

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 by right in the Single Family Residential (R-60, R-40, R-30, R-20, R-15) zoning districts. 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 one's 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 public participation 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.

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, 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 Dimensional Standards and Determination of Allowed Lots

23.4-1. Maximum Allowed Lots. 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

1. One method to determine the number of lots is to establish a plan for a conventional subdivision at that site. The conventional plan does not have to meet formal requirements for a site design plan, but must be capable of being constructed given the site features and all applicable regulations. The conventional subdivision plan is required to be reviewed by County staff, prior to submitting a preliminary Conservation Design Community to verify such plan is a viable representation of the development potential as a conventional design.
2. The Second method to determine the number of lots is to deduct the value of Constrained Lands (Section 23.4-2) from the Gross Tract Acreage. The resulting Net Tract Acreage is then multiplied by the zoning district DUA.
3. The greater of (1) or (2) is the “maximum allowed lots “ in the Conservation Design Community.

23.4-2. Conservation Design Community Allowed Lots. The number of lots allowed in a Conservation Design Community shall be determined as follows.

1. Determine Constrained Lands

Constrained Lands = Total Area of land in items a-d multiplied by 50%, plus 100% of area of land in e-f.

- a. Slopes over 35% of at least 5000 square feet contiguous area
- b. The 100-year floodplain
- c. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.
- d. Area of land in stream buffers as required by federal, state or local regulations
- e. Area of land designated for construction of roads and associated ROW
- f. Area of all impervious surfaces associated with amenities, including but not limited to parking areas, tennis courts, swimming pools, clubhouses and other

2. Net Tract Acreage.

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

3. Allowed lots by Conservation Design Community:

The number of allowed lots is determined by multiplying Net Tract Acreage X Dwelling Units Acre. The resulting allowed lots cannot exceed the Maximum Allowed Lots in 23.4-1 (3).

4. Lot Sizes

Once the number of allowed lots is determined, up to 20% of the total number of lots to be built in AG, R-80, R-60, R-40, R-30 and 10% of the lots to be built in R-20 and R-15 may be platted as small as 25% of the Standard District Lot Size. All other lots must be as large or larger than the Avg. Lot Size for the zoning district found in table 23-1. The smallest allowable lot size is 5,000 sf, or 25% of the zoning district minimum lot size whichever is greater. There is no maximum lot size.

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

Existing Zoning District	Maximum Density DUA (units / acre)	Std. District Lot Size	Avg. lot size Greater or equal to	Minimum Lot size
AG	0.5	87,120 sf	35,000 sf	22,000 sf
R-80	0.5445	80,000	32,000	20,000
R-60	0.726	60,000	24,000	15,000
R-40	1.089	40,000	16,000	10,000
R-30	1.452	30,000	12,000	7,500
R-20	2.178	20,000	10,000	5,000
R-15	2.904	15,000	7,500	5,000

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. At no time shall any building be constructed where the setback from a side or rear property line is less than the width of the eaves of the structure or 3 ft. whichever is greater.
- b. The final plat for a Conservation Design Community shall display on each and every lot a building envelope that meets or exceeds the area sufficient to contain the minimum building footprint to be constructed on the lot.

Table 23-2: Conservation Design Community Setback Requirements

Proposed Lot Size sf	Min. Lot Width	Front	Rear
60,000+	190	35'	30'
40,000- 59,999	160	35'	30'
30000- 39,999	135	35'	30'
20,000- 29,999	110	35'	25'
15,000-19,999	95	35'	25'
10,000 -14,999	75	35'	25'
5,000-9,999	60	35'	15'

(Ord. No. 2014-O- 001, 08-19-14)

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. All new dwellings shall meet the following building setback requirements:
1. From all external road rights of way: 100 feet
 2. From all tract boundaries: 75 feet
 3. From all cropland or pasture land: 75 feet
 - a. Cropland shall be defined as tracts of land of 5 acres or greater, which is used for growing cultivated plants or agricultural produce, such as grain, vegetables, or fruit; or which could be fallow, if such inactivity is a part of the agricultural production process being exercised on the land and such inactivity has not existed for more than two years. Such use of land must be present and active. Potential use of land as cropland does not qualify under this definition
 - b. Pasture land shall be defined as tracts of land of 5 acres or greater, on which grass or other vegetation is grown and eaten as food, and is set aside for use by domestic grazing animals. Such use of land must be present and active. Potential use of land as pasture does not qualify under this definition
 4. From buildings or barnyards housing livestock: 75 feet
 5. 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
 6. House lots shall generally be accessed from interior streets rather than from roads bordering the tract
 7. At least three quarters (3/4 or 75%) of the lots should directly face, abut or be across the street from Primary or Secondary Conservation areas.

(Ord. No. 2014-O- 001, 08-19-14)

23.6 Greenspace.

"Greenspace" is defined as the undeveloped land resulting from reductions in the minimum size of lots set aside as permanently protected land which may be used as described herein.

