

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2019-O-019

AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO REPEAL AND REPLACE ARTICLE 23 OF THE CHEROKEE COUNTY ZONING ORDINANCE TO PROVIDE UPDATED PROVISIONS REGARDING CONSERVATION DESIGN COMMUNITIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, the Board of Commissioners desires to repeal the current version of Article 23 of the Cherokee County Zoning Ordinance entitled “Conservation Design Community” and subsequently replace Article 23 as described below; and

WHEREAS, these Ordinance changes will benefit the safety and welfare of the citizens of Cherokee County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

Section 1.

Article 23 of the Cherokee County Zoning Ordinance entitled “Conservation Design Community” is hereby repealed in its entirety and shall be replaced as follows:

Article 23: Conservation Design Community

23.1 Purpose

It is the purpose of this ordinance to provide flexibility in ensuring preservation of greenspace within a master-planned residential development. A Conservation Design Community design preserves greenspace while maintaining the prorated density of residential units for the overall site area. Neutral density is achieved by allowing smaller individual-owned residential lots in neighborhoods that include or are adjacent to aesthetically and ecologically important areas. The goal of the design process is to identify and set aside conservation areas prior to the delineation of transportation and residential pod layouts. Greenspace areas include wetlands, stream buffer zones, woodlands, playing fields, and meadows, depending on the resources of the land.

The intent of the Conservation Design Community regulations is to:

1. Preserve significant areas of land for ecological, recreational, and agricultural purposes in perpetuity;
2. Encourage more efficient development of land consistent with public health, safety, and general welfare;
3. Afford greater flexibility of design and placement of buildings and structures;
4. Preserve and protect exceptional terrain, natural beauty, and sites of historic interest from inconsequential placement of homes, roadways, utilities, and appurtenances;
5. Preserve the Etowah River and its streams and tributaries as natural resources;
6. Prevent flooding, erosion, and water pollution, and protect the quality and quantity of drinking water;
7. Preserve wetlands, aquifers, topographical, or soil features, marine and wildlife habitat; and other features having conservation values, including views, vistas, and indigenous vegetation; and
8. Promote a less sprawling form of development (within the site of development).

23.2 General Regulations

- A. Applicability of Regulations. In order to achieve the purposes described in section 23.1, the Conservation Design Community is available as a use in the

Single Family Residential (R-60, R-40, R-30, R-20) zoning districts only upon review and recommendation by the Planning Commission with final approval by the Board of Commissioners. Any property zoned after December 3, 2019 upon which the property owner proposes a conservation design community, said plan must be approved by the Board of Commissioners. However, if the zoning of the property was established prior to December 3, 2019 a property owner may prepare a plan according to the provisions of this article to be approved administratively. Applicants utilizing the Conservation Design Community regulations shall comply with all other provisions of the Cherokee County Zoning Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

1. Conservation Design Community in AG and R-80: The AG Agricultural zoning district permits a wide array of uses, some of which may conflict with the enjoyment of ones property as a residential use. The R-80 Estate Residential district is most often found in areas in transition from agricultural to residential development and are considered appropriate for low density residential development The Board of Commissioners shall approve a site plan for a Conservation Design Community on property zoned AG or R-80 upon finding the proposed subdivision is compatible or consistent with development surrounding the proposed subdivision. The regulations in this chapter shall be applicable upon approval of the site plan by the Board of Commissioners. The following shall outline the process of consideration of a Conservation Design Community in AG or R-80:
 - i. Upon submitting an application for a Conservation Design Community in an AG or R-80 zoning district, the applicant shall post a notice on the subject property announcing an application for a Conservation Design Community has been received by the County for consideration.
 - ii. The applicant shall host a community information and input meeting as outlined in Chapter 18 of the Cherokee County Zoning Ordinance, and a list of participants to such meeting shall be submitted to the County.
 - iii. A 30 day "Public Comment" period shall be required after receipt by the County of the application for a Conservation Design Community on AG or R-80 zoned property. The Public Comment period shall begin upon the determination by the County that the applicant has submitted all documents required by this article for a Conservation Design Community. All parties wishing to comment shall submit their comments via US Mail or e-mail to the County.
 - iv. Upon the expiration of the public comment period, the County shall place the application for a Conservation Design Community on AG

or R-80 property on the next available agenda of the Board of Commissioners. At their meeting, the Board of Commissioners shall consider the application for approval where the plan meets the criteria for a Conservation Design Community per this article.

