

### **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 subdivision 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 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 (within the site of development).

### **23.2 General Regulations**

- A. Applicability of Regulations. In order to achieve these purposes the Conservation Subdivision design is available as a use by right in the Estate Residential (R-80), and Single Family Residential (R-60, R-40, R-30, R-20, R-15) zoning districts. Applicants utilizing the Conservation Subdivision design 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.

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1. Conservation Subdivision in AG: 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 Board of Commissioners may approve a site plan for a conservation subdivision on property zoned AG upon finding the proposed subdivision is compatible or may be 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 subdivision in AG:
  - i. A submittal for a conservation subdivision shall affect a notice to be posted on the subject property announcing an application for a conservation subdivision has been received by the County for consideration.
  - ii. Prior to considering such application, 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 established upon receipt by the County of the application for a conservation subdivision on AG zoned property. The Public Comment period shall begin upon the determination by the County the applicant has submitted all documents required by this article for a conservation subdivision. All parties wishing to be heard shall submit their comments via US Mail or e-mail to the County.
  - iv. Upon the closing of the public comment period, the County shall place the application for a conservation subdivision on AG property on the next available agenda of the Board of Commissioners. At their meeting, the Board of Commissioners shall consider the application for approval taking into consideration the consistency and compatibility of the proposed conservation subdivision with development surrounding the subject property.
  
- B. Ownership of Development Site. The tract of land to be designed as a conservation subdivision may be held in single and separate ownership or in multiple ownership. However when a tract is held in multiple ownership, it shall be planned as a single entity, and developed according to a single plan with common authority and common responsibility.
  1. Phased Development: Unless approved under a Concept / Preliminary Plan as outlined herein, each phase of a conservation subdivision 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 subdivision must provide documentation of ownership of all land to be planned as a

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conservation subdivision prior to approval of a land disturbance permit for the development. The only lands that may be considered for development as a conservation subdivision 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 Subdivision Concept / Preliminary Plan, and the Final Plat, the tract incorporating the Conservation Subdivision Design shall be suitable for supporting development in terms of environmental conditions, its size and its configuration.
- D. Sensitive Area Disturbance. The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and 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 area, where disturbance shall be strictly minimized. Demonstration by the applicant that these features shall be protected by the proposed application shall be prerequisite to approval of the Conservation Subdivision Concept / Preliminary Plan and subsequent Final Plat.
- E. Minor Subdivisions Prohibited. Minor subdivisions, defined in the Cherokee County Development Ordinance as “a subdivision of land which results in the creation of two to four lots and does not result in the creation of any public or private streets”, are not eligible to be developed per the conservation regulations contained herein. Only major subdivisions, those subdivisions of land resulting in the creation of five or more lots, are permissible to be developed according to the conservation subdivisions regulations outlined in this article.
- F. Effect of Concept / Preliminary Plan. The approved Concept / Preliminary Plan shall bind all land within the plan to the requirements and conditions of the conservation subdivision 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.
  - 1. Deed Restriction Required: Upon approval of the Concept / Preliminary plan for the entire property being developed as a conservation subdivision, the applicant shall present a covenant to be recorded with the deed for all property within the Concept / Preliminary Plan. Such covenant shall bind all land within the Concept / Preliminary Plan to said plan and shall not expire unless and until such plan is amended and approved by the Cherokee County Board of Commissioners.

**23.3 Use Regulations**

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

- A. Single Family detached dwellings;

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- B. Conservation Areas as specified herein;
- C. The following non-residential use in accordance with standards specified in this Article:
  - 1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and building related to the same
  - 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 Density Determination**

**23.4-1. *Density neutral.*** The number of lots created shall be density neutral. "Density neutral" is defined as maintaining the number of lots so as not to exceed the number that can be created with the conventional minimum area requirements of the zoning district designation of the subject property (Table 23-1).

Table 23-1: Conservation Subdivision Density and Lot Size Requirements

Existing Zoning District	Maximum Density DUA (units / acre)	Minimum Lot Size (sq. ft.)
AG	0.5	40,000
R-80	0.5445	40,000
R-60	0.726	30,000
R-40	1.089	20,000
R-30	1.452	15,000
R-20	2.178	10,000
R-15	2.904	7,500

**23.4-2. *Housing Density Determination.*** The maximum number of lots in a conservation subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

A. *Calculation Method:* The maximum number of lots is determined by multiplying the Net Tract Acreage by the Maximum Density Units / Acre factor (see Table 23-1) specified in the underlying zoning. The Net Tract Acreage is calculated as outlined below:

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Step 1. Calculation of the Constrained Lands:

Total area of land in items a-d below multiplied by 0.50

- 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

Total area of land in items e & f below

- 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

Constrained Lands = (Total Area of land in items a-d \* 0.5) + total area of land in items e and f

Step 2 Net Tract Acreage. Once the area of Constrained Lands has been calculated, the Net Tract Acreage is calculated by subtracting the acreage of Constrained Lands from the Gross Tract Acreage of the property to be development as a conservation subdivision.

