

7.11.1 Relationship to the Comprehensive Plan

The purpose of these regulations is to achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection in Louisville Metro by permitting Conservation Subdivisions as an alternative to conventional subdivisions as a form of residential development that fulfills multiple goals and objectives outlined in Cornerstone 2020.

In conformance with the state enabling legislation, this Part’s relationship to the Comprehensive Plan is as follows:

Goals	Objectives	Plan Elements
<i>Community Form:</i> A3, C2, C3, <i>Mobility:</i> C1, D1, H2 <i>Livability:</i> B1, B2, B4, E2, E3,E4, F1, F2, F3, F4, G2, G3, G4, H2, H3, H4, I1, I2, J4	<i>Community Form:</i> A3.1, A3.5, C2.3, C2.4, C2.5, C2.6, C2.7, C3.6, C4.1 <i>Mobility:</i> C1.4, C1.5, D1.1, H2.4 <i>Livability:</i> B1.4, B1.8, B2.5, B4.2, E2.1, E2.2, E2.4, E3.1, E4.1, E4.2, F1.2, F2.2, F3.1, F3.2, F4.1, G2.1, G3.2, G4.1, G4.2, H2.1, H2.2, H3.1, H3.2, H3.4, H4.1, H4.2, I1.1, I1.1, I2.1	<i>Guidelines:</i> 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13

7.11.2 Definitions

Certain terms are defined for the purposes of this regulation. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise or is regulated in Chapter 1, Part 2 definitions.

Active Recreation Area: Areas dedicated as prescribed places, sites, or fields where leisure time activities take place, often requiring equipment and characterized by repeated and concentrated use of land. Examples of active recreation area facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For purpose of these regulations, areas for active recreation facilities do not include bike riding, hiking, walking and picnic areas. Active Recreation Areas shall only be located in Secondary Conservation Areas and contribute to only 50% of the required Conservation Area.

Average Lot Size: The average, in square feet, of all lots created in a Conservation Subdivision plan. It can be calculated for a development by adding the number of square feet in each lot and dividing by the number of lots created.

Conservation Area: Land to remain undisturbed as part of the development of a Conservation Subdivision. Conservation Areas are made up of Primary and Secondary Conservation Areas. All lands identified as Primary Conservation Areas shall be Conservation Areas. If the Primary Conservation Area makes up less than the required percentage of the tract, the balance of the required Conservation Areas shall be made up of Secondary Conservation Areas.

Conservation Subdivision: A contiguous area of land to be planned and developed as a single entity in which buildings are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally be applied following conventional

Subdivision regulations, allowing for the flexible grouping of structures in order to conserve open space and existing natural resources.

Existing Resources and Site Analysis Plan: A comprehensive analysis of existing conditions and unique characteristics both on the proposed development site and within 500 feet of the site used for the purpose to assess accuracy and compliance with existing LDC ordinances and likely impact upon the natural and cultural resources on the property.

Lane: A private street or easement located to the side or rear of property that serves vehicular and service access. A rear lane functions the same as an alley, but may differ in character due to its surface material, landscaping treatment, adjacent open space, and sensitivity to adjacent natural feature.

Maximum Density: The net density of residential units per acre allowed in a Conservation Subdivision after subtracting the total constrained land from the gross acreage of the development parcel.

Minimum Required Conservation Area: The percentage and acreage of required Conservation Areas shall be calculated by the applicant and submitted as part of all plans. Road rights-of-way shall not be counted towards the required minimum Conservation Area.

Neighborhood Green: A human-scaled common open space typically surrounded by homes or important community buildings which is designed as a focal point for neighborhood/block events and gathering space. The Green is best located where it is accessible to the highest possible amount of residents and should include landscaping, paths, and amenities that encourage use and facilitate a sense of community.

