

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE**

WHEREAS, following a public hearing and meeting advertised in accordance with O.C.G.A. §§ 36-66-4 and 50-14-1 *et seq.*, the Douglas County Planning and Zoning Board and Douglas County Board of Commissioners has considered and adopted various amendments to the Unified Development Code.

NOW, THEREFORE BE IT ORDAINED by the Douglas County Board of Commissioners that the Unified Development Code is amended as follows:

**SECTION ONE**

The text of Section 510(a) (5) and (8) of Article 5 regarding Homeowner's association; when required in the Unified Development Code is amended to include the following as shown by the underlining of text:

(5) *The documents creating the 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. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the Association. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all reasonable expenses of the Association for the one-year period following transfer of control.*

**Prior to that time that control of the Association transfers from the developer to the purchasers of homes in the development, monthly statements of income and expenditures by the Association shall be maintained in the Association's headquarters or office, and made available upon request to any homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof. Additionally, developers shall cause a financial review by a registered Certified Public Accountant to be performed on the Association's finances one year after approval of the final plat of the subdivision, or the first phase of the subdivision in the case of multiple phases, and again annually after that, for as long as the developer controls the Association, and shall file the report from the financial review in the Development Services office.**

**(8) While the developer is in control of the Homeowner's Associations, before said control is turned over to the homeowner's of the subdivision, copies of the homeowner's declaration and bylaws, including covenants, conditions and regulations, shall be displayed in the subdivision's construction office. Homeowner's Association headquarters office, or other common building within the subdivision, and shall be made available to prospective buyers of subdivision lots.**

**SECTION TWO**

The text of Section 1004 (b) (13) of Article 10 regarding Major subdivisions, multi-family and non-residential developments in the Unified Development Code is amended to include the following as shown by the underlining of text:

**(13) All subdivision amenities to be controlled by the Property Owner's Association, including but not limited to all recreational and clubhouse amenities.**

### SECTION THREE

The text of Section 1004 (c) (3) of Article 10 regarding Guarantee in lieu of completed improvements in the Unified Development Code is amended to include the following as shown by the underlining of text:

(3) *The improvements funded through the escrow fund shall be limited to final pavement topping for streets, final grassing of street shoulders, landscaping, **all subdivision amenities to be controlled by the Property Owner's Association,** and street and parking lot stripping and sidewalks.*

### SECTION FOUR

The text of Section 1201 (a) (2) (i) of Article 12 regarding Application for final plat approval in the Unified Development Code is amended to include the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text::

(i) *Proof of bonds.*

*Upon submission of the final plat, the subdivider must provide proof in writing that a maintenance bond, letter of credit, or escrow account in the amount not less than 25 percent of the actual construction cost of the development and/or a performance escrow in the amount of 150 percent of the topping, final grassing of shoulders, landscaping, **all subdivision amenities to be controlled by the Property Owner's Association,** street and parking lot stripping, and/or sidewalks have been made payable to Douglas County to repave and/or repair all roads and drainage in said subdivision if deemed necessary at a future date by the Development Services Department. The bond shall be with a company licensed to do business in the State of Georgia, ~~and~~ included on the United States Department of Treasury's list of acceptable sureties, **and shall have at least a "AA" or equivalent rating from a Nationally Recognized Statistical Rating Organization.** The bond, letter of credit, or escrow amount will be released by the Development services Director upon completion of all required repairs, provided that houses are completed on 75 percent of the lots in the subdivision or 24 months after final plat approval, whichever is greater.*

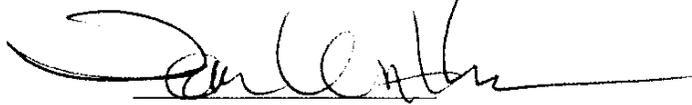
### SECTION FIVE

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed

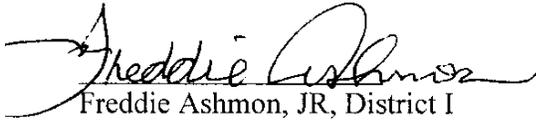
### SECTION SIX

This ordinance shall be effective upon adoption.

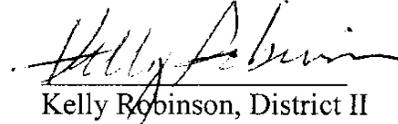
**SO ORDAINED** this 1<sup>st</sup> day of September 2009.



Tom Worthan, Chairman



Freddie Ashmon, JR., District I



Kelly Robinson, District II

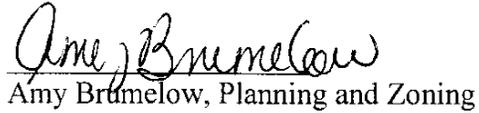


Michael Mulcare, District III



David Latham, District IV

Attest:



Amy Brumelow, Planning and Zoning