

**STATE OF GEORGIA
CITY OF BROOKLET**

ORDINANCE NO. 2025-028

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF
BROOKLET AMENDING ARTICLES I, III, AND VI OF THE SUBDIVISION
ORDINANCE OF BROOKLET, GEORGIA (APPENDIX A OF THE CODE OF
BROOKLET, GEORGIA) TO ESTABLISH PROVISIONS REQUIRING OWNERS'
ASSOCIATIONS FOR CERTAIN RESIDENTIAL AND NONRESIDENTIAL
DEVELOPMENTS**

WHEREAS, the duly elected governing authority of the City of Brooklet, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, the Mayor and Council have authority to amend the City's ordinances from time to time and where necessary to maintain adequate regulations; and

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY
OF THE CITY OF BROOKLET**, in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

- Section 1. Article I of the Subdivision Ordinance of Brooklet, Georgia (Appendix A of the Code of the City of Brooklet, Georgia) shall now be amended by adding the provisions set forth in Attachment A, which is attached hereto, incorporated herein by reference, and hereby made a part of this ordinance.
- Section 2. Article III, Sec. 1 of the Subdivision Ordinance of Brooklet, Georgia (Appendix A of the Code of the City of Brooklet, Georgia) shall now be amended by adding the following: "D. When an owners' association is required for a development, the owner's certification of their understanding of the City's requirement that an owner's association shall be formed and incorporated at the same time a final plat for the subdivision or any portion of the subdivision is first recorded."
- Section 3. Article VI, Sec. 1 of the Subdivision Ordinance of Brooklet, Georgia (Appendix A of the Code of the City of Brooklet, Georgia) shall be amended and restated in its entirety to now provide: "The subdivider shall submit to the zoning administrator five copies of the final plat. When an owners' association is required for a development, the owner shall also submit to the zoning administrator a copy of the proposed owners' association documents."
- Section 4. Article VI, Sec. 2 of the Subdivision Ordinance of Brooklet, Georgia (Appendix A of the Code of the City of Brooklet, Georgia) shall be amended and restated in its entirety to now provide: "The zoning administrator and building inspector shall review the final plat for conformance with the tentatively approved preliminary plat and pursuant to the rules and regulations of this ordinance. The final plat may be approved, disapproved, or approved subject to modifications. When applicable, the zoning administrator shall also review the proposed owners' association documents to ensure compliance with Article I of this ordinance."

Property Owners' Association; When Required.

For any residential development that is subdivided into 4 or more separate parcels, such as a single-family detached subdivision, and that contains common open space or other lands or structures in common ownership, a property owner's association that provides for building and grounds maintenance and repair, insurance, and working capital shall be required.

(a) When an owners' association is required for a development, the owner shall certify their understanding of the requirements of this ordinance at the same time the preliminary plat is submitted to the City. The owners' association need not be formed and incorporated until a final plat for the subdivision, or any portion of the subdivision, is recorded.

(b) Membership in the owners' association shall be mandatory for each property in the development.

(c) Such associations shall have declarations, which shall include conditions and regulations applicable to each parcel of land in the development. The declarations shall also provide that all governing documents of the owners' association may be amended by the vote of no more than 80% of all owners.

(d) The declarations and other governing documents shall be enforced by the Association or by an association management company designated by the Association, which shall have the power to compel the payment of membership dues and assessments.

(e) The owners' association shall be formed under the provisions of the Georgia Property Owners' Association Law (O.C.G.A. § 44-3-220, et seq.), and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Law (O.C.G.A. § 44-10-1, et seq.) if it is to act as a holder of a conservation easement.

(f) The documents creating the owner's association shall 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 dwelling units in the development. The reserve fund shall be equal to no less than two months payment of the normal monthly dues assessment per dwelling unit established by the association, times the number of existing dwelling units.

(g) The Association's covenants, conditions and regulations shall, at a minimum, regulate and control the following:

- (1) Equal access and right of use to all shared facilities;
- (2) Perpetual and continued maintenance of open and shared space, specifically including storm water detention facilities, community pools, clubhouses, and other amenities.
- (3) Tax liability in the case of default;
- (4) The method of assessment for dues and related costs;

- (5) Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
- (6) Animals, including household pets;
- (7) Signs;
- (8) Exterior items such as fences, lawn ornaments, and landscape areas and buffers;
- (9) Building improvements;
- (10) Storage of recreational vehicles (RVs), all-terrain vehicles, trailers, and boats;
- (11) Prohibition of overnight on-street parking of vehicles;
- (12) Decorations and holiday lighting;
- (13) Trash collection containers; and
- (14) Architectural standards and compliance with the same.

(h) For subdivisions, the owners' association shall be formed and incorporated at the same time a final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed owners' association documents shall be submitted to the City to ensure compliance with this ordinance at the same time the application for final subdivision plat approval is submitted.

Nonresidential Owner's Association.

For any nonresidential development that is subdivided into 4 or more separate parcels, such as an office park, and that contains common open space, a natural resource easement, a conservation easement or other lands or structures in common ownership, an association of the property owners that is consistent with the City's pertinent requirements for a residential property owners' association shall be required.


- Section 5. If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.
- Section 6. This ordinance shall become effective immediately upon its adoption by the City Council.
- Section 7. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED this 21st day of August, 2025.

CITY OF BROOKLET


L.W. ("Nicky") Gwinnet, Jr., Mayor

ATTEST:


Lori Phillips, City Clerk