Passive Recreation Area: Areas dedicated to recreation activities that require limited physical exertion on behalf of the participant has minimal impact upon the natural environment and wildlife. Examples of passive recreation activities include bird watching, walking, hiking, picnicking, horseback riding, or photography.

Preliminary Conservation Area Ownership and Management Plan: A document which shall accompany the application packet for a Conservation Subdivision Preliminary Plan filing that details the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.

Primary Conservation Areas (PCA): Areas of permanently protected open space within Conservation Subdivisions that comprise only the most severely constrained lands, where development is typically limited such as wetlands, floodplains, identified karst feature (i.e. sinkhole, etc.), steep slopes 30% or over, unstable soils, cemeteries, and habitats of endangered or threatened species.

Secondary Conservation Areas (SCA): Areas of permanently protected open space within Conservation Subdivisions that are locally noteworthy or significant features of the natural or culture landscape such as mature woodlands, hedgerow and freestanding trees or tree groups, wildlife habitats and travel corridors, prime farmland, greenways and trails, historic sites and buildings, and scenic viewsheds.

Sketch Plan Overlay: A conceptual drawing of the development site in which the applicant shows a schematic layout of Conservation Areas, building lots, general infrastructure, and proposed general street and lot layout.

Terminal Vista: An urban design feature in which a visual termination focuses on the end of the visual end of the street utilizing long views of items such as open space, important buildings, water, or distant topographic features.

Vegetative Cover: Grasses, shrubs, trees, and other vegetation which holds and stabilizes soils.

7.11.3 Applicability

- A. Zoning Code Requirements:** Conservation Subdivisions are permitted in the RE, RR, R-1, R-2, R-3, R-4, and R-5 zoning districts.
- B. Minimum Area:** The minimum area of the subdivision shall be no less than five acres and shall contain a minimum of 5 units
- C. Exceptions to the Minimum Area.** The Planning Director or designee may consider a smaller area than required in **subsection C above** if the applicant can demonstrate one of the following
1. The proposed Conservation Areas provide a connection between unconnected, existing areas of Conservation Area or other protected areas and shall not result in providing only narrow or isolated fragments of Conservation Area.
 2. The Conservation Subdivision will ensure the protection of a unique natural, cultural or historical area.

7.11.4 Procedures

All preliminary and final subdivisions subject to this Part shall be subject to the following procedures:

- A. Concept Plan.** Prior to formal application, an applicant shall file a concept plan and accompanying materials required by Planning and Design Services. The filing shall include an Existing Resources and Site Analysis Plan and a conceptual sketch overlay of proposed lots. The Plan and conceptual sketch overlay shall be drawn on paper or other media approved by division staff at a scale of 1 inch = 100 feet or 1 inch = 200 feet, depending on the size of the subdivision, and shall follow the guidelines as outlined in **Section 7.5**. The Existing Resources and Site Analysis Plan and Sketch Plan Overlay shall be prepared in accordance with the requirements contained below:

1. **Existing Resources and Site Analysis Plan.** The Existing Resources and Site Analysis Plan shall show the following:
 - a. Topography, the contour lines of which shall be at two-foot intervals. The determination of appropriate alternative contour intervals shall be made by the Planning Director or designee, which may result in a requirement of greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15-20 percent, 20-30 percent, and greater than 30 percent shall be clearly labeled.
 - b. Ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in **Section 4.8** of the LDC.
 - c. Vegetative Cover conditions on the property according to general cover type including, but not limited to, cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland, individual and isolated; mature trees which have a caliper (measured at chest height) of at least 12-

15 inches for Type A species, 8-12 inches for Type B species, and 6-8 inches for Type C species, and the actual canopy line of existing trees and woodlands. Vegetative Cover types shall be described by plant community, relative age, and condition.

