

**GWINNETT COUNTY**  
**CSO CONSERVATION SUBDIVISION OVERLAY DISTRICT REQUIREMENTS**

**Section 1316. CSO Conservation Subdivision Overlay District.**

1. Purposes.

The purposes of this overlay district are as follows:

- A. To encourage the development of residential communities, that are density neutral based upon the Comprehensive Plan, designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes.
- B. To enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging retention and protection of Conservation Space.
- C. To reduce infrastructure maintenance costs as a result of efficient community design.
- D. To provide Conservation Space and pedestrian linkages and wildlife corridors among residential communities and to encourage recreation opportunities.
- E. To preserve significant historical and archeological features.
- F. To preserve and protect contiguous undeveloped areas within the development.

2. Applicability.

This overlay district may be overlaid only upon the R-100 and R-75 districts utilizing the public sanitary sewer system. The overlay district shall be a use by right for those properties zoned R-100 or R-75 as of the effective date of the adoption of this overlay district. Any conditions of zoning or special use approval of the underlying district shall also be observed (exception: lot area, width or quantity). For properties which are submitted for rezoning to R-100 or R-75, the applicant

shall declare the intent to utilize this overlay district at the time of application and the application shall be accompanied by an Existing Features Site Analysis Plan, and Environmental Site Assessment (Phase One) report, and a Concept Plan meeting the requirements of this section. In the absence of a declaration of intent to use the overlay district with a rezoning application, the overlay district shall not be used on rezoned property for at least two (2) years from the date of the resolution adopting a zoning change. The overlay district shall not be used on property that has been timber harvested within 24 months prior to adoption of a zoning change or approval of a concept plan.

3. Permitted Uses.

Those uses permitted in the underlying district are permitted.

4. Existing Features Site Analysis Plan.

At time of development, or if a zoning action is proposed, and prior to preparing the Concept Plan, an Existing Features Site Analysis Plan, sealed by a registered engineer or landscape architect, and an Environmental Site Assessment (Phase One) report, shall be prepared and submitted by the applicant or developer.

A. The purposes of the Site Analysis Plan are to:

- 1) Delineation areas that have been identified as worthy of permanent protection in Conservation Space because of their environmental values. This delineation shall include, but shall not be limited to, the information and steps listed in Paragraph 4.
- 2) Set forth the particulars of the site, including boundary, topographic data (minimum 4-foot contour intervals), existing structures and utility easements.
- 3) Together with the Environmental Site Assessment (Phase One) report, provide the starting point for design of the conservation subdivision with built areas being designed as separate from the areas delineated as worthy of permanent protection.

- B. The Existing Features Site Analysis Plan shall include at least the following information:
- 1) Perennial and intermittent streams, FEMA designed 100-Year Flood Hazard Zones and Wetlands. The source of this information shall also be indicated.
  - 2) Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land.
  - 3) Delineation of tree resource areas by type such as hardwoods, pines or mixed; and old or new growth.
  - 4) Delineation of steep slope areas (25% or greater). The designer shall endeavor to preserve slopes greater than 40%.
  - 5) Identification of historical, archeological or other significant features identified in the Environmental Site Assessment (Phase One) report.
  - 6) Identification of scenic vistas as listed in the Comprehensive Plan.
  - 7) Identification of Conservation Space, Open Space or common areas adjacent to the project.
  - 8) Identification of protected plant species as listed by the Georgia Department of Natural Resources, to be certified by a registered landscape architect, forester, arborist, biologist, botanist or horticulturist.
  - 9) The plan also shall include certification that timber harvesting activity has not occurred on the property in the previous 24 months prior to the approval of a rezoning application or the approval of a Concept Plan.