B. *Yield Plan Method*: The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations. Such Yield Plan shall be reviewed by the appropriate County staff to verify such plan meets the minimum criteria for development as proposed.

Where the number of lots allowed under the Yield Plan Method results in more lots than the number of lots under the Calculation Method, the lot size may be reduced by 50% of the permissible lot size in Table 23-1 to accommodate the difference in the number of lots between the two methods. Where on site sewage management systems are to be used, the size of the lots shall be no less than that required by the Health Department.

**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 (Table 23-2).

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**23.4-3.2 Location.** Structures shall be placed so as to fulfill the objectives of section 23.1 and 23.2 to minimize any adverse effect on the environment and to take advantage of ecological conditions (Table 23-2).

Table 23-2: Conservation Subdivision Setback Requirements

Density (DUA)	Allowable Minimum Lot Size	Setbacks		
		Front	Side	Rear
0.5	40,000	35	15'	30'
0.5445	40,000	35	15'	30'
0.726	30000	35'	15'	30'
1.089	20,000	25'	10'	25'
1.452	15,000	20'	10'	25'
2.178	10,000	20'	10'	25'
2.904	7,500	20'	10'	15'

**23.5 Subdivision 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 roads right of way: 100 feet
2. From all other tract boundaries: 75 feet
3. From all cropland or pasture land: 100 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: Per Heath Dept. requirements
5. From active recreation areas, such as courts or ball fields (not including playgrounds, tot lots or open multi-purpose fields): 150 feet

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- a. 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
- b. House lots shall generally be accessed from interior streets rather than from roads bordering the tract
- c. At least three quarters (3/4 or 75%) of the lots should directly face, abut or be across the street from conservation land.

**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 for common use by the residents of the subdivision, or other uses as permitted in this ordinance.

**23.6-1. Standards to Determine Greenspace.**

- A. The minimum restricted greenspace shall comprise at least 40% of the gross tract area.
- B. At least 15% of the greenspace shall consist of land that is suitable for building.
- C. At least 75% of the Greenspace should be in a contiguous tract. 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.** The following lands are considered to constitute lands that serve important ecological purposes and possess beneficial environmental qualities contributing to the health of the local community. Such areas shall be identified and protected as Primary Conservation Areas. All land identified as Primary Conservation Areas shall be undisturbed, except as provided herein

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 that meet the definition used by state and/or federal regulations.
6. Populations of endangered or threatened species, or habitat for such species.

**23.6-2.1 Value of Primary Conservation Areas.** Primary conservation areas form the core of the greenspace to be protected. Because primary conservation areas are

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sensitive environmental areas, Cherokee County prefers 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.** 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, particularly those that can be seen from public roads
5. Prime agricultural lands 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 approval indicating that these structures are compatible with the Cherokee Zoning Regulations.
8. Buffers as outlined in Table 23-3 Minimum Exterior Boundary Buffer

**23.6-3.2 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 subdivision. To that end, Cherokee County would prefer Secondary Conservation Areas to be protected to the maximum extent possible after all identified Primary Conservation Areas have been protected.

**23.6-4 Conservation Areas, General Recommendations**


- A. Conservation areas should include the most sensitive resources areas of a property.
- B. Fragmentation of conservation land should be minimized so that resource areas are not divided into numerous small parcels located in various parts of the development.

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- C. Conservation areas should be designed as a part of larger continuous and integrated Greenspace.
- D. The Conservation Areas (Primary and Secondary) shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Conservation Areas.

**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;
-  Passive recreation areas, such as open fields;
- 5. Landscaped stormwater management facilities, community wastewater disposal systems. Such facilities shall be located outside of Primary Conservation Areas;
- 6. Other conservation-oriented uses compatible with the purposes of this ordinance.

**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 the previous sections;
- 2. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- 3. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.
- 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.