23.6-1. Standards to Determine Greenspace.

- A. The minimum Greenspace shall comprise at least 40% of the gross tract area.
- B. At least 10% of the Greenspace shall consist of land that is suitable for building, as defined herein.
- C. To the extent practicable, Greenspace shall be preserved in larger, contiguous, 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 above 35% of at least 5000 square feet contiguous area
5. Wetlands as defined by state and/or federal regulations.
6. Populations of endangered or threatened species, or habitat for such species.

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

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 14 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, cemeteries, and burial grounds subject to the requirements of Article 24 Cemetery Preservation ordinance.
8. Buffers as outlined in Table 23-3 Minimum Exterior Boundary Buffer

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. Landscaped stormwater management facilities, 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

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 *Septic systems, wells, and storm water management systems.* Easements will allow designated Greenspace to be used for community sewer system drip lines, wells, and storm water management structures designed to promote on-site infiltration and/or treatment of runoff. Such intrusions shall not be allowed to encroach into an exterior buffer as outlined herein.

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 home owners 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 a form provided by the County, 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 Attorney prior to approval of the final plat for the development. Upon approval of the final plat and the legal instruments for permanent protection of the conservation areas, the County will record said documents with the Clerk of the Superior Court's office. All fees associated with the recordation of plats and legal instruments will be furnished by the developer of the Conservation Design Community or their agent.

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 where the site designer has not submitted a Conservation Design Community designed under these regulations prior to the effective date. Subsequent pre-application meetings are recommended but are at the discretion of the site designer. 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, the purpose of which is 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
- 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
- Vegetation characteristics
- Groundwater recharge areas
- Significant wildlife habitats, if known
- Historic, archeological, and cultural features
- General soil types
- The planned location of protected Greenspace
- 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 reviewed by the Planning Director or his/her designee. 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 local officials 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 local officials or staff and consultants 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. It is strongly recommended that a sketch plan be submitted as a diagrammatic basis for informal discussion with the local officials 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 local officials 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 Suggested 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 and in fact 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., however, dimensions on plan need not be exact) and north arrow;
4. Approximate tract boundaries, sufficient to locate the tract on a map of the community;
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 15 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;
12. In the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements; and
13. 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 adopted Jan. 15, 2002 and amended from time to time.

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.

A. Step 1 : Delineation of Greenspace lands

1. The minimum percentage and acreage of required Greenspace lands shall be calculated by the applicant and submitted as part of the Sketch Plan or 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 by planning staff, 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.

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, and where possible and with the approval of the County Engineer,:

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, minimize the amount of impervious surface by limiting the internal turning radius to 35 feet (Center for Watershed Protection, cited in ARC document) and the width of the paved lane to 16 feet. 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. **Mandatory stormwater structures.** Notwithstanding other provisions to the contrary, and where the only practical place upon the tract of land being developed as a Conservation Design Community to locate a stormwater facility serving to contain and control the stormwater generated from the Conservation Design Community is within the required buffer, the County Engineer shall permit such a structure to be built within the required buffer. The area devoted to the installation of the stormwater structure may not be used to satisfy the Greenspace requirement for the development.

Where stormwater structures are allowed within the buffer, the developer shall plant sufficient vegetative material to effectively screen the location of such structure and obscure such structure from view. All walls or other hard surfaces of such structure shall be painted a muted earth-tone color or shall be faced with other materials to further conceal such structure from view.

B. **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.

23.10-1 Size of Buffer. The size of the exterior buffer is determined by the size of the lot proposed adjacent to the exterior boundary for the Conservation Design Community. (see Table 23-3 Minimum Exterior Boundary Buffer)

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.

Table 23-3 Minimum Exterior Boundary Buffer

Adjacent Zoning District	District Avg. Lot size (sqft) for Conservation Design Community						
	7,500	10,000	12,000	16,000	24,000	32,000	35,000+
	Minimum Buffer Required						
AG	100	85	80	60	60	40	25
R-80	100	85	80	60	60	40	25
R-60	75	65	60	50	50	20	25
R-40	75	65	60	50	50	0	20
R-30	50	50	50	25	0	0	20
R-20	50	25	50	0	0	0	20
R-15	25	25	0	0	0	0	40
RD-3	25	25	0	0	0	0	40
PUD	25	25	30	40	40	40	40
RZL	25	25	30	40	40	40	40
RTH	25	25	30	40	40	40	40
RA	25	25	30	50	50	50	50
RM-10	25	25	30	50	50	50	50
RM-16	25	25	30	50	50	50	50
Commercial	30	30	30	30	30	30	30
Industrial	50	50	50	50	50	50	50

(Ord. No. 2014-O-001 , 08-19-14; Ord. No. 2009-Z-001, 09-15-09)

APPENDIX A: Conservation Design Community Process Flow Chart

