

ORDINANCE NO. 04-06-036

TO AMEND TITLE 17, CHAPTER 17.04 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES WHICH PROVIDES FOR ZONING; TO INSERT SECTION 17.04.070 ENTITLED "CONSERVATION RESIDENTIAL SUBDIVISION"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

**Section 1.** Title 17, Chapter 17.04 of the Code of Ordinances of the City of Locust Grove is hereby amended by inserting Section 17.04.070 entitled "Conservation Residential Subdivision" as follows:

**17.04.070 Conservation Residential Subdivision.**

**(A) Definitions.** For purposes of this Section, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise.

"Conservation Easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations for the purposes of which include retaining or protecting natural, scenic, green, or open areas of real property, assuring its availability for agricultural, forest, recreational, or green space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

"Conservation Residential Subdivision" also known as "CRS" means a single-family residential subdivision design which concentrates lots, dwellings, streets, utilities and related development activities on the more suitable and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. A CRS allows for a slightly higher net density than that typically allowed for the underlying zoning classification of the property, and smaller lot sizes in order to preserve the environmentally sensitive areas in dedicated, perpetual green space.

"Density bonus" is the amount of additional density applicable to a type of development in the conservation residential subdivision district according to quality construction standards established herein.

" Dwelling " means a building which is designated or used exclusively to provide a single-family detached residence, exclusive of multi-family dwellings, mobile homes, hotels, motels, or manufactured homes.

" Green space " means an area of land within the subdivision boundary which shall remain in a permanent undeveloped condition except for amenities areas. The ownership, uses, limitations of use and maintenance of such land shall be determined through a written management plan to be approved by the City of Locust Grove at or before approval of the final plat for property which has been approved for a conditional use for a CRS. The green space shall include net usable acres and may include non-useable acres within the gross acreage of the subdivision.

" Holder " means a governmental body empowered to hold an interest in real property under the laws of this State or the United States; or a charitable corporation, charitable association, or charitable trust, the purposes of powers of which include retaining or protecting the natural, scenic, or green space values of real property, assuring the availability of real property for agricultural, forest, recreational, or green space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

" Master Development Plan " is a site plan that depicts the proposed subdivision layout including lot dimensions, right-of-way (street) layout, parking facilities, sidewalks, multiuse paths, detention or retention facilities, green space area including any physiographic characteristics, buffers, and amenities. The Master Development Plan shall also provide the amount of land in 100-year flood plain, right-of-ways, detention or retention ponds, non-residential lands, public lands, net usable acres and amount of green space. Furthermore, the Master Development Plan shall state the proposed density; quality construction standards to be met and the corresponding density bonuses to be applied, if any; percentage of impervious surfaces; and any other information required by the City.

" Net usable acre (nua) " means an acre of land on which dwellings may be built but exclusive of streets; right of ways; 100 year flood plains or flood hazard areas; detention or retention ponds; land used solely for commercial, office, institutional, or industrial uses, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from a net usable acre.

"Pocket parks" are parks for active or passive recreational uses consisting of no less than one quarter (1/4) of a net useable acre (or 14,250 sq ft). The purpose of pocket parks is to provide green space for recreational use within walking distance of most residences especially those located farthest from amenity areas or access to green space. Therefore, pocket parks shall be scattered throughout the development but more greatly concentrated in those parts of the development which are the greatest walking distance from an amenity area or access to green space.

"Private alleyway" shall mean an alley located in the rear of dwellings that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the City at the expense of the adjoining property owners or homeowners' association. The developer or landowner shall grant the appropriate easement so that the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements: private alleyways shall be a minimum of twenty feet (20') in width and eighteen feet (18') thereof shall be paved with concrete or asphalt. Concrete alleyways shall be reinforced and have a minimum depth of six inches (6") with appropriate base. Asphalt alleyways shall consist of a minimum of two inches (2") of type "E" or "F" asphalt topping, binder, and six inches (6") of graded aggregate base. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, non-commercial, two-axle vehicles. Curbs and gutters should be provided, but are not required. Private alleyways shall not have dead-ends.