- B. Ownership of Development Site. The tract of land to be designed as a Conservation Design Community may be held in single ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single development, and developed according to a single plan.
1. Phased Development: Unless approved under a Concept / Preliminary Plan as outlined herein, each phase of a Conservation Design Community must meet the density criteria established herein and may not exceed the density for the zoning district.
 2. Proof of Ownership: the developer of a Conservation Design Community must provide documentation of ownership of all land to be developed as a Conservation Design Community prior to approval of a land disturbance permit for the development. Only lands that may be considered for development as a Conservation Design Community are those lands owned by the applicant for the land disturbance permit.
- C. Site Suitability. As evidenced by the Existing Resources / Site Analysis Map, the Conservation Design Community Concept / Preliminary Plan, and the Final Plat, the tract incorporating the Conservation Design Community shall be suitable for supporting development in terms of environmental conditions, size, and configuration as determined herein.
- D. Sensitive Area Disturbance. The proposed design shall minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources / Site Analysis Map. Lands within the 100 year floodplain, designated as wetlands, having slopes in excess of 35%, and riparian buffers adjacent to streams constitute such environmentally sensitive areas. Demonstration by the applicant that these features shall be protected by the proposed application shall be prerequisite to consideration and approval of the Conservation Design Community Concept / Preliminary Plan and subsequent Final Plat.
- E. Minor Subdivisions Prohibited. Minor subdivisions, whereby an original tract of land may be divided into not more than five individual tracts, are not eligible to be developed per the conservation regulations contained herein. Only major subdivisions, those subdivisions of land resulting in the creation of six or more lots, are permissible to be developed according to the Conservation Design Community regulations outlined in this article.
- F. Effect of Concept / Preliminary Plan. Approval of the Concept / Preliminary Plan shall bind all land within the plan to the requirements and conditions of the Conservation Design Community regulations. Should the developer or

land owner subsequently sell or otherwise transfer their interest in the property, all heirs and assigns shall be bound to the approved concept / preliminary plan, unless amended by and / or approved by the Board of Commissioners.

- G. Size of a Conservation Design Community. A tract of land to be developed as a Conservation Design Community shall contain not less than thirty (30) contiguous acres and be of a configuration that is conducive to a Conservation Design Community. The simultaneous planning of larger and adjacent parcels is encouraged.

Notwithstanding the provisions noted above, a Conservation Design Community may have land that is less than thirty (30) acres if the Board of Commissioners, upon showing by the applicant, is convinced that a Conservation Design Community is in the public interest because one or more of the following conditions exist:

1. The property is adjacent to or across a street from property that has been developed as a Conservation Design Community, and a Conservation Design Community will contribute to the maintenance of the character, amenities, and conservation values of the neighboring Conservation Design Community; or
2. The property immediately adjoins and proposes to extend the greenspace from an adjoining Conservation Design Community through the subject property and create a larger area of greenspace; or
3. The property immediately adjoins a publicly designated “greenway” and proposes to extend the “greenway” through the subject property; or
4. At the discretion of the Board of Commissioners, the development of a property as a Conservation Design Community on less than thirty (30) contiguous acres would be in the public interest

23.3 Use Regulations

Land planned as a Conservation Design Community may be used for the following purposes:

- A. Single Family detached dwellings;
- B. Conservation Areas as specified herein;
- C. The following non-residential uses in accordance with standards specified in this Article:
 1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, community gardens and accessory structures;

2. Woodlots, arboreta, and other sivicultural uses;
3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use;
4. Municipal or public uses; public park or recreation area owned and operated by a public or private non-profit agency; governmental or public utility building or use, not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills

D. Accessory Uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

23.4 Techniques to determine number of lots permitted.

23.4-1. Density Neutral. The number of lots allowed shall be density neutral. "Density Neutral" is defined as follows.

