

**Comparison between the revised Conservation Subdivision Regulations passed by the Planning Commission Sept. 4, 2003 and the current regulations**

9/4/03 Version	Current Regulations	Why it matters	Issues to be resolved
<b>Underlying AR density:</b>			
<p>1 unit/10 acres</p> <p>*Lots of at least 1 acre may be carved out of a parent lot of at least 10 acres once every 2 years.</p>	<p>AR=1 unit/acre overall*</p> <p>*Large conventional subdivisions prohibited: Only two lots may be subdivided every two years.</p>	<p>Densities of 1:10 is consistent with the Comprehensive Land Use Plan; 1:1 is not.</p>	<p>We would prefer that conservation subdivisions were the only subdivision development option in the AR. Large lot subdivisions offer no permanent protection.</p>
<b>Density allowed if development is a Conservation Subdivision:</b>			
<p>Option A: 1 unit/5 acres</p> <p>Option B: 1 unit/2.5 acres</p>	<p>1 unit/acre</p>	<p>The density bonus is intended to encourage developers to build Conservation Subdivisions rather than large lot conventional subdivisions.</p>	<p>Option A is compatible with the current version of the Comprehensive Land Use Plan but not with the original version; Option B is not compatible with either. The goal of the Comp. Plan is to cut down on the number of homes built in the AR; we fear that the 1 unit/2.5 acre density is high enough to lure development to the AR away from RS zones. This has happened with the current 1:1 zoning, according to the Planning Dept.</p>
<b>Method of calculating number of lots allowed on a given parcel for a CS:</b>			
<p>Developer calculates “Adjusted Tract Acreage” which is the gross acreage less unbuildable areas (<i>i.e.</i> 100-year floodplain, wetlands, riparian buffer areas, bodies of water and steep slopes). The lot yield is determined by dividing the Adjusted Tract Acreage by the minimum lot size (5 acres in Option A, 2.5 acres in Option B.) If a 100 acre parcel had 50 acres of swamp, you would be allowed to build 10 houses under Option A, or 20 houses under Option B.)</p>	<p>1 unit/gross acre (in other words, you can include unbuildable land, the area that will be taken up by roads, etc. If a 100 acre parcel had 50 acres of swamp, you would still be allowed to build 100 houses with a conservation subdivision.)</p>	<p>Removes the significant density bonus developers currently receive if their site contains much unbuildable land.</p>	<p>Earlier drafts included provision for the developer to prepare a “Yield Plan,” a realistic conventional subdivision layout. This was to be based on the underlying density of the area (for example, 1:5 under Option A, 1:2.5 under Option B). It had to show a layout that could actually be built given site features, including wetlands, floodplains, steep slopes and soils. It also allowed the Planning Director to require perc tests. The Yield Plan is a fairer method of determining lot yield, according to Randall Arendt.</p>

<b>Design Process</b>			
<p><b>Pre-Planning Site Visit.</b> This is a new requirement. The developer, designer, Planning Staff, ACC Community Forester, and from 2 to 5 Planning Commissioners shall attend; Commissioners representing the district where the Subdivision is proposed and representatives of the locally active Land Trusts shall be invited. The developer must bring the following:</p> <ol style="list-style-type: none"> <li>1. Lot yield findings</li> <li>2. Site Context Map (showing the location of the site within its neighborhood context; includes natural and human-made features and lands identified in the Greenway Network Plan within 1000 feet, or 2000 feet if the site is larger than 100 acres.</li> <li>3. Existing Resources and Site Analysis Map (showing detailed analysis of the site and land within 500 feet, showing topography, steep slopes, ponds, streams, wetlands, 100-year Flood Hazard zones, vegetative cover, soils, view sheds, geologic formations, all existing human-made features, easements, stands of trees over ½ acre with species mix identified by a forester.</li> </ol> <p>The purpose is to walk the actual site and discuss the developer’s preliminary ideas before any plans have been drawn.</p>	<p>No such visit required.  No lot yield findings required.  Site Analysis Map required (showing steep slopes, soils, water bodies, wildlife habitats and corridors, protected Environmental Areas as defined by ACC, vegetation, current land use, easements, scenic views, cultural resources).</p>	<p>This is important for several reasons:</p> <ul style="list-style-type: none"> <li>• It puts the focus of the design on identifying and protecting the natural and cultural resources of the site.</li> <li>• It provides more flexibility for the designers to make changes to improve the design before the expensive engineering plans have been drafted.</li> <li>• It involves the Land Trusts from the beginning.</li> </ul>	<p>In his memos to the ACC Planning Department, Randall Arendt suggested that the entire Planning Commission should participate in this site visit. The Planning Commission is reluctant to do so for fear of liability issues involved.</p>