"Residential parking garage" shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles and has the following minimum dimensions: vehicular entrance height, eight feet (8'); interior height, ten feet (10'); vehicular entrance width, sixteen feet (16'); and overall garage width and depth, twenty-four feet (24'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4") in thickness with appropriate fill and base. Residential parking garages shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the City and constructing an attached residential parking garage to the main residential structure. The residential parking garage shall be kept clear so that a

minimum of one (1) vehicle may be parked in the garage at all times.

"Standard subdivision" means the form of subdivision design where all land areas within the development are divided into building lots and rights-of-way and where there is little or no green space land set aside outside of said building lots and rights-of-way for preservation in its natural or undeveloped condition.

"Third party right of enforcement" means the right provided in a conservation easement to enforce any of its terms granted to a governmental body, charitable corporation, charitable association, or charitable trust, which, although eligible to be a holder, is not a holder.

**(B) Purpose of the Conservation Residential Subdivision.** The purpose of conservation residential subdivision district is to promote the health, safety and general welfare of the present and future inhabitants of the City of Locust Grove by allowing flexibility in the design of certain subdivisions from standard regulations to support permanent protection of green space.

The specific purposes of a conservation residential subdivision district include:

- (1) To provide single-family residential subdivisions which permit flexibility of design in order to preserve environmentally sensitive areas and create efficient uses of the land.
- (2) To preserve green space and unique or sensitive natural resources such as groundwater, flood plains, wetlands, streams, steep slopes, woodlands, wildlife habitats, historic features and unique topography.
- (3) To permit clustering of dwellings and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces, utilities, earthwork and other land disturbing activities.
- (4) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential developments.
- (5) To conserve a portion of the otherwise developable property as green space in perpetuity. This option is not necessarily intended to allow an applicant to conserve only the portion of the tract that is already unbuildable due to factors such as steep slopes,

wetlands, or land adjacent to undesirable areas such as landfills or livestock farming.

- (6) To promote interconnected greenways and corridors throughout the City of Locust Grove.
- (7) To promote linking of greenways and corridors between the City of Locust Grove and neighboring jurisdictions.
- (8) To encourage interactions of persons living in the resulting residential community by clustering dwellings and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- (9) To encourage street designs that reduce traffic speeds and reliance on main arteries.
- (10) To incorporate aesthetic design standards that will increase the value of the neighborhood.
- (11) To conserve scenic views and reduce perceived density by promoting views of green space from arterial and collector roads.
- (12) To preserve important historical and archaeological sites.
- (13) To promote other purposes of the Zoning Ordinance, Subdivision Regulations, Soil Erosion and Sediment Control Ordinance and other ordinances and policies of the City of Locust Grove.

**(C) Permitted Locations.**

- (1) A conservation residential subdivision ("CRS"), as defined herein, is permitted as a conditional use in RA, R-1, R-2 and R-3 districts. An application for a CRS as a conditional use shall include all information required for a zoning amendment and shall be presented to the City Council for final approval.
- (2) A CRS shall have an entrance and exit which opens onto an arterial road. A CRS, however, may be permitted where the entrance and exit opens onto a collector street provided a traffic study has been completed by the City or its designee, the developer has reimbursed the City for the cost of said study, and the developer agrees to make those road improvements determined necessary by the City Council after review of said traffic study. Transfers of property in order to avoid or minimize the scope of this requirement shall not alleviate developer's or owner's responsibility hereunder.

- (3) For all CRSs, the homes shall be serviced by public water and public sewer.