The number of lots in a Conservation Design Community will not exceed the number of lots that can be reasonably created within a conventional subdivision at the same site location. The following techniques are provided for insuring comparability between a conventional development and conservation design community.

1. Method 1 – Yield Plan. Prepare a plan that demonstrates the maximum number of lots for a conventional subdivision on the site. The conventional plan does not have to meet formal requirements for a site design plan, but must address the site features and all applicable regulations, including storm water and development regulations. The conventional subdivision plan must be reviewed by County staff, prior to submitting a preliminary plan for a Conservation Design Community to assess whether such plan meets the requirements for a conventional design.
 - i. Yield Plans must be prepared in accordance with subdivision regulations, and show proposed lots, streets, rights-of-way, and other pertinent features. The plan must reflect federal, state or local restrictions on building within and/or disturbance of wetlands, floodplains, steep slopes, existing easements or encumbrances, and if using septic, the suitability of soils for sewage disposal.
 - ii. Yield Plans shall reflect the dimensional standards for lots based on zoning district requirements, ie. Lot area, lot width, building setbacks, etc..
 - iii. Where site is not served by sewer, the density shall be determined by evaluating the number of homes that could be served by

individual on-site sewage management systems on conventional lots.

- iv. Yield Plan must identify the primary and secondary site resources, and demonstrate that such primary resources can remain undisturbed, by allocating these areas to proposed lots.
 - v. No more than 25% of the lot area of any individual lot may be within the 100 year floodplain or any body of water.
 - vi. Road right of way on a yield plan shall use a minimum of a 50 ft. width. Lot lines shall begin at edge of 50 ft. ROW.
2. Method 2- Adjusted Tract Acreage. Determine the area of Constrained Lands as defined in Section 23.4-2, make adjustments in accordance with Section 23.4-2.1 and subtract the Net Constrained Land Acreage from the Gross Tract Acreage. The resulting Adjusted Tract Acreage is then multiplied by the zoning district DUA (dwelling units per acre). (see Table 23-1)
3. The greater number of lots calculated by either Method (1) or Method (2) is the “maximum allowed lots” in the Conservation Design Community.

23.4-2. Calculating Adjusted Tract Acreage

1. Determine the area of Constrained Lands

Net Constrained Lands = Area of land in items a-e multiplied by 0.50, plus 100% of area of land in items f-g below.

- a. Slopes steeper than 35% that have an extent of at least 5000 square feet of contiguous area
- b. The 100-year floodplain
- c. Jurisdictional wetlands as defined by the Army Corps of Engineers pursuant to the Clean Water Act.
- d. State Waters
- e. Area of land in stream buffers as required by federal, state or local regulations that are beyond the limits of items b and c above
- f. Area of land designated for construction of permanent roads and associated ROW
- g. Area of all impervious surfaces associated with amenities, including but not limited to parking areas, tennis courts, swimming pools, clubhouses and other similar amenities

<i>Constraint Area of items below should be independent of other constraints such that land is not calculated in multiple constraints</i>	<i>Total Area</i>	<i>Multiplie d by</i>	<i>Adjusted Area</i>
a. Slopes steeper than 35% that have an extent at least 5000 square feet contiguous area		* 0.5	
b. The 100-year floodplain		* 0.5	
c. Jurisdictional wetlands as defined by the Army Corps of Engineers pursuant to the Clean Water Act		* 0.5	
d. Surface area of State Waters (i.e ponds, lakes, reservoirs)		* 0.5	
e. Area of land in stream buffers as required by federal, state or local regulations that are beyond the limits of items b and c above		* 0.5	
f. Area of land designated for construction of permanent roads and associated ROW (as determined from Method 1)		* 1.0	
g. Area of all impervious surfaces associated with amenities, including but not limited to parking areas, tennis courts, swimming pools, clubhouses and other. (as determined from Method 1)		* 1.0	
<i>Net Constrained Land Acreage</i>			

2. Adjusted Tract Acreage.

Once the area of Constrained Lands has been calculated, the Adjusted Tract Acreage is calculated by subtracting the area of Net Constrained Lands from the Gross Tract Acreage of the property to be developed as a Conservation Design Community.

