Article 9. Overlay District

9.1 Reserved

9.2 Reserved

9.3 Planned Development (PD)

9.3.1 Purpose and Intent. The zoning district is intended to provide for maximum flexibility in the mixture and arrangement of land uses. This district provides for unique and innovative land developments that will meet the objectives of the city's comprehensive plan. Development in this zoning district is characterized by a unified site design for the entire development.

9.3.2 This district is a "floating" (initially unmapped) zone, to be established upon successful application by the property owner/applicant and approval by the Mayor and Council.

This zoning district is also established to meet the following objectives:

9.3.2.1 Encourage and allow the development of tracts of land as planned neighborhoods or communities according to designs that coordinate building forms that are interrelated and architecturally harmonious.

9.3.2.2 Encourage and allow more unique, flexible, creative, imaginative arrangements and mixes of land use in site planing and development than are permitted through zoning requirements established in this Zoning Ordinance, but not in conflict the comprehensive plan.

9.3.2.3 Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions, and provide for unique dwelling arrangements not typically provided in conventional subdivisions.

9.3.2.4 Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments, provide amenities, and provide where needed the civic and semi-public uses (e.g. playgrounds, meeting halls, etc.) that help to make up a community.

9.3.2.5 Provide for the efficient use of land by encouraging smaller networks of utilities and streets which may lower development and housing costs.

9.3.2.6 Provide an environment of stable character compatible with surrounding residential areas.

9.3.2.7 Ensure that applications for PD zoning have enough information to thoroughly analyze the merits of the proposal.

This zoning district is not intended to be used as an alternative to obtaining variances for developments unable to comply with other zoning district provisions. Rezoning to this district is not intended to be a process of relief to applicants that merely seek one or more variances. Applications for rezoning to the PD district shall be rejected by the Mayor and Council if the development proposal does not match clearly the purposes and intentions of this Section, or if another remedy is available and would be more appropriate, such as an application for a variance. The PUD zoning district is not intended to allow for the intrusion of incompatible land uses into single-family neighborhoods that create negative land use impacts.

9.3.3 Intentions for Planned Unit Developments. Planned unit developments are intended to provide a variety of dwelling types, including some combination of detached single-family (fee-simple or condominium), duplex, townhouse, and multi-family dwellings. Planned unit developments are predominantly residential but not necessarily exclusive residential. Planned unit developments feature clustered buildings, common open space, and unconventional or unique site designs. Planned unit developments may contain a mix of building types and land uses.

9.3.4 Guidelines for Land Use Mixing. Without limiting the flexibility provided by the section for mixing land uses, some guidance on the desired range of mixing of land uses is necessary. This section provides guidelines and recommendations which shall guide applicants, staff, the Planning Commission,

and the Mayor and Council in proposing, considering, and acting upon the merits of development proposals.

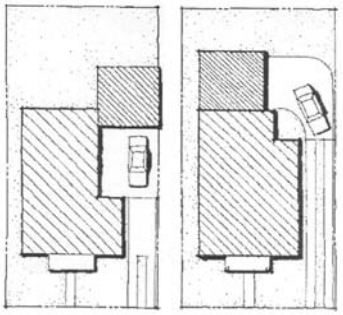
9.3.4.1 **Residential Developments**. Where predominantly single-family residential uses are proposed, the gross density should not exceed the recommendations of the comprehensive plan as described for the land use classification in which the property is located, as shown on the city's future land use plan map.

9.3.4.2 **Different Dwelling Types**. Developments that include residential uses should provide for more than just one type of dwelling unit, such as detached, single-family dwellings (fee simple or condominium ownership), townhouses, duplexes, or multi-family (including condominium ownership) dwellings. This does not mean there should be an even or proportional distribution among more than one dwelling type.

9.3.5 General Design Standards.

9.3.5.1 The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Conflicts between development and the rural environment should be minimized. For example, tucking houselots and driveways into wooded lots is recommended.

9.3.5.2 The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.



Garage at Rear of Lot

9.3.5.3 Streets shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. All streets within the OSD shall be public streets. At least one major access with safe and adequate connections to an existing public street must be provided for every 100 dwelling units proposed in the OSD.

9.3.5.4 Maintain or create a buffer of natural vegetation of at least one hundred (100) feet in width adjacent to surface waters and wetlands.