**(D) Dimensional Requirements for Conservation Residential Subdivisions.** The development standards for conservation residential subdivisions shall be as follows:

- (1) The minimum property size shall be ten (10) acres. Although no maximum acreage amount is established, the City Council reserves the right to restrict the number of acres that may be dedicated for CRS use on a case by case basis.
- (2) The minimum lot size shall be six thousand six hundred square feet (6,600 sq ft).
- (3) Where the lot has rear vehicular access via a private alleyway, the minimum front setback shall be twenty feet (20') from the public right-of-way. Where the lot has front vehicular access via an internal street, the minimum front setback shall be thirty feet (30') from the public right-of-way line.
- (4) The minimum side yard shall be five feet (5') from the side property line but no less than fifteen feet (15') between dwellings.
- (5) Where the lot has rear vehicular access via a private alleyway, the minimum rear setback shall be thirty feet (30') from the rear property line. Where the lot has front vehicular access via an internal street, the minimum rear setback shall be twenty feet (20') from the rear property line.
- (6) The minimum lot width shall be fifty-five feet (55').
- (7) The maximum height shall be forty feet (40').

**(E) Density Restrictions.** The net density, except where bonuses are used, shall not exceed the following limits depending on the zoning of the property.

- (1) RA District: Maximum of 0.5 dwelling units per net usable acre without density bonuses. Maximum of 1.5 dwelling units per net usable acre with density bonuses.
- (2) R-1 District: Maximum of 0.8 dwelling units per net usable acre without density bonuses. Maximum of 1.8 dwelling units per net usable acre with density bonuses.
- (3) R-2 District: Maximum of 2.0 dwelling units per net usable acre without density bonuses. Maximum of 3.0 dwelling units per net usable acre with density bonuses.

- (4) R-3 District: Maximum of 2.6 dwelling units per net usable acre without density bonuses. Maximum of 3.6 dwelling units per net usable acre with density bonuses.

If the tract on which a CRS is to be developed consists of different single-family residential districts, then the net density for the entire tract shall not exceed that which would have been allowed had each district been separately developed as a CRS. An applicant for a CRS conditional use permit for such a tract shall provide in its application a survey plat, signed and sealed by a registered surveyor in the State of Georgia, indicating the location and net usable acreage of each district for purposes of calculating the overall net density for the tract. The applicant shall provide the net density calculations for each such tract in the Master Development Plan, but may, at the City Council's discretion, subdivide the entire property based on an average of the permissible densities for each such tract.

**(F) Development Standards.** Applications for conservation residential subdivisions as a conditional use shall be processed in the same manner as an application for a zoning map amendment including subject to final approval by the City Council. A conditional use application for a CRS that is not compliant with this ordinance shall not be accepted and, if accepted, shall nevertheless be invalid. CRS plats shall be processed in the same manner as a standard subdivision plat. An approved final plat shall have an additional marking of CRS, symbolizing the use of conservation residential subdivision development standards. Conditional use permits and final plats for conservation residential subdivisions may be approved by the Council provided that the following minimum development standards are met or exceeded:

- (1) Forty percent (40%) of the net usable acres shall be permanently protected as described elsewhere in this section.
- (2) No lands with utility easements shall be used toward meeting the forty percent (40%) green space requirement. In the event a particular easement, or use, is not contemplated by this section then the Planning and Zoning Director, after consultation with the City Manager, shall determine if it meets the standard for inclusion in the acreage used for meeting the green space requirement.

- (3) A one hundred foot (100') undisturbed buffer shall be maintained along all exterior streets and a fifty foot (50') undisturbed buffer along the perimeter of the property to which the CRS conditional use will apply in accordance with the following requirements:
- (a) If the property is wooded and the timber has not been cut in the past five years, the above required buffers shall remain undisturbed.
  - (b) If timber on the property has been cut within the last five (5) years or if the property is partially wooded and partially open or entirely open, the above required buffers in the wooded area shall be undisturbed and buffers in open or timbered areas shall be enhanced with a planted vegetative buffer. Said vegetative buffer shall consist of a minimum of four (4) rows of trees planted with twenty foot (20') separation between trees and staggered so as to provide vegetative screen. Three quarters (3/4) of the trees must be overstory trees with the remainder consisting of understory trees as defined, listed, and of a minimum size as prescribed in the City Landscaping Ordinance. Existing trees in the buffer area shall be incorporated into the planted vegetative buffer.