<i>Gross Tract Acreage</i>	
<i>Net Constrained Land Acreage</i>	- _____
<i>Adjusted Tract Acreage</i>	

3. Allowed lots by Conservation Design Community:

The number of lots allowed is determined by multiplying Adjusted Tract Acreage by the maximum of Dwelling Units per Acre. for the zoning district.

<i>Adjusted Tract Acreage</i>	
<i>District DUA</i>	*
<i># of Allowed Lots</i>	

4. Lot Sizes

In a Conservation Design Community, up to 10 % of the lot total may be platted less than the Average Lot Size but not less than the minimum lot size in Table 23-1. The lot size for all other lots must be at least the Average Lot Size for the corresponding zoning district in accordance with Table 23-1. The average size of all lots within a Conservation Design Community must meet or exceed the average lot size in Table 23-1 for the corresponding zoning district. There is no maximum lot size.

Table 23-1: Conservation Design Community Density and Lot Size Requirements

Existin g Zoning District	Maximum Density DUA (units acre)	Std. District Lot Size	Avg. lot size Greater equal to	or	Minimum Lot size	Minimum Lot Width
AG	0.5	87,120 sf	43,560 sf		22,000 sf	90
R-80	0.5445	80,000	40,000		20,000	90
R-60	0.726	60,000	30,000		15,000	80
R-40	1.089	40,000	20,000		10,000	75
R-30	1.452	30,000	15,000		7,500	60
R-20	2.178	20,000	10,000		7,500	60

23.4-3 Area and Yard Requirements; Locations and Structures

23.4-3.1 Placement. The placement of all principal buildings shall provide for safe, quiet, and harmonious grouping as well as adequate privacy by providing adequate front, side, and rear yards as shown in Table 23-2.

a. There shall be a minimum building separation requirement of 15 ft. between structures on adjacent lots. At no time shall any building be constructed where the setback from a side property line is less than the width of the eaves of the structure or 5 ft. whichever is greater.

Table 23-2: Conservation Design Community Setback Requirements

Buildings shall meet the following minimum requirements	
Front Building Setback	
AG, R-80 and R-60	35 ft.
R-40	30 ft.
R-30	25 ft.
R-20	20 ft.
Rear Building Setback	25 ft.
Side Building Setback	5 ft.
Building Separation	15 ft.
Building Setback From all external road rights of way	100 ft.
Building Setback From all tract boundaries	75 ft.

23.5 Conservation Community Design Standards

- A. House lots shall not encroach upon Primary Conservation Areas, and their layout shall respect Secondary Conservation Areas, as described herein.
- B. Views of house lots from exterior road and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping that meets landscaping requirements of the Zoning Ordinance or Development Regulations of Cherokee County
- C. House lots shall generally be accessed from interior streets rather than from roads bordering the tract
- D. All lots shall abut an undisturbed area of greenspace of 50 ft. in depth, either primary or secondary, except as otherwise permitted herein
- E. Common greens may be included in the community design. An individual green should be not less than 5,000 sf. Greens should be surrounded by streets and dwellings on at least two (2) sides. Dwellings should face the green. Common greens may be designed as terminal vistas within a street system.
- F. Provide pedestrian and maintenance access to Greenspace land such that no more than 10 lots shall be contiguous to each other without a centrally located greenspace access point meeting the following standards:

1. The minimum width of the greenspace access strip shall equal the minimum width of the abutting lots, and in no case be less than 50 ft.
 2. The minimum width of the greenspace access strip shall extend the full depth of the adjacent lots
- G. At least two corners of all interior road intersections must have a minimum of 900 square foot landscaped common area outside of the right-of-way

23.6 Greenspace.

"Greenspace" is defined as that portion of a tract set aside for the permanent protection of sensitive natural features, farmland, scenic views, and other unique features which may be accessible to the residents of the development and/ or the County.