9.3.5.5 Maintain unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads or as designated in the Elberton Comprehensive Plan. For example, a one hundred (100) foot deep no build buffer is recommended to screen homes from the street and vice versa.

9.3.5.6 The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable.

9.3.5.7 Protect the habitat areas of species listed as rare or endangered by the Department of Natural Resources, Freshwater Wetlands and Natural Heritage Inventory.

9.3.5.8 The open space shall be reasonably contiguous, coherent, and, if the tract of land abuts adjacent open space or other permanently protected open space, it shall connect with that adjacent or permanently protected open space.

9.3.6 Applicable Zoning Districts. OSD subdivisions are permitted in any residential zoning district.

9.3.7 Minimum Subdivision Acreage. The site proposed or a conservation subdivision must contain a gross area of ten acres or more in order to meeting the requirements of this section.

9.3.8 Density. The maximum number of dwelling units allowed shall equal the number of dwelling units which could reasonably be expected to be developed on the property under the underlying Zoning District, in full conformance with zoning, Subdivision Regulations, health codes, and other local, state and federal requirements. The following area shall not be included in the total area of the parcel for which the yield calculation is being made:

9.3.8.1 Land within the 100-year flood plain.

9.3.8.2 Bodies of open water.

9.3.8.3 Wetlands that meet the definition of Army Corps of Engineers pursuant to the Clean

Water Act.

9.3.8.4 Lands lying within the state-mandated 25-foot buffer.

9.3.8.5 Land with slopes greater than 25 percent, of at least 5,000 square feet contiguous area.

Maximum lot yield is determined by dividing the area of the adjusted tract acreage by the minimum lot size specified in either the underlying zoning or local health department, whichever is greater.

9.3.9 Minimum Dimensional Requirements for Residential Lots.

9.3.9.1 The Building Envelope shall not exceed fifteen (15) feet beyond the building footprint with the exception of one 15-foot wide construction entrance to the site and the location of underground utilities. In the design process the most suitable areas for development should be shown. Areas beyond these building envelopes should be restricted against development. Building envelope lines should not be drawn into wetlands, flood plains, or steep slopes (slopes in excess of 25 percent) and shall not include the tops of ridge lines. Building envelopes shall avoid open fields as much as possible. Building envelopes shall be located on the edges of fields and in wooded areas to minimize the visual impact of development.

9.3.9.2 **Minimum Frontage**. Not less than seventy-five (75) feet. Lots located on the turnaround of a cul-de-sac shall have a minimum of forty (40) feet of street frontage providing a front building line is designated on the site plan for such a lot and the width of the lot at this building line is at least equal to the minimum frontage requirement.

9.3.9.3 The front or rear face of a dwelling unit shall be not less than fifty (50) feet from the front or rear face of another dwelling unit. The side face of a single-family dwelling shall be not less than twenty (20) feet from the side face of another such building and not less than forty (40) feet from the front or rear face of another such building.

9.3.9.4 No dwelling unit shall be situated so as to face the rear of another dwelling unit within the subdivision unless terrain differences or screening will provide effective visual separation.

9.3.9.5 The front, side and rear setback lines shall be shown on the Final Plat.

9.3.9.6 **Buffer Areas**. All single-family dwellings and accessory structures shall be located a minimum of fifty (50) feet from adjacent tracts of land.

9.3.9.7 **Accessory Uses**. All accessory uses shall be located to the rear of the front building line but no closer than ten (10) feet to the rear lot line.

9.3.9.8 **Location of Garages**. Garages, carports, or vehicle storage for individual dwelling should be oriented to the rear of the dwelling or at least recessed behind the front building line of the dwelling.

9.3.10 Minimum Percentage of Open Space. The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement, shall be as specified below:

9.3.10.1 A minimum of fifty (50) percent of the total tract areas, after deducting the following kinds of unbuildable land:

9.3.10.1.1 Land within the 100-year flood plain.

9.3.10.1.2 Bodies of open water.

9.3.10.1.3 Wetlands that meet the definition of Army Corps of Engineers pursuant to the Clean Water Act.

9.3.10.1.4 Lands lying within the state-mandated 25-foot buffer.

9.3.10.1.5 Land with slopes greater than 25 percent, of at least 5,000 square feet contiguous area.

9.3.11 Location of Open Space. The location of open space conserved through compact residential development shall be consistent with the policies contained in Comprehensive Plan and with the recommendations contained in the following section.