<p><b>Pre-Planning Site Conference.</b> This is similar to the Site Visit, but takes place in the Planning Office. The developer, designer, and Planning staff shall attend, and the abutting and across-the-street neighbors, Land Trust representatives, ACC Community Forester and the Commissioners in whose district the proposed subdivision lies are invited. Planning Commissioners are not invited to this conference.</p>	<p>N/A</p>	<p>This is important because it brings the neighbors into the process early on, before lots of money has been spent on plans.</p>	<p>We think it would be useful if the Planning Commissioners who did not attend the Pre-Planning Site Visit were to attend the Pre-Planning Site Conference, to gain familiarity with the project early and to listen to the insights and concerns of the neighbors.</p>
<p><b>Sketch Plan.</b> After the Pre-Planning Site Visit, the developer’s designer prepares a Sketch Plan, indicating “initial thoughts about how the special or noteworthy features of the site may be preserved while providing for the allowed density.” It includes a schematic layout of the open spaces, house lots, streets. It is prepared using a variant of Randall Arendt’s four-step design process:</p> <ol style="list-style-type: none"> <li>1. First determine areas to be protected.</li> <li>2. upon siting houses, lay out streets</li> <li>3. locate house sites</li> <li>4. draw in lot lines</li> </ol>	<p>N/A</p>	<p>This shifts the priorities of the design process from the houses to the Open Space. It incorporates both the site information and the concerns of the neighbors.</p>	<p>The Planning Commission wanted the order changed so that the laying out of streets was the second step. We think it would make more sense and be far less confusing to follow Randall Arendt’s process in the order he recommends:</p> <ol style="list-style-type: none"> <li>1. First, determine areas to be protected.</li> <li>2. locate house sites</li> <li>3. lay out streets</li> <li>4. draw in lot lines</li> </ol>
<p><b>Conceptual Plan.</b> After the Planning Commission reviews the Sketch Plan, the developer submits the detailed Conceptual Plan, which includes the layout of open space, primary and secondary conservation areas, houses, streets, tree and soil protection areas, all the engineering, and an Open Space Management Plan. Once approved, this becomes the binding site plan.</p>	<p>Plat requirements of any subdivision.</p>	<p>By the time this is submitted, the major design issues should have been worked out, so approval should go more smoothly.</p>	

<b>Open Space Requirements:</b>			
<b>Primary Conservation Areas.</b>			
<p>These are required to be contained within the protected Open Space:</p> <ul style="list-style-type: none"> <li>• 100-year floodplain</li> <li>• 100, 75, and 25-foot riparian buffers</li> <li>• slopes above 25% (5000 ft contiguous area)</li> <li>• wetlands</li> <li>• endangered or threatened species populations or habitat</li> <li>• archaeological sites and burial grounds</li> </ul>	<p>The Open Space must contain:</p> <ul style="list-style-type: none"> <li>• 100-year floodplain</li> <li>• wetlands</li> <li>• slopes above 25%</li> </ul>	<p>The addition of riparian buffers is important because the Riparian Buffer ordinance does not necessarily offer them permanent protection.</p>	
<b>Secondary Conservation Areas.</b>			
<p>These should be included within the Open Space:</p> <ul style="list-style-type: none"> <li>• important historic sites</li> <li>• important wildlife habitat</li> <li>• healthy native forests at least ½ acre in area</li> <li>• stands of trees of at least ½ acre, evaluated by a forester</li> <li>• individual “Heritage Trees”</li> <li>• lands identified in the Greenway Network Plan</li> <li>• scenic viewsheds</li> <li>• prime agricultural lands at least 5 acres area</li> <li>• existing trails</li> <li>• slopes 15 – 25 % (5000 ft contiguous area)</li> <li>• septic system drain fields</li> </ul>	N/A	<p>Even though these areas are not required to be included in the Open Space, this list should provide guidance in design to developers.</p>	
<b>Area:</b>			
<p>At least 50% of the Adjusted Tract Acreage.</p>	<p>At least 50% of the gross area</p>	<p>This is important because it means that 50% of the buildable land must be set aside for permanent protection as well as the unbuildable areas identified as Primary Conservation Areas.</p>	<p>Certain Planning Commissioners felt that 50% should be the exact target, rather than a minimum. We feel it is important to emphasize that the open space percentage has ALWAYS been expressed in terms of a minimum.</p>