These required buffers are in addition to and shall not be included in the lot setback required for a CRS.

- (4) Along both sides of perennial and intermittent streams or rivers a one hundred foot (100') and a fifty foot (50') undisturbed buffer, respectively, shall be maintained. Also, a one hundred foot (100') undisturbed buffer shall be maintained around all wetlands, ponds and lakes; but access easements of no wider than fifteen feet (15') may be cleared. The number and location of such easements shall be determined by the City Manager.
- (5) All dedications, easements, or other specific measures required to be done to meet the regulations of this section shall be completed prior to the issuance of a building permit on any lot of the subdivision.
- (6) No less than thirty percent (30%) of the dwellings shall consist of all sides brick, except for soffits. No less than twenty percent (20%) of the dwellings shall consist of all sides brick, stone, stucco, or any combination thereof, except soffits. No vinyl siding shall be permitted except for soffits.

- (7) Streets must be at least twenty-two (22') in width as measured pursuant to the subdivision ordinance. Curbs and gutters are required.
- (8) Paved driveways are required.
- (9) Sidewalks are required, on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four (4) inches in depth and four (4) feet in width and located at least three (3) feet from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (15), may be substituted for a sidewalk.
- (10) Decorative streetlights are required.
- (11) Underground utilities are required.
- (12) The minimum dwelling size shall be 1,700 square feet of heated floor space for single story dwellings. For multi-story dwellings the minimum dwelling size shall be 2,200 square feet of heated floor space.
- (13) Alleyways and Alternative Parking.
  - (a) Private alleyways are required except along the perimeter of the property. Private alleyways shall be located adjacent to, but not in, the rear setback of the lot. Where private alleyways are not provided along the perimeter of the property, the internal street in front of such lots shall have at least an additional ten feet (10') of paved surface for parallel parking in front of said lots for a total minimum street width within the public right-of-way of at least thirty-two feet (32') as measured in accordance with the subdivision ordinance. Said additional paved surface shall meet same construction requirements as set for residential streets under the subdivision ordinance. Parallel parking spaces shall be demarcated every twenty feet (20'). Approximately every twelve (12) spaces shall be broken by landscaping, and said landscaping shall be located in between dwellings rather directly in front of a dwelling to the greatest extent practicable. Said landscaping area shall be no less than ten feet (10') wide and twenty feet (20') long.
  - (b) As an alternative to required private alleyways, a developer may request one of the three following alternatives. Such request shall be in writing and shall specify the reasons justifying

the request. The request shall be made prior to preliminary plat approval and shall be subject to City Council approval, denial, or approval with conditions.

(i) Parallel parking. City Council may allow parallel parking throughout the CRS in lieu of private alleyways. If so approved, all internal streets shall have, in addition to the minimum required width for streets in the subdivision, ten feet (10') of paved surface on both sides of the street for parallel parking, except where all lots on that side of the street have rear access via a private alleyway. Construction and landscaping of said parallel parking areas shall meet the minimum requirements set forth in subparagraph (F)(13)(a) above.

(ii) Designated Parking Areas. City Council may allow designated parking areas throughout the CRS in lieu of private alleyways. The minimum number of lots required in designated parking areas shall be at least one (1) parking space for every two (2) dwellings in the CRS. Said parking areas shall be dispersed throughout the CRS and within a reasonable walking distance from the dwellings they are to serve.

(iii) Combination of Alleyways, Parallel Parking and/or Designated Parking Areas. The City Council may allow a combination of private alleyways, parallel parking and/or designated parking areas.

Alternative parking plans are subject to the review and approval of City Council as part of final plat approval.

(14) Residential parking garages are required; however, the maximum coverage of the front facade of any dwelling unit by the garage may be no greater than 40%; for those residences adjacent to private alleyways, the residential parking garage shall be located in the rear of the main structure with the garage opening facing the alleyway and with a driveway providing access from the private alleyway to the garage.

