**Draft - Changes in yellow**

ARTICLE VI. - CONSERVATION SUBDIVISIONS

Sec. 105-160. - General regulations.

(a)  *Applicability of regulations.* The conservation subdivision option is available as a use by right in all residential zoning districts~~.~~ but shall be required for all major subdivisions in all agricultural and residential zoning districts other than those in the Residential Lake District. An applicant shall comply with all other provisions of chapter 119 and all other applicable laws, except those that are incompatible with the provisions contained herein.

(b)  *Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

(c)  *Housing density determination.* The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

(1)  *Calculation.* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

a.  Slopes over 25 percent of at least 5,000 square feet contiguous area;

b.  The 100-year floodplain;

c.  Bodies of open water over 5,000 square feet contiguous area;

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

(2)  *Yield plan.* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

(Ord. of 8-8-2005(2), § 602)

Sec. 105-162. - Open space.

(a)  *Definition.* Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

(b)  *Standards to determine open space.*

(1)  The minimum restricted open space shall comprise at least ~~40~~ 20 percent of the gross tract area.

(2)  The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

a.  The 100-year floodplain.

b.  Riparian zones of at least 100 feet in width along all perennial and intermittent streams.

c.  Slopes above 25 percent of at least 5,000 square feet contiguous area.

d.  Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.

e.  Populations of endangered or threatened species, or habitat for such species.

f.  Archaeological sites, cemeteries and burial grounds.

….. [REMOVED FOR BREVITY]

(Ord. of 8-8-2005(2), § 604)

Secs. 105-163—105-192. - Reserved.

Sec. 119-2. - Definitions.

*…* [REMOVED FOR BREVITY]

*Conservation subdivision* means a subdivision planned using the conservation subdivision design method~~.~~ as outlined in Article VI of Chapter 105 of these ordinances.

*Conservation subdivision design* means a type of residential development planning ~~consisting of a four-step design process described in~~[~~chapter 5~~](https://library.municode.com/ga/jasper_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH5RE)~~of Growing Greener by Randall Arendt (Washington DC, Island Press, 1999) resulting in designation of common open space and clustered compact lots for dwellings. It is intended to protect farmland, natural resources, and rural landscape character while permitting no fewer than the same number of dwellings allowed under current zoning regulations and conventional subdivision design. In some cases, a greater density (density bonus) may be offered in the local ordinance to encourage this approach to residential development planning.~~ which complies with the requirements of Article VI of Chapter 105 of these ordinances.

*…*[REMOVED FOR BREVITY]

(Ord. of 7-20-2009, § 3)