Open space shall be comprised of two types of land: "Primary Conservation Areas" and "Secondary

Conservation Areas." All lands within both Primary and Secondary Conservation Areas are required to be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes. Open space should be distributed throughout the development and there should be a mix of peripheral as well as internal open space. Residential development should be designed around active or passive neighborhood open spaces, which in turn should connect to adjacent open space networks where they are planed or exist.

9.3.11.1 Primary Conservation Areas consists of wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year flood plain, slopes exceeding 15%, soils subject to slumping, significant natural areas of endangered or threatened species, and mature woodlands. Mature woodlands include:

9.3.11.1.1 Existing healthy tree masses, as measured from their outermost drip line;

9.3.11.1.2 Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;

These Primary Conservation Areas are deducted from the total parcel acreage to produce the "Adjusted Tract Acreage," on which density shall be based (for both conventional and conservation subdivisions).

9.3.11.2 **Secondary Conservation Areas**. In addition to the Primary Conservation Areas, at least fifty percent (50%) of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

Although the locations of Primary Conservation Areas are predetermined by the locations of flood plains, wetlands, steep slopes, and soils subject to slumping, greater latitude exists in the designation of Secondary Conservation Areas.

The location of Secondary Conservation Areas shall be guided by the maps and policies contained in the Comprehensive Plan and shall typically include all or part of the following kinds of resources: aquifer recharge areas, areas with highly permeable ("excessively drained") soil, significant wildlife habitat areas, sites listed on the Natural Heritage Inventory, prime farmland, historic, archaeological or cultural features listed (or eligible to be listed) on National, state or county registers or inventories, and scenic views into the property from existing public roads. Secondary Conservation Areas therefore typically consist of upland forest, meadows, pastures, and farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection, and other reasons. Although the resource lands listed as potential Secondary Conservation Areas may comprise more than half of the remaining land on a development parcel (after Primary Conservation Areas have been deducted), no applicant shall be required to designate more than 50% of that remaining land as a Secondary Conservation Area.

9.3.12 General Locational Standards. All subdivisions shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step.

Both Primary and Secondary Conservation Areas shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.

Undivided open space shall be directly accessible to the largest practicable number of lots within a PD subdivision. To achieve this, the majority of houselots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated

as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses, or trail links.

9.3.13 Interconnected Open Space Network. As more open space subdivisions are developed, the protected open spaces in each new subdivision will eventually adjoin each other, ultimately forming an interconnected network of Primary and Secondary Conservation Areas across the city. To avoid the issue of the "taking of land without compensation," the only elements of this interconnected network that will necessarily be open to the public are those lands that have been required to be dedicated for public use, never more than 10% of a development parcel gross acreage.

9.3.14 Requirements for Open Space. It is the intent of these regulations that open space be comprised of buildable and non-buildable lands. Land so designated as open space shall be in a location and configuration that relates to the ultimate purpose of the open space (i.e., outdoor recreation, landscape protection, habitat protection, etc.). Development should be designed around these natural features.

9.3.14.1 At least fifty (50) percent of the required open space shall be forested, preferably hardwood, and shall be dedicated and used for open space.

9.3.14.2 Up to fifty (50) percent of the required open space may be composed of land that is pasture/agricultural land.

9.3.14.3 No more than twenty (20) percent of the required open space may be in land that is located in a flood plain or wetlands.

9.3.14.4 Rights-of-way for streets, above ground utility easements, drainage easements, and detention ponds shall be excluded from land considered for open space.

9.3.14.5 If the development is to be built in phases, fifty (50) percent of the open space of the entire development must be shown on the Phase I final plat and must be deeded to the Home Owners Association or other entity responsible for its maintenance and payment of taxes. This requirement must be met prior to approval of the final plat.

9.3.15 Permitted Uses of the Open Space. The following are permitted uses of open space:

9.3.15.1 Conservation of natural, archeological or historical resources;

9.3.15.2 Meadows, woodlands, wetlands, wildlife corridors, or similar conservation-oriented area(s);

9.3.15.3 Walking or bicycle trails surfaced with permeable materials;

9.3.15.4 Parks, community gardens, playing fields or recreation facilities;

9.3.15.5 Agriculture, horticulture, silviculture or pasture uses in which conservation-oriented methods are utilized;

9.3.15.6 Landscaped storm water detention areas;

9.3.15.7 Easement from drainage, access, and sewerage or water lines, or other similar public purposes;

9.3.15.8 Underground utility rights-of-way.

9.3.16 Design Standards for Public Roads. It is the intent of this section to minimize the amount of site disruption caused by roadways and the associated grading required for their construction.