- d. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for Jefferson County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
 - e. Ridge lines and watershed boundaries.
 - f. A viewshed analysis showing the location and extent of views into the property from public roads, public parks, public forests, and other public lands.
 - g. Geologic formations, including, but not limited to, rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
 - h. All existing man-made features including, but not limited to, streets, driveways, farm lanes, woodland roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
 - i. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthenworks, and graves.
 - j. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, all-terrain vehicle and other similar trails), or private trails that will be integrated into the final plan.
 - k. All easements of property which are or have been filed of record with the Jefferson County Clerk's Office.
2. **Sketch Overlay.** The Sketch Overlay shall contain the following information:
- a. The name(s) of property owner(s) and the tax block(s) and lot number(s) for all Parcels that are contained within the boundaries of the proposed subdivision as identified from Property Valuation Administrator's current maps and records.
 - b. The boundaries of the proposed subdivision.
 - c. A key map showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.
 - d. Graphic scale (not greater than 1 inch = 200 feet; however, dimensions on the plan need not be exact at this stage) and north arrow;
 - e. Zoning and Form District(s) for all property shown on the Sketch Overlay.
 - f. Schematic layout indicating a general concept for land conservation and development;
 - g. Proposed general street and lot layout;
 - h. In the case of land development plans, proposed location of buildings and major structures, parking areas, and other improvements; and
 - i. General sketch of proposed methods of water supply, sewage disposal, and stormwater management.
 - j. Notes indicating zoning district and calculations for Minimum Required Conservation Area Land and Maximum Density.

3. **Site Visit.** Prior to the formal application of the Preliminary Plan, and in advance of the neighborhood meeting required in **Section 7.11.4.A.4** below, PDS staff, the applicant, along with interested public agencies and utility companies shall visit the site to gain a thorough understanding of the characteristics of the site. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.
 4. **Neighborhood Meeting.** The applicant shall provide notice to all first tier property owners, neighborhood groups that have registered with Planning and Design Services, the Metro Council office representing the district in which the parcel lies, and to PDS staff stating that a subdivision is being proposed and announcing a neighborhood meeting held by the developer/owner to discuss the proposed project. The meeting shall be held no less than seven and no more than 30 days prior to filing the application. At the time of filing a Conservation Subdivision Preliminary Plan, the applicant shall provide a summary of the public meeting between the applicant and the adjacent property owners. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.
- B. Preliminary Plan Application.** The applicant shall file an application for preliminary plan approval on a form supplied by Planning and Design Services and shall submit therewith a preliminary plan prepared in conformance with the requirements of **Part 5** hereof. No application shall be complete unless it is accompanied by the appropriate review fee. Applications shall be accompanied by the following supporting documentation and any additional documentation as deemed necessary by the Planning Director or designee. Additional materials shall be required based on site conditions or potential impact of the development, or as needed to determine compliance with these regulations. In addition, technical studies required by other applicable sections of this Land Development Code, including traffic, air quality, wetland analysis, geo-technical studies, and hydro-geologic analyses may be required. Failure to submit all required material may result in delay of the application review. Staff of the Division may require submission of information, material and documents beyond that required in this section as necessary to determine compliance with these regulations. In addition to the requirements outlined in **Section 7.2.20**, the preliminary plan shall include the following:
1. All information required on the Existing Resources and Site Analysis Plan, as set forth in **Section 7.11.4.A.1**.
 2. Existing and approximate proposed lot lines, lot areas, existing easements and rights-of-way, and approximate boundaries of Conservation Area lands.
 3. Approximate location, alignment, width and temporary names, location, alignment, and width of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets.
 4. Location of all percolation tests, including all failed and approved test sites or pits and including an approved alternate site for each lot requiring an alternative sewage disposal system. All approved alternative sewage disposal systems shall be clearly distinguished from unapproved sites.
 5. Limits-of-disturbance lines shown in relation to natural and cultural features to be saved.
 6. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land to be dedicated or reserved for public use.