(15) Multiuse Paths.

(a) Multiuse paths are required. Such paths shall be constructed to connect each residential lot to the largest portion of green space and required

amenities located in the subdivision and those commercial, office, and industrial areas inside and outside the subdivision as required in subparagraph (15)(b). Multiuse paths may not be constructed in lieu of streets or alleyways; however, private alleyways may be counted towards the multiuse path requirement where at least a ten foot wide easement is granted for public use and the private alleyway is demarcated according to this paragraph. Multiuse paths shall be a minimum of four (4) inches in depth, ten (10) feet in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet of the width of the path is for pedestrian use and the remaining portion of the width of the path may be used for bicycles and golf carts. Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the City or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand, or dirt) and it shall have a life span comparable to or better than that of asphalt.

- (b) In addition, the landowner or developer shall extend the multiuse path from the subdivision to the nearest commercial area. Upon application by the owner or developer, however, the City reserves the right to reduce, eliminate, or modify this requirement if: (i) the landowner or developer tenders to the City or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (ii) the City or its designee confirm that the funds deposited will be used for design and construction of a multiuse path benefiting the public at large, consistent with applicable law; (iii) the City or its designee votes to accept such funds and exercise the right to reduce, eliminate, or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (iv) the City or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (v) all documents necessary to satisfy this section are

executed, subject to approval by the City Attorney as to form. In determining whether to reduce, eliminate, or modify the multiuse path requirement under this subsection, the City or its designee shall consider whether doing so will promote public health, safety, and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner.

- (16) Impervious Cover Requirements. The Master Development Plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the City Zoning Ordinance, Watershed District Ordinances, Wetland Ordinance, Soil Erosion and Sedimentation Control Ordinance, and Stormwater Runoff Ordinance, as applicable. Compliance with the impervious requirements shall be certified by a licensed surveyor, engineer, landscape architect, or any other professional authorized to render similar services under state law.
- (17) The subdivision must be serviced by adequate water pressure and sewer capacity. Septic systems are not permitted.
- (18) Amenities.
  - (a) The following are required amenities: (i) one (1) multiuse field large enough to contain a regulation football and soccer field including soccer goals; (ii) one (1) regulation size basketball court with two backboards, hoops, nets and outdoor lighting; and (iii) two (2) fenced regulation size tennis court with nets and outdoor lighting. Each required amenity shall also have two permanent outdoor benches and two permanent outdoor trash receptacles.
  - (b) For each additional amenity listed below and provided in the subdivision, the required green space may be reduced by one point five percent (1.5%), with a maximum total reduction of four point five percent (4.5%).
    - Tennis Courts - one lighted and fenced facility featuring a minimum of 2 playing courts.
    - Walking Trails - at least 2,000 linear feet, 3 feet in width. This amenity may be counted only once (i.e., even if the walking trail exceeds 2,000 linear feet, the maximum green space reduction may be only one point five

percent (1.5%)).

- A Baseball Field - (reg.) regulation size
  - A Baseball Field - (LL) little league size
  - A Softball Field - regulation size (adult)
  - A Soccer Field - regulation size
  - A Multiuse Field - football and soccer
  - A Multiuse Field - football and baseball
  - A Football Field - regulation size
  - A Lake with a railed dock and accessed by trails
  - A regulation-size basketball court with two backboards, hoops, and nets
  - Other amenity approved by the City Council as comparable to those listed here.
- (c) Amenities provided should be conveniently located for the majority of dwellings and may be located in the required green space. A homeowners association shall be established and shall be responsible for ownership, liability and maintenance of all amenities.
- (d) After submitting to the City Manager a written request including three estimates per amenity, the City Council may accept in lieu of providing an amenity the monetary value of such amenity as determined by the Council but not dependent on said estimates. Any accepted funds in lieu of an amenity shall be used for the sole purpose of providing in the City public green space or public amenities similar to those listed herein.
- (19) Road stub outs required: The developer shall provide fifty feet (50') to sixty feet (60') wide stub outs for future road interconnectivity between the CRS and adjacent developments. The number and location of said stub outs shall be determined by the City Manager and indicated on both the preliminary and final subdivision plats. The developer shall either, as determined by the City Manager, construct said road stub outs including curb, gutters and sidewalks, or deposit the cost of such construction with the City in escrow for future construction of said stub outs.