9.3.16.1 Streets shall follow existing contours to minimize the extent of cuts and fills.

9.3.16.2 Maximum centerline radius for residential collectors shall be 150 feet. However, when topography or aesthetic design concerns prohibit streets which typically take right angle turns followed by an intervening straight segment, reverse curves can be used (no intervening straight segment is required).

9.3.16.3 In order to stimulate intra-neighborhood accessibility, all streets within the subdivision shall interconnect as much as possible.

The paved width of each street shall be determined by street category and traffic volume according to the following table:

	Urban		
	Access	**Subcollector**	**Collector**
Fronting land use	≥ 3/acre	≥ 3/acre	None
Daily Traffic (ADT)	0 to 100	101 to 500	≥ 500
Pavement Width	18 ft.	26 ft.	based on traffic volume
Off-street parking	Driveways & parking lots	Driveways & parking lots	None (no fronting lots)
On-street parking	One parking lane	Two parking lanes	Emergency shoulder
Edge control	Curb with drainage notches	Curb with drainage notches	Shoulder
Design Speed	15 mph	20 mph	Varies
Sidewalks	optional	optional	optional

Where the interconnection of a street would not promote the purpose of the Open Space Design, non interconnected streets (cul-de-sacs) are permissible. A cul-de-sac shall not serve more than twenty-five (25) single-family dwellings and shall not exceed one thousand (1,000) feet in length. Should a cul-de-sac be desired, cul-de-sac streets shall be terminated by turn-arounds with an internal turning radius of at least 20 feet, and a paved lane18 feet wide.

9.3.16.4 **Curbing Is Generally Unnecessary**. However, where curbs are used, they should be notched or intermittently detached so that water may run into vegetated swales. This will allow infiltration of the water into areas best suited to retain and absorb the water.

If the outside of the street pavement requires curbing to organize parking due to the density of the fronting land use, then the center of the turn-around also requires curbing for the same reason. Curb notches shall be installed to maintain drainage through the vegetated space.

9.3.17 Required Improvements.

9.3.17.1 **Water Supply**. Each dwelling unit shall be connected to a public or community water system approved by the Elbert County Health Department.

9.3.17.2 **Sewerage**. All sewerage systems within the development shall meet the requirements of the Elbert County Health Department.

9.3.17.3 **Utilities**. All utilities within the subdivision shall be underground.

9.3.17.4 **Storm Water Runoff**. The volume and velocity of storm water runoff after development shall not exceed the volume and velocity of storm water runoff prior to development.

9.3.17.5 **Storm Drainage System**. The developer shall provide a storm drainage system for the subdivision which shall be of sufficient size and design to collect, carry off, and dispose of all predictable surface water run-off within the development and shall be so constructed as to conform with the statutes, ordinances, and regulations of the State of Georgia and (City), Georgia. Proposed storm drainage system shall be approved by the Zoning Compliance Officer.

9.3.17.6 **Fire Hydrant**. The developer shall provide a fire hydrant within five hundred (500) feet of each dwelling unit.

9.3.18 Evaluation Criteria. In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission and Mayor and Council as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals

to determine whether the proposed conceptual preliminary plan:

9.3.18.1 Protects all flood plains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Mayor and Council for essential infrastructure or active or passive recreation amenities).

9.3.18.2 Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating houselots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise an equal or greater preservation concern, as described in items 9.3.18.5 and 9.3.18.8 below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife.

9.3.18.3 Visual buffers from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers. If development must be located on open fields or pastures because of greater constraints in all other part of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.

9.3.18.4 Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.

9.3.18.5 Designs around existing hedgerows and treelines between fields or meadows, and minimizes impacts on large woodlands (greater than 5 acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

9.3.18.6 Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. For example, in open agrarian landscapes, a deep "no-build, no-plant" buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of "foreground meadows," with homes facing the public thoroughfare across a broad grassy expanse is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wood areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, to preserve existing vegetation.

9.3.18.7 Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

9.3.18.8 Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency or the Georgia Department of Natural Resources.

9.3.18.9 Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds.

9.3.18.10 Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the corridor of rural roads with historic buildings, stone walls, hedgerows, etc.

