

STATE OF GEORGIA  
EFFINGHAM COUNTY

AMENDMENT TO PART II – APPENDIX C-ARTICLE III- 3.47 RESIDENTIAL  
SUBDIVISION OPEN SPACE AND GREEN SPACE ARTICLE  
OF THE EFFINGHAM COUNTY ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE III- 3.47 RESIDENTIAL SUBDIVISION  
OPEN SPACE AND GREEN SPACE ARTICLE OF THE EFFINGHAM COUNTY ZONING  
ORDINANCE AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular  
meeting assembled and pursuant to lawful authority thereof:

A new section \_\_\_\_3.47\_\_\_\_\_, is inserted, as follows:

***3.47 Residential Subdivision Open Space and Green Space Article.***

To establish regulations for open space and green space in residential subdivisions within Effingham County to promote public health, safety, and welfare through the conservation of natural resources, the provision of recreational opportunities, and the preservation of community character.

The intent of this ordinance is to:

- A. Ensure that all new residential developments preserve land for recreational, ecological, and aesthetic purposes;
- B. Promote environmentally responsible development;
- C. Provide residents with accessible and well-maintained green and open spaces;
- D. Encourage active and passive recreation opportunities within neighborhoods.

***3.47.1 Applicability.***

This ordinance shall apply to:

All new major residential subdivisions containing 10 or more dwelling units

***3.47.2 Definitions.***

- A. *Open Space*: Land within a subdivision set aside for recreation, resource protection, visual enjoyment, or other compatible uses.

- B. *Green Space*: Vegetated open areas including lawns, tree buffers, landscaping, and natural preserves.
- C. *Usable Open Space*: Open space areas accessible to residents, excluding wetlands and required buffers. Refers to outdoor areas within or directly serving a residential development that are intentionally designed and maintained for the use and enjoyment of residents. These spaces provide opportunities for recreation, relaxation, socializing, or passive enjoyment of the outdoors.
- D. *Passive Recreation*: Low-impact uses such as walking, birdwatching, or community gardening.
- E. *Active Recreation*: Facilities including playgrounds, courts, fields, or fitness areas.
- F. *Conservation Area*: Protected land with limited or no development allowed, used to preserve natural habitats or environmentally sensitive areas.
- G. *HOA (Homeowners' Association)*: A legal entity responsible for the maintenance of common areas and the enforcement of neighborhood standards.
- H. *Wetlands*: Land identified and delineated as jurisdictional wetlands, including those classified under federal jurisdiction in accordance with applicable environmental regulations and guidelines.
- I. *U8 or U10 Fields*: As in youth sports, the playing field, with no requirement for stripping, goals, and/or equipment.
- J. *Maintenance Plan*: For communities without an HOA to maintain Open Space, a maintenance plan would have to be established. The maintenance plan must be recorded in the covenants and restrictions. Defining an Open Space Maintenance Plan for a residential community involves outlining the standards, responsibilities, procedures, and schedules for maintaining the various open space areas to ensure they remain functional, safe, and visually appealing. The plan should also support long-term sustainability and comply with local regulations.

### **3.47.3 Open Space and Green Space Requirements.**

(*Net Area* = Total Acreage *minus (-)* Wetlands *minus (-)* Inaccessible uplands *minus (-)* Required Zoning and Roadway Buffers = *Net Total Acreage*)

- 1. At least 10% of the net site area must be designated as usable open space in the R-1 and R-4 zoning districts.

2. At least 25% of the net site area must be designated as usable open space in the R-2, R-3, and R-5 zoning district.
3. At least 10% of the net site area must consist of vegetated green space (may overlap with open space if appropriate).

#### ***3.47.4 Usability.***

No single open space parcel shall be less than a minimum of 2500 sqft. in size or 30 feet in width, unless part of a trail.

#### ***3.47.5 Types of Open Space Allowed.***



The following types of open space and amenities may be included to meet the requirement:  
(\*Subject to additional applicable requirements).

##### ***A. Active Recreation Areas***

- Community playgrounds
- Multi-use fields (soccer, baseball etc.)
- Sport courts (Basketball, Tennis, Pickleball, Etc.)
- Outdoor fitness stations
- Dog parks
- Nature trails or greenways
- Picnic areas with tables/shelters

- Community gardens
- Fishing ponds or small non-motorized water bodies \*
- Aquatic Facilities (swimming pools, splashpads, etc.)
- Community Buildings/Structures (clubhouses, community buildings, workout room shade structures, etc.)