**(G) Conservation Protection Implementation.** The subdivider, developer or property owner shall submit a written management plan for the green space areas prior to the approval of the final plat. The management plan shall include:

- (1) Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the green space areas;
- (2) Allocation of responsibility and establishing guidelines for the maintenance and operation of the green space and any facilities located thereon. These guidelines must include provisions for ongoing maintenance and for long-term capital improvements if any;
- (3) Estimates of the costs and requirements needed for maintenance and operation of, and insurance for, the green space and an outline of the means by which such funding will be obtained or provided;
- (4) The green space required herein shall be permanently protected in perpetuity by a conservation easement conveyed to the homeowners' association or other entity approved by the City Council prior to the sale of the first lot in such subdivision. The conservation easement shall be created subject to the provisions of Article 1 of Chapter 10 of Title 44 or the Official Code of Georgia Annotated, which is known as the "Georgia Uniform Conservation Easement Act." (Code 1981, § 44.10-1. et seq. Enacted by Ga. L. 1192, p. 2227, § 1). All such conservation easements shall provide for either enforcement rights or third party enforcement rights, as the case may be, vested in the homeowners' association, City Council, and in any other party approved by the City Council, and shall provide that the conservation easement may not be terminated or otherwise modified without the consent of the City Council and all entities having either a property right or enforcement right therein.
- (5) The green space areas shall be owned and maintained in accordance with the following criteria provided that the record title to the property and the conservation easement shall be held by different entities:
  - (a) Record title may be held by:
    - (i) Equal share of undivided interest by each lot owner
    - (ii) The homeowners' association, or
    - (iii) Other entity approved by the City of Locust Grove.
  - (b) Conservation easement may be held by:
    - (i) The homeowners' association
    - (ii) The City of Locust Grove, or
    - (iii) Other entity approved by the City of

Locust Grove, qualified to be a holder under the Georgia Uniform Conservation Easement Act.

- (c) Maintenance:
  - (i) Homeowners' association, or
  - (ii) Other entity approved by the City of Locust Grove.
- (6) Homeowners' Association: In all cases, a homeowners association shall be established. Membership shall be automatic and mandatory for all lot owners in the development and their successors and the homeowners' association shall have the power to file liens to collect dues and assessments. The homeowners' association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act." (Code 1981, § 44-3-220, et seq.. enacted by Ga. L. 1994, p. 1879, § 1) and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Act, if it is to act as a holder of the conservation easement. The homeowners associations shall be responsible for the maintenance of private alleyways and amenities.

**(H) Standards for Determining Green Space.**

- (1) The minimum area of green space preserved shall be determined by multiplying the total net usable acres included in the CRS by point four (0.4). The result shall constitute the minimum amount of area that must be preserved.
- (2) Physiographic characteristics. The types of land area included in the green space shall include the following:
  - (a) Flood prone areas, flood plains, and floodway
  - (b) Wetlands
  - (c) Ponds, lakes, including perennial and intermittent streams, rivers, including their required buffer zones
  - (d) Waters of the state
  - (e) Wellhead protection zones
  - (f) Slopes 25% and steeper