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**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 may be one of the following:

- A. Establishment of a mandatory 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 subdivision, developers will create and submit documentation detailing the minimum requirements and structure for the HOA before the first lot is sold.
  - 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, by law, will stipulate that a third party, such as the local government, may enforce the maintenance of the Greenspace through legally enforceable liens.
  - 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 that is recorded with the deed. The instrument shall be one of the following:

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- 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; or
  2. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
- B. A permanent restrictive covenant for conservation purposes in favor of a governmental entity. The covenant must include “use for the public good” language. The instrument for permanent protection:
1. Shall be placed on the greenspace concurrent with the issuance of a land disturbance permit.
  2. Shall include clear restrictions on the use of the greenspace. These restrictions shall include all restrictions contained in this Article, as well as any further restrictions the Applicant chooses to place on the use of the greenspace.
  3. Shall contain language stating that exterior buffers, as required by this ordinance, are outside of the legally platted and deeded lots.
  4. Will be binding on all future landowners of the greenspace land.
  5. May be enforced by the adjoining property owners, the county, or a land trust by appropriate court action for equitable relief.
  6. Will assure appropriate maintenance by the HOA or as otherwise herein provided, of Greenspace land to the satisfaction of the county.
  7. Will provide that if maintenance, preservation, and/or use of the greenspace land no longer comply with the provisions of the easement, the county may take all necessary action to effect compliance and assess the costs against the owners in default.
  8. Will provide that such instrument may not be altered, modified, or amended.
- C. All legal instruments used to permanently protect conservation areas platted within the conservation subdivision shall be executed by the developer and approved by the County Attorney prior to approval of the final plat for the

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development. Upon approval of the final plan and the legal instruments for permanent protection of the conservation areas, the County will record said documents with the Clerk of the Court's office. All fees associated with the recordation of plats and legal instruments will be furnished by the developer of the conservation subdivision 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 subdivision 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 are encouraged to present the Existing Resources and Site Analysis Map at this meeting.

**23.7-2 Existing Resources Map and Site Analysis**

The purpose of this key submission is to familiarize County staff and officials with existing and factual reference in making a site inspection. This Plan shall be provided prior to the 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 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 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 type/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

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reviewer, the reviewer shall state 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 may 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.** At the discretion of the applicant, a sketch plat may 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 Required 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 shall include the information listed below. Many of these items can be taken from the Existing Resources and 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 and 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;

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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**

The Concept / Preliminary Plan shall follow the process and procedure outlined in Section 3.0 Residential and Non-Residential Subdivision Application and Approval as codified in the Cherokee County Development Ordinance adopted Jan. 15, 2002 and amended from time to time.

**23.8 Four Step Subdivision Design Process**

All Concept / Preliminary plans for conservation subdivisions 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 Conceptual Design Plan in accordance with this ordinance. Greenspace lands shall include all Primary Conservation areas and those parts of the Secondary Conservation Areas to meet the terms of this ordinance.
2. Proposed Greenspace lands shall be designated using the Existing Resources 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. On the basis of those 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

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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 generally 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. Impacts of the street plan on proposed Greenspace lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing steep slopes. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the County and to facilitate access to and from homes in different parts of the tract and adjoining parcels.

**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.

**E. Additional Design Considerations:**

1. Additional minimum acreage requirements for Greenspace areas consist of Secondary Conservation Areas.
2. Total Greenspace area requirements are the sum of Primary and Secondary Conservation areas.
3. The locations and boundaries of Primary Conservation Areas shall follow the actual boundaries of floodplains, wetlands and slopes.
4. The locations and boundaries of Secondary Conservation Areas shall be based on the applicant's analysis of the tract's resource features.
5. Development areas constitute the remaining lands of the tract outside the designated Greenspace areas.

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**23.9 Road specification.**

Roads for the conservation subdivision 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 subdivision, and where possible and with the approval of the County Engineer, should seek to:

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 subdivision abuts property not a part of the conservation subdivision, the conservation subdivision 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.*** Where the only practical place upon the tract of land being developed as a conservation subdivision to locate a stormwater facility serving to contain and control the stormwater generated from the conservation subdivision is within the required buffer, the County Engineer may permit such a

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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 subdivision. (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.

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Table 23-3 Minimum Exterior Boundary Buffer

Adjacent Zoning District	Proposed Lot Size						60,000	80,000
	7,500	10,000	15,000	20,000	40,000			
Minimum Buffer Required								
AG	100	85	80	60	40	40	40	
R-80	100	85	80	60	40	40	40	
R-60	75	65	60	50	20	20	20	
R-40	75	65	60	50	20	20	20	
R-30	50	50	50	50	20	20	20	
R-20	50	25	50	40	20	20	20	
R-15	25	25	30	40	40	40	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	