9.3.18.11 Landscaped common areas, cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty foot intervals on both sides of each street, so that the neighborhood will have a stately and traditional appearance when they grow and mature. These trees shall generally be located between the side walk

(if required) and the edge of the street, within a planting strip not less than five feet in width.

9.3.18.12 Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby houselots.

9.3.18.13 Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails which in turn should link with potential pen space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).

9.3.18.14 Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land conservation organizations).

9.3.19 Procedural Requirements.

9.3.19.1 General.

9.3.19.1.1 **Process Overview**. The sequence of actions prescribed in this section is as listed below. These steps shall be followed sequentially and may be combined only at the discretion of the Planning Commission:

9.3.19.1.1.1 Pre-application discussion;
9.3.19.1.1.2 Existing Features (Site Analysis) Plan;
9.3.19.1.1.3 On-site walkabout by Planning Commissioners and applicant;
9.3.19.1.1.4 Pre-submission conference;
9.3.19.1.1.5 Conceptual Preliminary Plan (conceptual illustration of open space, potential house sites, street alignments, and tentative lot lines, prepared according to the four-step design process described herein).
9.3.19.1.1.6 Preliminary Plan submission, determination of completeness, review of overall planning concepts, and decision.
9.3.19.1.1.7 Preliminary engineer certification;
9.3.19.1.1.8 Final Plan submission, determination of completeness, review, and decision;
9.3.19.1.1.9 Approval of Mayor and Council;
9.3.19.1.1.10 Recording at Clerk of Court's office.

9.3.19.2 Elements of the Preliminary Plan Process.

9.3.19.2.1 **Pre-Application Discussion**. A pre-application discussion is strongly encouraged between the applicant, the site designer(s), and the Planning Commission. The purpose of this informal meeting is to discuss the applicant's objectives in relation to the city's official policies and ordinance requirements. The city may designate a consultant experienced in development design and in the protection of natural features and open lands to meet with the applicant and to attend or conduct meetings required under this ordinance.

9.3.19.2.2 **Existing Features (Site Analysis) Plan**. Plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring a copy of the Existing Features (Site Analysis) Plan to the on-site walkabout. Requirements for Existing Features Plans must include (1) a contour map based at least upon topographical maps published by the U.S. Geological Survey; (2) the location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year flood

plains, and all rights-of-way and easement; (3) soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and (4) the location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, track and trails, and any sites listed on the Georgia Natural Heritage Inventory.

These Existing Features Plans shall identify both Primary Conservation Areas and Secondary Conservation Areas. Together, these Primary and Secondary Conservation Areas comprise the development's proposed open space. The Existing Features Plan shall form the basis for the conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and open space in the new subdivision, according to the four-step design process described in this section.

9.3.19.2.3 **On-Site Walkabout**. After the Existing Features Plan has been prepared, the Planning Commission shall schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize city officials with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the Secondary Conservation Areas and potential house locations and street alignments. If this visit is not scheduled before submission of the sketch plan or the Conceptual Preliminary Plan, it should occur soon thereafter.

9.3.19.2.4 **Pre-Submission Conference**. Prior to the submission of the sketch plan or a Conceptual Preliminary Plan, the applicant shall meet with the Planning Commission to discuss how the four-step approach to designing subdivisions could be applied to the subject property. At the discretion of the Planning Commission this conference may be combined with the on-site walkabout.

9.3.19.2.5 **Conceptual Preliminary Plan**. After the pre-submission conference, a sketch plan or a Conceptual Preliminary Plan shall be submitted for the proposed subdivision. Conceptual Preliminary Plan refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for open space, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. These drawings shall be prepared by a team that includes a landscape architect and a civil engineer.

A Conceptual Preliminary Plan shall be submitted by the applicant to the Zoning Compliance Officer at least thirty days prior to the Planning Commission meeting for review and for the purpose of securing early agreement on the overall pattern of streets, houselots, Primary and Secondary Conservation Areas, and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, storm water management, or the accurate delineation of internal lot boundaries.

Within thirty days of receiving the Conceptual Preliminary Plan, the Planning Commission shall approve, disapprove, or approve the plan with conditions, stating its reasons in writing. Applicant shall then submit a Detailed Preliminary Plan which shall contain all the customary engineering data. The Detailed Preliminary Plan shall be submitted to the Zoning Compliance Officer at least thirty days prior to the Planning Commission meeting. Within thirty days of receiving the Detailed Preliminary Plan, the Planning Commission shall approve, disapprove, or approve the plan with conditions,

stating its reasons in writing. Either or both of these time periods may be formally extended if mutually agreeable to the applicant and the Planning Commission.