<b>Shape and Size:</b>			
Land that counts toward the Open Space requirement must be at least 1 acre, have a length-to-width ratio of no less than 4:1, and be at least 75 ft wide. Village Greens may be ½ acre in area. 75% of the Open Space shall be contiguous, but may be bisected by a street right-of-way.	Land that counts toward the Open Space requirement must be at least 1 acre; and at least 75% of the Open Space shall be contiguous.	This is intended to prevent fragmentation of the Open Space. Village Greens are included to provide the flexibility to design compact, “New Urbanist” developments that provide access to Open Space to more houses.	
<b>Connectivity:</b>			
The Open Space shall adjoin any neighboring areas of open space or protected areas.	N/A	This is important ecologically, because connected Open Space provides habitat for wildlife that requires “room to roam.”	
<b>Location:</b>			
The Open Space shall be adjacent to at least 75% of the lots.	N/A	This is intended to provide the residents with access to the Open Space.	Note that requiring most lots to be adjacent to the open space might not be the best thing for wildlife habitat, and removes some design flexibility.
<b>Permitted Uses of the Open Space:</b>			
<ul style="list-style-type: none"> <li>• Conservation of natural or historic resources</li> <li>• Meadows, wetlands, game preserves, etc.</li> <li>• Trails built of porous materials</li> <li>• Passive recreation areas</li> <li>• Active recreation areas, but only if they take up 10% or less of the Open Space, and are not located in the Primary Conservation Areas</li> <li>• Agriculture that follows BMPs (not allowed at all in Primary Conservation Areas)</li> <li>• Landscaped stormwater management facilities and wastewater facilities (not allowed in Primary Conservation Areas)</li> <li>• Drainage, access, and underground utility easements</li> </ul>	<ul style="list-style-type: none"> <li>• May be landscaped</li> <li>• May be left with natural vegetation cover</li> <li>• Recreational facilities</li> <li>• Specifically permitted underground utilities</li> <li>• Conservation of natural or historic resources</li> <li>• Meadows, wetlands, game preserves, etc.</li> <li>• Parks, community gardens</li> <li>• Agriculture (no mention of BMPs)</li> <li>• Landscaped stormwater management facilities and wastewater facilities</li> </ul>	This limits the amount of the Open Space that can be used for active recreation and requires Best Management Practices for any agricultural activity that takes place in the Open Space. Without these restrictions, many ecologically harmful practices would be allowed. It also makes clear that the Primary Conservation Areas can not be used for active recreation areas, agriculture, or stormwater management.	Can underground utilities be prohibited from the primary conservation areas?

<b>Prohibited Uses of Open Space:</b>			
<ul style="list-style-type: none"> <li>• Golf courses</li> <li>• Impervious surfaces</li> <li>• Agriculture that does not follow BMPs</li> <li>• Planting of invasive exotic species such as kudzu, Chinese privet, Japanese honeysuckle</li> <li>• Active recreation areas (except as above)</li> </ul>	<ul style="list-style-type: none"> <li>• Roads</li> <li>• Parking areas</li> <li>• Improvements other than recreational facilities or permitted underground utilities</li> </ul>	The explicit prohibition of golf courses, impervious surfaces, impoundments, and invasive exotic species is important because these are all ecologically very harmful.	
<b>Ownership of Open Space:</b>			
The owner of the Open Space may be a homeowners' association; a private conservation organization such as a Land Trust; or Athens-Clarke County.	Not specified.	Making a clear requirement about the ownership of the Open Space is important for ensuring that it is managed properly.	
<b>Management of Open Space:</b>			
<p>The developer must submit an Open Space Management Plan with the Conceptual Plan; it must include the following:</p> <ul style="list-style-type: none"> <li>• Permitted and prohibited uses</li> <li>• Who owns the Open Space</li> <li>• Who will manage the Open Space and how, including provision for long-term capital improvements</li> <li>• Mechanism for permanent protection</li> <li>• Provision that any change to the Plan be approved by ACC</li> <li>• Provision for enforcement of the Plan</li> </ul>	<p>Says that maintenance shall “be provided for” and management plan shall be submitted for approval at time of application.</p> <ul style="list-style-type: none"> <li>• Permitted and prohibited uses</li> <li>• Allocation of responsibility and guidelines for maintenance of Open Space</li> <li>• Provisions for long-term capital improvements</li> <li>• Cost estimates and means of funding maintenance</li> <li>• Provision for enforcement by neighbors, ACC, or Land Trusts</li> </ul>		