23.6-1. Standards to Determine Greenspace.

- A. The minimum Greenspace shall comprise at least 40% of the Adjusted Tract Area, in addition to the total area of all natural constrained lands from Section 23.4-2 (1) a through e. .

Adjusted Tract Acreage	
	* 0.4
40% of Adjusted Tract Acreage	
Net Constrained Lands (23.4-2 a. through e.)	+
Required Greenspace (ac.)	

- B. To the extent practicable, Greenspace shall be preserved in larger, contiguous, undisturbed and connected tracts so as to provide uninterrupted habitat. The Greenspace should adjoin any neighboring areas of Greenspace, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected greenspace.

23.6-2. Primary Conservation Areas.

A. Primary Conservation areas are lands that serve important ecological purposes and possess beneficial environmental qualities contributing to the health of the local community. All land identified as Primary Conservation Areas shall be undisturbed, except as provided herein. Primary Conservation Areas include:

1. The 100-year floodplain.
2. Riparian zones of at least 50 ft width on either side along all perennial and intermittent streams.

3. Riparian zones of at least 150 ft width on either side of the Etowah River Corridor or the Little River Corridor
4. Slopes steeper than 35% that have an extent of at least 5000 square feet of contiguous area
5. Jurisdictional wetlands as defined by the Army Corps of Engineers pursuant to the Clean Water Act.
6. Populations of endangered or threatened species, or habitat for such species.
7. Bodies of water with surface area of 5,000 sf or greater

B. Value of Primary Conservation Areas. Primary conservation areas form the core of the Greenspace to be protected. Because Primary Conservation areas are sensitive environmental areas, Cherokee County requires such areas be permanently protected through the thoughtful design and protection instruments outlined herein. The total area of land identified as Primary Conservation Areas shall be conserved and protected to the maximum amount and extent physically possible.

23.6-3 Secondary Conservation Areas.

A. The following are considered Secondary Conservation Areas and should be protected to the maximum extent feasible and shall be undisturbed, except as provided herein

1. Important historic sites subject to approval indicating that these structures are compatible with the Cherokee Zoning Regulations.
2. Existing healthy, native forests of at least one acre contiguous area
3. Individual existing healthy trees greater than 24 inches caliper measured at dbh.
4. Other significant natural features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, in particular those that can be seen from public roads.
5. Prime agricultural lands, as defined by the Natural Resource Conservation Service, of at least five acres contiguous area
6. Existing trails that connect the tract to neighboring areas
7. Archaeological sites and cultural elements, cemeteries, and burial grounds subject to the requirements of Article 24 Cemetery Preservation ordinance.
8. Buffers as outlined in Section 23.10.

B. Value of Secondary Conservation Areas.

Secondary Conservation areas are those areas within a property which contain other intrinsic qualities of value to the community. Secondary Conservation areas are valued as supplemental area to the total conservation area of a Conservation Design

Community. To that end, Cherokee County requires Secondary Conservation Areas to be protected to the maximum extent possible after all identified Primary Conservation Areas have been protected.