- (g) Areas with shallow bedrock
  - (h) Areas and soils which when disturbed are prone to excessive erosion
  - (i) Prime views and vistas
  - (j) Areas of historical or archeological significance
  - (k) Cemeteries
  - (l) Populations of endangered species, or habitat for such species, and
  - (m) Other similar areas which are less suitable for development.
- (3) The green space shall be an integrated part of the subdivision (as depicted in the hypothetical subdivision shown in Appendix "A") rather than an isolated element, and fragmentation of the green space shall be minimized. No land less than fifty feet (50') in width or smaller than 10,000 square feet shall be included as green space. Individual green space parcels generally shall be larger than three (3) acres. Exceptions may be made for entrances to trails, pocket parks and other particular uses as deemed appropriate by the City Council.
  - (4) Green space shall be located, to the greatest extent practical, to provide for interconnected greenways or vegetated corridors within the City and between jurisdictions.
  - (5) The green space 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 green space.
  - (6) Where practicable green space areas shall also be configured to provide a greater buffer area than the minimum buffer required hereunder between adjoining property outside the conservation residential subdivision and the dwelling lots within the subdivision.

**(I) Permitted Uses of Green Space.**

- (1) Uses of green space may include the following:
  - (a) Conservation of natural, archeological or historical resources;

- (b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
  - (c) Multiuse paths, private alleyways where they include multiuse paths, or walking trails;
  - (d) Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests (including required amenities and additional amenities);
  - (e) Other conservation-oriented uses if approved by the City Council.
- (2) Non-permitted uses of green space include the following:
- (a) Roads and other impervious surfaces (except for required amenities and additional amenities) unless approved by the City Council;
  - (b) Other uses inconsistent with the purposes of the Zoning Ordinance or the purposes of this section.

**(J) Quality Construction Density Bonuses.** Prior to the approval of the final plat, the subdivider may choose to enhance the construction quality of the development according to the standards listed below and receive the corresponding density bonus. The maximum total of all density bonuses used shall not exceed the maximum net density permitted herein for the underlying zoning district applicable to the property. Quality construction standards implemented by the subdivider shall be noted as a requirement on the final plat. Allowable density bonuses include the following:

- (1) 0.1 bonus density units per net usable acre for each additional ten percent (10%) of the dwellings constructed with all sides brick above the minimum siding requirements hereunder.
- (2) 0.1 bonus density units per net usable acre if eighty percent (80%) or more of the dwellings in the subdivision are built with front porches a minimum of ten feet in length by six feet in width (10' X 6').
- (3) 0.05 bonus density units per net usable acre for an additional one hundred square feet (100 sq ft) increase in the minimum dwelling floor space required for the development, but the total amount of bonuses for this enhancement shall not exceed zero point twenty-five (0.25) bonus density units.
- (4) 0.1 bonus density units per net usable acre for installation of traffic calming devices appropriately located throughout the development such as speed

tables (but not humps/bumps) and/or landscaped roundabouts.

- (5) 0.1 bonus density units per net usable acre for an additional entrance and exit onto a paved public street of collector designation or greater, but the total amount of density bonuses for this enhancement shall not exceed zero point one (0.1) bonus density units.

**(K) *Miscellaneous Provisions.***

- (1) In the event of a conflict between this Ordinance and any other ordinance or code provision, the terms of this Ordinance shall control.
- (2) Failure to comply with any of the requirements set forth herein will entitle the City or its designee to suspend any and all permits issued concerning the development, including building permits, to issue a stop work order, and to take other measures designed to ensure compliance with this Section, to the extent provided by law.

**SECTION 2.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 3.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of

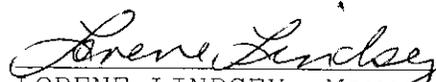
any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

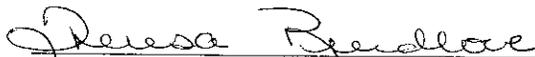
**SECTION 4. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 7 day of June, 2004.

ATTEST:

  
LORENE LINDSEY, Mayor

  
THERESA BREEDLOVE, City Clerk  
(Seal)

FIRST READING/

ADOPTION: 6-7-04

Version 11

APPENDIX "A"

Example of a hypothetical conservation subdivision site plan  
with green space integrated into the subdivision.