

<b>Topic:</b>	Conservation Districts & Subdivisions
<b>Resource Type:</b>	Regulations
<b>State:</b>	Georgia
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	County of Cherokee
<b>Year</b> ( <i>adopted, written, etc.</i> ):	1998
<b>Community Type – applicable to:</b>	Urban; Suburban; Rural
<b>Title:</b>	County of Cherokee Conservation Subdivision Ordinance
<b>Document Last Updated in Database:</b>	February 10, 2016

### ***Abstract***

This ordinance provides density neutral cluster development for greater flexibility of design and environmental protections. Three main features of the ordinance are: 1) it is density neutral and encourages preservation; 2) it calls out rare plants and animals as having a right to protection through zoning; and 3) it has broad authority to protect “wetlands, aquifers, topographical or soil features, marine and wildlife habitat; and other features having conservation values, including views, vistas, and indigenous vegetation.”

### ***Resource***

Conservation Subdivision

#### 23.1 Purpose.

It is the purpose of this ordinance to provide flexibility in ensuring preservation of open space within a master-planned residential development. A conservation subdivision design preserves open space 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 are surrounded by aesthetically and ecologically important areas. The goal of the design process is to identify and set aside conservation open space areas prior to the delineation of transportation and residential pod layouts. Open space areas include wetlands, river buffer zones, woodlands, playing fields, and meadows, depending on the resources of the land.

The intent of the conservation subdivision 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, or 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.

#### Buffer requirements

#### 23.8 Buffer requirements.

Where property to be developed as a conservation subdivision abuts property under conventional zoning and subdivision requirements, the conservation subdivision shall have a 50 foot minimum buffer along the exterior property boundary, which shall be landscaped naturally or through plantings consistent with subsection 10.6-2 of the ordinance.

#### Appendix 23-I

Recommendations for areas of primary conservation importance, adapted from 1998 Cherokee County Comprehensive Plan:

1. Water supply watersheds: It is recommended that Cherokee County develop local watershed regulations to protect natural resources.
2. Groundwater recharge areas: It is recommended that Cherokee County adopt part V of the Environmental Regulations of the Georgia Department of Natural Resources for Groundwater Recharge Areas.
3. Wetlands: Existing state and federal regulations with regards to wetlands are sufficient.
4. Flood plains: It is recommended that Cherokee County adhere to existing regulations for flood plains promulgated by NFIP and FEMA.
5. Protected river corridors: It is recommended that Cherokee County adhere to the local regulations requiring a 150 foot buffer on either side of the Etowah River Corridor, the source of water and electrical power for the community in North West Georgia and North East Alabama, and the Little River Corridor. Other recommendations include adding buffers to protect scenic resources and wildlife habitat and provide water-related recreation;

acquiring passive recreation sites along the Etowah; and developing the Etowah River Greenway in accordance with the minimum regulations for river developments under department of natural resources regulations.

6. Lake Allatoona: It is recommended that Cherokee County adhere to the existing Army Corps of Engineers Protection Zone Regulations and Requirements.

7. Yellow Creek Reservoir: It is recommended that Cherokee County develop watershed regulations addressing lot size requirements and impervious surface requirements.

8. Lithology: This category recognizes the importance of bedrock for groundwater recharge. It is recommended that Cherokee County adopt part V of the Environmental Regulations of the Georgia Department of Natural Resources for groundwater recharge areas, by which the environmental health department would oversee enforcement.

9. Soil types: The criteria set forth in part V of the Georgia Department of Natural Resources Environmental Regulations are sufficient.

10. Steep slopes and protected mountains: Concerning slopes with a grade of at least 20 percent, it is recommended that Cherokee County develop local steep slope regulations and continue on-going negotiations for acquisitions of the upper portions of Pine Log and Bear Mountains.

11. Prime farmland: It is recommended that Cherokee County develop conservation subdivision regulations and transfer of development rights (TDR), as well as purchase of development rights (PDR) and township planning areas as a means of protection and preservation of prime agricultural and forest lands in Cherokee County.

12. Forest resources: It is recommended that Cherokee County develop tree preservation regulations as a means of protection and preservation.

13. Wildlife resources: "Wildlife resources" include rabbits, squirrels, deer, minks, foxes, doves, hawks, and owls native to the area. It is recommended that Cherokee County develop overlay zoning for trout streams and other protection measures under Georgia state law, whereby the game and fish division of the department of natural resources would oversee management.

14. Habitat preservation: It is recommended that Cherokee County develop an environmental awareness education program as a means of protecting and preserving existing wildlife habitat.

15. Rare plants and animals: Tables five and six in the Cherokee County Comprehensive Plan identify 56 plants and 16 animals that fall into this category; of these, nine plant species and five animal species are threatened or endangered within the state; three of which--Dwarf Sumac, Freckled Darter, and Amber Darter--are listed on the national endangered species list and are protected by federal law. It is recommended that Cherokee County develop

environmental assessment regulations for rare and endangered species as a means of protecting and preserving rare plants and animals.

#### Appendix 23-II

Suggestions for the home owners association (HOA):

- \* At least one member of the HOA should receive training in wildlife habitat conservation, enhancement, and maintenance.

- \* Each homeowner should be given site specific information about indigenous habitat and diversity of species.

- \* The HOA should develop a long-term conservation plan for maintenance of common areas. This plan should include examples of environmentally friendly landscaping techniques for homeowners.

#### Appendix 23-III

Suggestions for open space:

- \* A minimum of ten percent and a maximum of 50 percent should be used for active recreation, such as playing fields or amenity centers (swim/tennis).

- \* Open space in one development should be linked to open space in adjoining developments to create the largest, continuous area of open space possible.

Suggestions for streets:

- \* Minimize the number of cul-de-sac streets by providing more than one entrance to the development and interconnect streets as much as possible.

- \* For cul-de-sac streets, minimize the amount of impervious surface by limiting the internal turning radius to 20 feet 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.

- \* Omit curbs where ever possible.

- \* 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.

- \* Utilize permeable pavement for street surfaces, driveways, sidewalks, and pedestrian and bike paths, except where steep slopes, swelling soils, and other site-specific constraints make it unfeasible. Examples of permeable pavement used in neighborhood developments include

permeable crushed stone aggregate, open-celled pavers, porous asphalt, and porous concrete. Wooden decks, paving stones, and wood mulch are recommended for pedestrian areas.

\* Provide marked, paved paths for nonvehicular traffic within the development and connecting to neighboring residential and commercial areas.

(Ord. No. 98-0-17, 9-25-98)