5. Concept Plan.

At time of development, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of the Development Regulations. If a zoning action is proposed, the rezoning site plan shall include the following information:

- A. Delineation and specifications of Conservation Space including calculations and exclusions (see section 1316.6.c.); and any "Pocket Parks," "Neighborhood Greens," play areas, or trail system to be constructed.
- B. A typical detail on the plan indicating dwelling size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.
- C. Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

6. Conservation Space Requirements.

In order to qualify for this overlay district, Conservation Space shall meet the following requirements:

A. Delineation.

Priority shall be given in delineating Conservation Space areas as those areas of significance identified in the Existing Features Site Analysis Plan, around which the built areas are designed.

B. Undeveloped and Natural.

Conservation Space shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities. Wetland and stream bank mitigation projects also are permitted.

Primary Conservation Areas are required to be included in the Conservation Space. These areas shall be covered by a provision for permanent protection and shall include 100-Year floodplains, stream buffer zones, slopes greater than 40 percent consisting of a contiguous area of at least 5,000 square feet, wetlands, endangered or threatened species or their habitat, archeological sites, cemeteries or burial grounds.

Secondary Conservation Areas are features and areas recommended and desirable for Conservation Space designation and may be covered by the provisions for permanent protection. These include important historic sites, existing healthy, native forests of at least one contiguous acre, scenic viewsheds, peaks and rock outcroppings, prime agriculture lands consisting of at least 5 contiguous acres, and existing trails that connect the tract to neighboring areas. Also considered Secondary Conservation Areas are "Pocket Parks," "Neighborhood Greens" and storm water management facilities and practices and may be constructed and maintained in Conservation space. However, "Pocket Parks" and "Neighborhood Greens" shall not exceed 20% of the total required Conservation Space.

C. Exclusions.

Excluded from meeting the minimum amount of Conservation Space are the following (also, see the definition of Primary Conservation Areas):

- 1) Residential yards.
- 2) Proposed Permanent Lakes that may be used for wet detention. No more than 50% of land area located within a proposed permanent lake may be credited.
- 3) Recreation Area Improvements. Impervious surfaces in recreation areas shall not be credited.
- 4) Easements. Land area within power, gas pipeline easements, sewer line easements or pump stations shall not be credited.
- 5) Other. Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency via a purchase

agreement for such uses as parks, schools, or other public facilities shall not be credited.

D. Ownership.

Conservation Space shall be owned in fee-simple by a mandatory property owner's association; or other entity approved in advance by the Board of Commissioners during their normal course of business. The developer shall record the deed to the Conservation Space prior to, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment of future public streets is acceptable. However, "Pocket Parks" or "Neighborhood Greens" may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

E. Property Owner's Association.

The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

- 1) Governance of the association by the Georgia Property Owner's Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
- 2) Responsibility for maintenance of the open space.
- 3) Responsibility for insurance and taxes.
- 4) Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.
- 5) Conditions and timing of transferring control of the association from the developer to the lot owners.
- 6) Guarantee that the association will not be dissolved without the advance approval of the Board of Commissioners.

F. Maintenance.

The property owner's association, or other entity approved in advance by the Board of Commissioners, shall be responsible for the continuous maintenance

of buffers, Conservation Space and recreation areas.

G. Conservation Surety.

Conservation Space delineated on the Final Plat and required to be in a Primary Conservation Area shall be permanently protected by either one or both of the following options:

- 1) Option 1. Conveyance to the Public and Subdivision Lot Owners.

A deed conveying ownership of the Conservation Space to the mandatory property owner's association shall be recorded and delivered prior to, or concurrent with, the approval of the Final Plat for the first phase of the subdivision. Both the deed and the Final Plat shall contain, at a minimum, the following covenant:

"The Conservation Space conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed, cleared or developed except in accordance with Section 1316.6.b. of the 1985 Zoning Resolution of Gwinnett County and with Georgia Law OCGA 36-22-1 et seq., having the following Greenspace goals: protection of streams, floodplains and wetlands; steep slopes; woodlands, open fields and meadows; historical and archeological features; significant wildlife habitats; scenic vistas; passive recreation and connectivity with nearby open spaces. The following uses may be allowed: passive recreational amenities, such as pervious-surface paths and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed 15 percent of the Conservation Space). This covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity as provided by Georgia Law OCGA 44-5-60(c)."