<b>Permanent Protection of Open Space:</b>			
<p>The Open Space must be permanently protected, and the land disturbance permit shall not be issued until the instrument of permanent protection is placed on the land. The Open Space may be protected by:</p> <ul style="list-style-type: none"> <li>• Permanent Conservation Easement in favor of a qualified Land Trust</li> <li>• Permanent Conservation Easement in favor of ACC</li> <li>• Equivalent legal tool if approved by ACC</li> </ul>	<p>Says that “adequate guarantee” of permanent retention as “open space” shall be provided; but is not very specific; and does not predicate granting of land disturbance permit upon demonstration that permanent protection instrument is in place. Allows restrictive covenants, which are not permanent under Georgia law, to be used as the mechanism for protection.</p>	<p>Requiring permanent protection is essential, for the sake of ACC at large, which is depending on the protected Open Space in Conservation Subdivisions as a means of meeting our stated goal of 20% protected greenspace; and for the sake of the Subdivisions’ residents, who are buying homes in the belief that the Open Space will always be there. Conservation easements are the only tool that can provide permanent protection at this time.</p>	
<b>Development and Design Standards</b>			
<b>Buffer Requirements</b>			
<p>200 foot undisturbed or planted buffer along all public roads; all lots and structures that face the buffer shall not have rear orientation toward the buffer.</p>	<p>200 foot undisturbed buffer along all public roads</p>	<p>The addition of the orientation requirement is important for aesthetic reasons.</p>	
<b>Compatibility with Adjacent Residential Developments</b>			
<p>Developer may use one of two options for ensuring compatibility:</p> <ol style="list-style-type: none"> <li>1. 100 foot forested buffer must be provided between the new development and existing residences</li> <li>2. a 200 foot vegetative buffer must be provided between the new development and existing residences</li> </ol>	<p>N/A</p>		
<b>Construction Envelope</b>			
<p>Clearing and grading limited to minimum amount required, and may extend no more than 30 feet from building footprint.</p>	<p>N/A</p>	<p>Mass clearing and grading cause significant erosion problems, and often negatively impact the open space.</p>	<p>We would like to see a Construction Envelope added to the requirements for all construction.</p>

<b>Tree and Soil Protection Areas</b>			
Designated on Conceptual Plan (which becomes binding site plan) along with method of protection. Tree protection areas must include Critical Root Zone and greatest extent of dripline. Protection must be installed before Land Disturbance permit can be issued.	N/A	Should provide significant protection for trees.	
<b>Lot Sizes</b>			
Final draft has no maximum or minimum lot size. Instead, it sets a 200 foot maximum lot width at the road frontage.	Maximum: N/A  Minimum: 51,000 sf if served by well and septic 25,500 sf if served by water and septic 15,000 sf if served by water and sewer	Maximum lot size ensures another level of protection of open space. Smaller minimum lot size allows greater flexibility of design.	We've asked Randall Arendt for his opinion. The Planning Commission made this change because they wanted to make it easier for developers to set aside <i>less</i> Open Space than would have been possible with a maximum lot size of 1 acre.
<b>Other</b>			
<b>Planned Development</b>			
Yes; requires Commission approval	Special Use requiring Commission approval	Provides a more defensible mechanism for approving or denying applications. Provides a list of criteria by which applications shall be evaluated, including "that adequate key ACC facilities can be provided" and "that the development will not cause an ACC facility to operate beyond capacity."	We would eventually like to see Conservation Subdivisions become a use by right, once enough applications have come through that it is certain the process works. This will help make them a more attractive option than conventional subdivisions.
<b>Available in other zones besides AR</b>			
Yes	No	Conservation Subdivisions (that are actually designed to conserve natural and cultural resources) are a more ecologically sensitive way to build in any zone.	Numerous small changes will need to be made to make conservation subdivisions compatible with most RS zones.