23.6-4 RESERVED

23.6-5 *Permitted Uses of Greenspace.* Uses of Greenspace may include the following:

1. Conservation of natural, archeological, or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of permeable materials;
4. Passive recreation areas, such as open fields;
5. Stormwater management facilities that are considered Green Infrastructure (GI) or Low Impact Development (LID), as defined in the current edition of the Georgia Stormwater Management Manual, Community wastewater disposal systems, provided that such facilities shall be located outside of Primary Conservation Areas;
6. Other conservation-oriented uses compatible with the purposes of this ordinance;
7. Community gardens, located outside of Primary Conservation Areas
8. Agricultural and horticultural uses, including raising crops or livestock, nurseries, and associated buildings specifically necessary to support an active, viable agricultural or horticultural operation, located outside of Primary Conservation Areas. Specifically excluded are commercial livestock operations involving poultry and swine.
9. Pastureland for horses used solely for recreational purposes.
10. Neighborhood open space uses such as greens, commons, and similar low impact passive recreational uses.
11. Easements for drainage, access, sewer or water lines, or other public purposes

23.6-6 *Prohibited uses of Greenspace.* Uses of Greenspace may not include the following:

1. Roads, parking lots, and impervious surfaces, except as specifically authorized in this article;
2. Agricultural and forestry activities not conducted according to accepted Best Management Practices;

3. Other activities as prohibited pursuant to a recorded legal instrument providing for permanent protection of the Greenspace; and.
4. Golf Courses.

23.6-7 Reserved.

23.6-8 Ownership, preservation, and maintenance of greenspace. Greenspace land shall be preserved and maintained solely for the purposes specified in section 23.1. The method for effectuating such preservation and maintenance shall be one of the following:

- A. Establishment of a homeowner's association (HOA), to own and maintain the land in common for the Greenspace purposes intended according to the following provisions:
 - a. With their application for a permit to develop a Conservation Design Community, developers will create and submit documentation detailing the minimum requirements and structure for the HOA
 - b. The HOA will maintain, pay taxes, and own the Greenspace
 - c. Membership in the HOA is mandatory for all homeowners, and dues are uniform.
 - d. The HOA will execute legally enforceable permanent conservation easement as described in section 23.6-9.
 - e. It is recommended that at least one member of the HOA should receive training in or be conversant in, wildlife habitat conservation, enhancement, and maintenance
 - f. Each homeowner should be given site-specific information about indigenous habitat and diversity of species
 - g. The HOA shall develop a long-term conservation plan for maintenance of common areas. This plan should include examples of environmentally friendly landscaping techniques for homeowners.
- B. Dedication of legally described and platted "Greenspace" to the Cherokee County Board of Commissioners at the discretion of and approval by the Cherokee County Board of Commissioners.
- C. Dedication of legally described and platted "Greenspace" to a land trust established in compliance with the requirements of Georgia law and shall be for conservation purposes.

23.6-9 Legal Instrument for Permanent Protection. The Greenspace shall be protected in perpetuity by a binding legal instrument which shall be one of the following:

- A. A permanent conservation easement, in favor of either:
1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; subject to the approval of the Board of Commissioners, or
 2. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance, subject to the approval of the Board of Commissioners.
- B. All legal instruments used to permanently protect conservation areas platted within the Conservation Design Community shall be executed by the owner developer and approved by the County prior to approval of the final plat for the development.

23.7 Procedure

23.7-1 Pre-Application Meeting

A Pre-application meeting is required between the applicant, the site designer and the planning staff. The purpose of the Pre-Application Meeting is to introduce the applicant to the County's zoning and subdivision regulations and procedures, to discuss the applicant's objectives and to schedule site inspections, additional meetings, and plan submissions. Applicants must present the Existing Resources / Site Analysis Map at this meeting.

23.7-2 Existing Resource / Site Analysis Map

The purpose of the Existing Resources / Site Analysis Map is to familiarize County staff and officials with existing site conditions. This map shall be provided prior to any site inspection and shall form the basis for the development design as shown on the Conceptual Preliminary plan. The applicant shall prepare the Existing Resource / Site Analysis map, to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Greenspace will meet the requirements of this article. The Existing Resource / Site Analysis map shall include the following features:

- Property boundaries
- Field location and field definition of all streams (perennial and intermittent), rivers, lakes, wetlands and other hydrologic features
- Topographic contours of no less than 10-foot intervals
- All Primary and Secondary Conservation Areas labeled by type, as described in this Article
- 100 year floodplain

