.6	0.398
0.65	0.376
0.7	0.354
0.75	0.332
0.8	0.31
0.85	0.288
0.9	0.266
0.95	0.244
1	0.222
1.05	0.2
1.1	0.1975
1.15	0.195
1.2	0.1925
1.25	0.19
1.3	0.1875
1.35	0.185
1.4	0.1825
1.45	0.18
1.5	0.1775
1.55	0.175

1.6	0.1725
1.65	0.17
1.7	0.1675
1.75	0.165
1.8	0.1625
1.85	0.16
1.9	0.1575
1.95	0.155
2	0.1525

F. Common Ownership: Greenspace shall be commonly owned and maintained. The means to permanently protect and preserve the Greenspace, such as covenants, restrictions, and other methods, shall be governed by the Carroll County Subdivision Ordinance. Unless specifically approved by the Board of Commissioners as a condition to the development, the Carroll County Subdivision Ordinance shall regulate the design, construction, and maintenance of the Greenspace. The applicant shall demonstrate that all Greenspace of the development will be maintained in an approved manner.

G. Form of Greenspace:

- (1) Greenspace shall form sizable contiguous blocks of land that are accessible to residents of the development and, where possible, shall be designated as one separate parcel of land
- (2) Buffers: Buffers protect the county’s rural character and in shielding a development from incompatible adjacent uses.
 - (a) Lands in the form of thin buffers (e.g., thin ribbons), around the development are strongly discouraged. Buffers serve a different (but important) function than Greenspace.
 - (b) Any strip of land that measures twenty (20) feet or less shall constitute a buffer.
 - (c) Applicants may count only ten (10) percent of a buffer area toward the development’s overall Greenspace amount, provided that the buffer is placed in a separate parcel.

H. Cash Payment in-lieu of Land Dedication:

- (1) If the total Greenspace falls below three (3) acres, the County may allow the payment of a fee in-lieu of dedication of land based on the appraised value of the land being platted and the amount of land required to be dedicated, if, in the judgment of the County, the quantity of land to be subdivided is of a size or configuration that dedication of Greenspace:
 - (a) is not feasible or practical; or
 - (b) will not create a parcel suitable for Greenspace purposes listed herein, as defined in 5.17C(4).
- (2) The fee shall be paid at the time of final platting.
- (3) Appraisal Requirements: The developer shall furnish an appraisal of land value for the purpose of determining the cash payment due in-lieu of land dedication. The appraisal shall determine fair market value based upon an appraisal methodology consistent with the Uniform Standards of Professional Appraisals or other real estate valuation techniques approved and used the State of Georgia when expending state funds for land acquisition. The appraisal shall be prepared by a certified appraiser and shall indicate the fair market value of all lands within the proposed subdivision as rezoned and platted by the County. The Director of Community Development is authorized to consider and, if appropriate, approve other methods of appraisal for determining a payment in lieu where the development involves one lot or parcel that is not part of a larger common plan of development or sale.
- (4) The County authorizes the Director of Community Development, or his designee, to determine the fee to be paid to the County as a payment in-lieu based upon the standards set forth herein
- (5) All fees in-lieu of dedication payments shall be deposited in a separate fund established by the Board of Commissioners, and such funds and the interest thereon shall be used only for the purchase and development of public Greenspace.

I. Resubdividing Greenspace; Certain Resubdivisions Prohibited: All lands subdivided after adoption of this section shall comply with the requirements set

forth herein. Where any development, which has previously complied with this section by dedicating or providing a cash payment in-lieu of land dedication, recombines or combines lawfully platted lots so as to create a smaller number of resultant lots by resubdivision, the subdivider shall not receive a credit for Greenspace previously dedicated or a refund for cash payment made in-lieu of land dedication. In no instance will lands dedicated, or cash payments made in-lieu of land dedication, be returned to the applicant as a result of resubdivision.

J. Previously Approved Greenspace:

- (1) Where a development, which has previously received zoning approval from the Board of Commissioners, was approved with a zoning condition or stipulation that requires the applicant, owner, or subdivider to set aside or dedicate a certain percentage or acreage for Greenspace, and the zoning condition or stipulation is contained in (i.e., spread upon), the official minutes of the Board of Commissioners, the applicant, owner, or subdivider shall be required to set aside or dedicate said Greenspace that may be identified in a development plan.
- (2) If the percentage or acreage for Greenspace is more than that percentage required by this section, the greater percentage (i.e., that approved by the Board of Commissioners), shall apply.
- (3) If the percentage or acreage for Greenspace is less restrictive or no requirement was provided, the requirements set forth in 5.17E, the requirements as set forth in 5.17E shall apply.