*B. Passive Recreation Areas*

- Scenic overlooks, nature observation, meditation, and other quiet zones \*
- Ponds and lakes without piers and dock access \*
- Picnic areas

*C. Conservation and Natural Areas*

- Upland forest preservation zones \*
- Wetland and Stream buffers and riparian corridors \*
- Wildlife habitat conservation easements \*

*D. Community Features and Enhancements*

- Gazebos, pavilions, or shaded seating structures
- Decorative landscaping islands or common greens (does not include standard parking lot islands or required tree lawns on right of ways)
- Stormwater features integrated amenities that are available for resident use (e.g., wet ponds, constructed wetlands, bioretention, rain gardens, etc.) \*

**3.47.6 Design and Access Standards.**



#### *A. Recreational Facility Requirements*

In major subdivisions, a minimum of one multipurpose field—either a U8 or U10 field—is required for every 200 residential lots. These fields must meet applicable size and design standards to ensure usability and safety

#### *B. Enhanced Amenity Credits*

Subdivision developments that include upgraded recreational amenities may receive increased credit toward open space requirements. Specifically:

- Swimming pools and similar facilities may receive 5 times the area credit.
- Clubhouses and comparable structures may receive 5 times the area credit.
- Sports Courts may receive 4 times the area credit.
- Fitness Centers may receive 5 times the area credit.
- Trails may receive 4 times the area credit.
- Playgrounds may receive 4 times the area credit.

All usable open spaces must be accessible via pedestrian connections (sidewalks or trails).

#### **3.47.7            *Ownership, Dedication & Maintenance.***

Open space shall be owned and maintained by:

1. A legally established Homeowners' Association (HOA), or
2. Dedication to Effingham County (at County's discretion)—*\*Land dedicated to the County has potential for doubled Open Space credit at the County's discretion.*
3. An accredited nonprofit land trust for conservation purposes.

### **3.47.8 Density Bonus.**

Projects providing 35% or more open space and integrating community-wide amenities may qualify for a residential density bonus of up to 10%, a 10% maximum lot dimension reduction upon Board of Commissioners approval of the preliminary plat.

#### **3.47.9.1 Trail Standards for Open Space Credit.**

1. Trails may count toward required usable open space if they are part of a continuous system and provide recreational or transportation function within the subdivision.
2. Trails must be accessible to all residents and clearly shown on the open space or amenities plan.

#### **3.47.10 Minimum Width Requirements.**



To qualify for open space credit, trails shall meet the following minimum improved width standards:

Trail Type	Minimum Width (Improved Surface)	Notes
Multi-use paved trail	8 feet	Suitable for bikes, pedestrians, strollers
Pedestrian-only trail	5 feet	May be asphalt, gravel, or boardwalk
Nature trail (low-impact)	4 feet (cleared) / 3 feet (surface)	Natural surface acceptable if properly marked

\*The inclusion of additional 2-foot shoulders on each side of a trail is encouraged and will be

considered eligible for credit.

#### **3.47.11 Trail Length and Credit.**

- A credit of 2x the width of the trail may be awarded as open space credit, provided the trail:
  - Is connected to a broader open space system,
  - Is constructed of durable material appropriate to the location (e.g., crushed stone, asphalt, wood, or mulch, and boardwalk in wetlands).

#### **3.47.12 Trail Connectivity.**

Trails must connect to:

- A. Other open space areas within the subdivision,
- B. Streets with sidewalks or pathways,
- C. Adjacent parks or neighborhoods (when feasible).

#### **3.47.13 Maintenance**

Trails must be maintained in a safe and usable condition by the HOA or responsible entity named in the open space maintenance plan.

#### **3.47.14 Ponds and Water Features as Open Space.**



Ponds may qualify for open space credit under the following conditions:

Types of Pond

Stormwater detention ponds

Decorative ponds/fountains

Constructed wetlands or other low-impact stormwater best management practices

#### **3.47.15 Conditions for Credit.**

To receive credit toward open space requirements, ponds must meet the following:

- Accessibility: The area must be accessible to pedestrians and available for use by residents or as shared private open space. Acceptable features may include walking trails, overlooks, boardwalks, or designated seating areas.
- Credit will be given based on the percentage of continuous shoreline accessible to residents, with a minimum of 30 feet.
- Ponds designed as stormwater detention facilities must also be integrated to serve a residential recreational or aesthetic function.
- To qualify for open space credit, stormwater ponds must be designed to retain water at all times (i.e., function as permanent water features).

#### **3.47.16      *Exclusions***

1. Ponds entirely fenced off and inaccessible to residents do not qualify for open space credit.
2. Underground detention systems or dry detention basins do not qualify unless converted into multi-use amenities (e.g., dual-use fields).

#### **3.47.17      *Maximum Allowable Credit.***

No more than 25% of the total required open space may be satisfied using ponds or water features.

#### **3.47.18      *Open Space Compliance Example.***

##### **Site Overview**

- Total Site Area: 200 acres
- Environmental Constraints:
  - Wetlands: 40 acres
  - Required Buffers: 25 acres
  - Inaccessible Upland (isolated by wetlands): 4 acres

##### **Net Developable Acreage:**

- $200 \text{ acres} - 40 \text{ acres (wetlands)} - 25 \text{ acres (buffers)} - 4 \text{ acres (inaccessible upland)} = 131 \text{ acres}$

##### **Required Open Space (25% of Net Acreage):**

- $25\% \times 131 \text{ acres} = 32.8 \text{ acres}$

All ordinances or parts of ordinances in conflict herewith are hereby repealed.



This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BOARD OF COMMISSIONERS,  
EFFINGHAM COUNTY, GEORGIA

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
STEPHANIE JOHNSON  
EFFINGHAM COUNTY CLERK

FIRST READING \_\_\_\_\_

SECOND READING \_\_\_\_\_