9.3.19.2.6 **Four-Step Process**. Each sketch plan or Conceptual Preliminary Plan shall follow a four-step design process, as described below. When the Conceptual Preliminary Plan is submitted, applicants shall be prepared to demonstrate to the Planning Commission that these four design steps were followed by their site designers in determining the layout of their proposed streets, houselots, and open space. This process shall be accomplished during a 30-day period as described above.

9.3.19.2.7 **Designating the Open Space**. During the first step, all potential conservation areas (both primary and secondary) are identified, using the Existing Features Plan. Primary Conservation Areas shall consist of wetlands, flood plains, slopes over 25%, and soils susceptible to slumping. Secondary Conservation Areas shall comprise 50% of the remaining land, and shall include the most sensitive and noteworthy natural, scenic, and cultural resources on that remaining half of the property.

Guidance on which parts of the remaining land to classify as Secondary Conservation Areas shall be based upon :

9.3.19.2.7.1 The procedures described in "Conservation Design for Subdivisions" A Practical Guide to Creating Open Space Networks" produced by the Natural Lands Trust and published by Island Press;

9.3.19.2.7.2 On-site visits or "walkabouts;"

9.3.19.2.7.3 The open space location criteria contained in Section 9.3.12;

9.3.19.2.7.4 The evaluation criteria listed in Section 9.13.18;

9.3.19.2.7.5 Information from published data and reports; and

9.3.19.2.7.6 Conversations with existing or recent owners of the property, and members of the Mayor and Council and Planning Commission.

9.3.19.2.8 **Location of House Sites**. During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the fourteen (14) evaluation criteria contained in Section 9.3.18, subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas, but may be situated within (50) feet of Secondary Conservation Areas, in order to enjoy views of the latter without negatively impacting the former. The building "footprint" of proposed residences maybe changed by more than fifty (50) feet in any direction with approval from the Planning Commission. Changes involving less than fifty feet do not require approval.

9.3.19.2.9 **Street and Lot Layout**. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way the avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fifteen percent (15%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the township and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with "hammerheads" facilitation three point turns. Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted). Parking for

each dwelling shall be to the rear of the building and accessed via alleys.

9.3.19.2.10 **Lot Lines**. The fourth step is simply to draw in the lot lines (where applicable). These are generally drawn midway between house locations.

9.3.19.2.11 **Preliminary Engineering Certification**. Prior to approval of the Conceptual Preliminary Plan, the applicant shall submit to the Planning Commission a "Preliminary Engineering Certification" that the approximate layout of proposed streets, houselots, and open space lands complies with the city's zoning and subdivision ordinances, particularly those sections governing the design of subdivision streets and storm water management facilities. This certification requirement is meant to provide the city with assurance that the proposed plan is able to be accomplished within the current regulations of the township. The certification shall also note any waivers needed to implement the plan as drawn.

9.3.20 Ownership and Maintenance of the Open Space.

9.3.20.1 General. Different ownership and management options apply to the permanently protected open space created through the development process. The open space shall remain undivided and may be owned and managed by a homeowners' association or a recognized land trust. A public land dedication, not exceeding 10% of the total parcel size, may be required by the city, through this open space, to facilitate trail connections. A narrative describing ownership use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

9.3.20.2 Ownership Standards. Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the city.

9.3.20.3 Homeowners' Association. The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

9.3.20.3.1 The developer shall provide a description of the association including its bylaws and methods for maintaining the open space.

9.3.20.3.2 The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.

9.3.20.3.3 Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from the developer to homeowners shall be identified in the bylaws.

9.3.20.3.4 The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the city on the association. The association may place liens on the homes or houselots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.

9.3.20.3.5 The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.

9.3.20.3.6 In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners' association, or of the assumption of maintenance of undivided open space land by the city, notice of such action shall be given to all property owners within the development.

9.3.20.3.7 The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided open space.

9.3.20.3.8 The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:

9.3.20.3.8.1 That the residents of the development shall at all times have access to the open space lands contained therein;

9.3.20.3.8.2 That the undivided open space to be leased shall be maintained for

the purposes set forth in this ordinance; and

9.3.20.3.8.3 That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the city, at the election of the developer and/or homeowners' association, as the case may be.