- Vegetation characteristics on the property according to general cover type, such as cultivated land, meadow, pasture, woodland, wetland. Delineation of the actual canopy line of existing trees and woodland
- Groundwater recharge areas
- Significant wildlife habitats, if known
- Historic, archeological, and cultural features
- Soil series, types and phases as mapped by USDA, NRCS in published soil survey for the county
- Existing roads and structures
- Potential connections with existing Greenspace and trails
- Identification of surrounding property characteristics and land use

23.7-2.1 Review of existing resource map. The existing resources map shall be submitted to and reviewed by the Director of Planning and Zoning or his/her designee prior to the submission of either a Sketch plan or a Concept / Preliminary Plan as described herein. If found inadequate by the reviewer, the reviewer shall provide in writing the reasons for its inadequacy, and the existing resources map shall not be accepted until adequate changes are made.

23.7-3 Site Inspection

After preparing the Existing Resources Map, applicants must arrange for a site inspection of the property by the Planning staff and other County officials and shall distribute copies of such site analysis plan at this on-site meeting. The purpose of the site visit is to familiarize staff with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of the designated Greenspace lands and potential locations for proposed buildings and street alignments. Comments made by staff shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the site inspection.

23.7-4 Sketch Plan Submission

A Purpose. A sketch plan shall be submitted as a diagrammatic basis for informal discussion with staff regarding the design of a proposed subdivision or land development. The purpose of a sketch plan submission is to provide a mechanism to help applicants and staff develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features while providing for the density permitted under the zoning ordinance.

B Sketch Plan information. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the planning staff and other officials, the sketch plan should include the information listed below. Many of these items can be taken from the Existing Resources / Site Analysis Map. The diagrammatic Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources / Site Analysis Map.

1. Name and address of the legal owner, the equitable owner, and / or the applicant;
2. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or the site designer responsible for preparing the plan;
3. Graphic scale (not greater than 1 inch = 200 ft.) and north arrow;
4. Tract boundaries,
5. Location Map;
6. Zoning district;
7. Streets on and adjacent to the tract (both existing and proposed);
8. 100 year floodplain limits, and approximate location of wetlands, if any;
9. Topographic, physical and cultural features including fields, pastures, meadows, wooded areas, trees with a diameter of 24 inches or more, hedgerows and other significant vegetation, steep slopes (greater than 35%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of tract, existing ROW and easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads;
10. Schematic layout indicating a general concept for land conservation and development ("bubble" format is acceptable for this delineation);
11. Proposed general street and lot layout; amenity areas, and other structural improvements
12. General description of proposed method of water supply, sewage disposal, and stormwater management

23.7-5 Concept / Preliminary Plan

Preparation and submission of the Concept / Preliminary Plan shall follow the process and procedure outlined in Article 5.5-3 of the Cherokee County Zoning Ordinance. The Existing Resource / Site Analysis Map and Sketch Plat produced prior to the preparation of the Concept / Preliminary Plan shall be submitted with the Concept / Preliminary Plan.

23.8 Four Step Design Process

All Concept / Preliminary plans for Conservation design communities shall include documentation of a four step design process in determining the layout of proposed Greenspace lands, house sites, streets, and lot lines as described below. Each step shall be plainly demonstrated where combined together in one plan sheet. Step 1 below shall be demonstrated as a separate plan sheet within any Concept / Preliminary Plan.