2) Option 2. Conveyance to Other Qualified Organizations or Entities.

Except for "pocket Parks" or "Neighborhood Greens," developed recreation areas or Secondary Conservation Areas not desired for permanent protection, Conservation Space shall be permanently protected by the (i) recording of a covenant or conveyance of an easement which runs in perpetuity under Georgia Law OCGA 44-5-60 in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or (ii) conveyance of a conservation easement running in perpetuity to a third party "qualified organization" recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to, governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities that qualify to be named in covenants under Georgia Law OCGA 44-5-60 or to receive conservation easements under the Treasury Regulation referred to above for purposes of this section shall include the Federal government, the State of Georgia, Gwinnett County, or authorities of the State of Georgia or Gwinnett County. If a covenant is recorded or an easement conveyed in favor of a governmental entity, formal acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement. The developer shall record the necessary legal instrument to accomplish protection of the Conservation Space prior to, or concurrent with, the recording of the Final Plat. The legal instrument shall contain, at a minimum, the same language required to be placed on a deed as stated in Option 1 of this Section.

Secondary Conservation Areas may also be covered by the same permanent protection options.

7. Density.

The Comprehensive Plan establishes recommended residential density not to exceed 3 units per acre in many areas of the county. Consequently, subdivisions in the overlay district shall not exceed a maximum net density in the underlying district, and shall provide at least the percent of Conservation Space, as stated below:

- A. R-100: 2.3 units per acre with 40% Conservation Space; or,  
3.0 units per acre with 50% Conservation Space.
- B. R-75. 3.0 units per acre with 40% Conservation Space.

8. Development Requirements.

Subdivisions in this overlay district shall meet the following requirements unless a Special Use Permit is submitted and approved by the Board of Commissioners:

A. Minimum Subdivision Size:

10 contiguous acres.

B. Lot Area:

No minimum.

C. Average Lot Width:

The average width of all building lots shall be at least 60 feet. Exception: Any lot located less than 50 feet from adjacent property lines zoned RA\_200, R-140, R-100 and R-75 (except modified and cluster subdivisions) shall meet the lot width (for the entire depth of the lot) and the rear setback of the underlying zoning district.

D. Minimum Road Frontage per Lot:

40 feet. Exception: Road frontage may be reduced to 20 feet for lots with frontage upon cul-de-sac or "eyebrow cul-de-sac" turnarounds.

E. Minimum Yard Areas (Setbacks):

Front: 20 feet. Exception: The front yard setback may be reduced to 5 feet if dwellings are provided side or rear entry garages. To qualify for the reduced setback on a corner lot, side entry garages must be located to the side adjacent to an abutting lot.

Rear: 20 feet.

Side: 5 feet.

F. Street Frontage Buffer:

50 feet in width (not part of any building lot). The street frontage buffer shall remain undisturbed and natural, except for entrance features, necessary street construction activities, right-of-way crossings and corner right-of-way miters or radii. If the required street frontage buffer is void of vegetation, it shall be replanted to provide an effective visual screen, which may include landscaped berms and decorative fences. The street frontage buffer may be counted towards Conservation Space calculations.

G. Maximum Height:

35 feet.

H. Minimum Floor Area:

Each dwelling unit shall have a minimum heated finished living area, excluding a basement, attic, carport or garage, as follows:

One Story: 1,600 square feet.

Two Story: 1,800 square feet.

I. Sodded Yards:

All grassed areas on dwelling lots shall be sodded.

J. Garages:

Dwellings shall have two-car garages.

K. Street Trees:

Street trees, in accordance with the requirements of the Buffer, Landscape and Tree Ordinance, shall be provided.

L. Underground Utilities:

Utilities shall be located underground.