A. Step 1: Delineation of Greenspace lands

1. The minimum percentage and acreage of required Greenspace lands shall be calculated by the applicant and delineated as part of the Concept / Preliminary Plan in accordance with this ordinance. Greenspace lands shall include all Primary Conservation areas and those parts of the Secondary Conservation areas, as defined herein, to meet the terms of this ordinance.
2. Proposed Greenspace lands shall be designated using the Existing Resource / Site Analysis Map as a base map.
3. In delineating Secondary Conservation Areas, the applicant shall consult with Planning staff on the prioritization of natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed Greenspace.
4. Using the priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicants subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for Greenspace lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

B. Step 2: Location of House Sites.

1. Potential house sites shall be tentatively located using the proposed Greenspace lands as a base map as well as other relevant data on the Existing Resources Map such as topography and soils. House sites should be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.
2. The area of a potential house site should be representative of the largest footprint of a house which may be proposed within the conservation design community. The proposed footprint should include areas such as the primary residence, and any driveways, patios, decks, porch, pool, if such are planned to be constructed concurrent with proposed primary residence

C. Step 3: Alignment of Streets and Trails.

1. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards for road design in the Cherokee County Development Regulations and bearing a logical relationship to topographic conditions.

D. Step 4: Drawing in the Lot Lines.

1. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots. Lot lines are drawn as the last step.

23.9 Road specification.

Roads for the Conservation Design Community shall follow road construction guidelines consistent with those set forth in the Cherokee County Development Regulations, chapter 1, Development Ordinance, section 4.05. The design of streets, within the Conservation Design Community, where possible and with the approval of the County Engineer, should:

1. Minimize the number of cul-de-sac streets by providing more than one entrance to the development and interconnect streets as much as possible.
2. For cul-de-sac streets, use grass and vegetation for the inner circle of turn-arounds, rather than paving the entire area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws
3. Omit curbs wherever appropriate.
4. As an alternative to curbs and gutters, allow runoff from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant material that will absorb rainwater and act as a natural filter for oil and pollution.
5. Provide marked, paved paths for non-vehicular traffic within the development and connecting to neighboring residential and commercial areas.

23.10 Buffer requirement.

Where property to be developed as a Conservation Design Community abuts property not a part of the Conservation Design Community, the Conservation Design Community shall have a buffer along the exterior property boundary. The buffer shall be undisturbed except as specifically allowed herein, and of sufficient volume to provide a year round opaque screening. Where no vegetation exists within the required buffer area, or where existing vegetation does not provide a sufficient screen, and where planting of native vegetation will provide a screening meeting the requirements of this section, the buffer will be planted with such vegetation to meet the intent of this section.

A. **Trails.** Where trails are planned to be provided, such trails may be constructed within the buffer area. The path through the buffer area containing such trail may be no wider than 8 feet. All clearing associated with the construction of such path shall be contained within the 8 feet. If such trails are planned as a part of the development, the

trails must be located within the first 25 % of the buffer furthest from the exterior boundary line for the subdivision but in no event shall be within 30 ft. of said exterior boundary line, unless abutting another greenspace.

23.10-1 *Size of Buffer.* The size of the exterior buffer shall be a minimum of 50 ft. except, where the property planned as a Conservation Design Community is zoned R-20 or R-30 and is immediately adjacent to property zoned AG or R-80, the buffer shall be 75 ft.

23.10-2 *Buffer counts toward Greenspace requirement.* The area of land designated to the exterior boundary buffer may be used to satisfy the minimum required Greenspace for the development. The buffer area shall not be included as a part of any platted residential lot within the subdivision. This buffer shall be considered a secondary conservation area unless a feature of the buffer qualifies as Primary Conservation area as defined herein. Such buffer shall be designated as part of the Greenspace for the subdivision and be permanently protected in accordance with the requirements contained herein.

Section 2.

It is hereby ordained that the provisions of these Ordinances shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of these Ordinances may be renumbered to accomplish such intention.

Section 3.

(a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of these Ordinances are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of these Ordinances. It is hereby further declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of these Ordinances are mutually dependent upon any other section, paragraph, sentence, clause or phrase of these Ordinances.

(c) In the event that any phrase, clause, sentence, paragraph or section of these

Ordinances shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Cherokee County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of these Ordinances and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of these Ordinances shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4.

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5.

This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this ____ day of _____, 2019.

By: _____
HARRY B. JOHNSTON, Chairman

Attest: _____
CHRISTY BLACK, County Clerk

(SEAL)