7. If the land to be subdivided lies partly in or abuts another jurisdiction, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on such land in the proposed site as lies within the adjacent municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of submittal of this information to appropriate officials of the adjoining municipalities also shall be submitted.
 8. Utilities and Easements.
 - a. Approximate locations of existing utility easements and approximate locations of proposed utility easements.
 - b. Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (These data may be on a separate plan.)
 - c. The tentative location of proposed on-site sewage and water facilities.
 - d. Signature blocks for the Technical Review Committee (TRC) shall be provided on the right-hand side of the Preliminary Plan.
 9. **Preliminary Conservation Area Management Plan.** Using the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all Conservation Area land shall be shown. The applicant shall submit a Preliminary Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.
- C. **Staff Review.** PDS Staff's review of the plan shall proceed in accordance with the procedures set forth in **Section 7.2.20.B**. In addition, specific guidelines of this part shall apply.

7.11.5 DEVELOPMENT DESIGN STANDARDS

In addition to the Technical Standards for Conservation Subdivisions as set forth in **Section 7.11.15**, an applicant for developing a Conservation Development shall maintain critical natural areas by designing the site with sensitivity. The following criteria shall be followed to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this regulation:

- A. Lots and buildings must be clustered to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between incompatible uses.
- B. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- C. Clusters shall be sited to achieve the following goals:
 1. Minimize disturbance to woodlands, wetlands, grasslands, mature trees, and steep slopes.
 2. Prevent downstream impacts due to runoff through storm water Best Management Practices (BMPs) as determined by the Metropolitan Sewer District (MSD). Such BMPs include minimizing impermeable areas, and using bioswales, rain gardens, permeable pavements, small-scale, infiltration, and green roofs.
 3. Protect views of open land from existing adjacent roadways. Visual impacts should be minimized through use of practices such as orienting structures to align with topographic character of land, tucking structures behind tree lines or knolls, using vegetation as a backdrop to reduce prominence of the structures, varying setbacks, setting aside required conservation land as a visual amenity into and within the development site, or any combination of these practices.

4. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
5. Avoid encroaching on sensitive areas such as rare plant communities, high quality habitats, or endangered species habitats identified by the Kentucky Department for Natural Resources.

7.11.6 Conservation Areas

Conservation Areas are land to remain undisturbed as part of the development of a Conservation Subdivision. Conservation Areas shall consist of at least thirty percent (30%) of the total proposed subdivision acreage for property located in the R-5 and R-4 zoning districts and at least sixty percent (60%) of the total proposed subdivision acreage for property located in the R-R through R-3 zoning districts. Conservation Areas are made up of Primary and Secondary Conservation Areas. All lands identified as Primary Conservation Areas shall be Conservation Areas. If the Primary Conservation Area makes up less than the required percentage of the tract, the balance of the required Conservation Areas shall be made up of Secondary Conservation Areas.

A. Primary Conservation Areas (PCA). PCA's form the core of the Conservation Area to be protected. Active recreation areas are prohibited in PCA's unless approved by the Director.. PCA's, as defined by this regulation, include the following:

1. Cemeteries;
2. Habitats for endangered or threatened species as defined by the Kentucky Department for Natural Resources;
3. Alluvial soils identified by the Federal Emergency Management Agency (FEMA) and 100-Year floodplain;
4. Unstable soils as determined by the Natural Resources Conservation Services and depicted in Core Graphic 5;
5. Protected Waterways and their Buffer Areas (100 feet) including:
 - a. Any perennial stream or river (or portion thereof) that is portrayed as solid on the United States Geological Survey 7.5 minute quadrangle maps, of the most recent edition;
 - b. Wetlands subject to the jurisdiction of the U.S. Environmental Protection Agency or the Army Corps of Engineers and additional standards established in **Section 4.8.5**;
 - c. Lakes of greater than three acres in size, and with a permanent pool elevation that constitute "waters of the Commonwealth" as defined in KRS Chapter 224.
 - d. Other bodies of water designated as Protected Water Bodies through official nomination and appropriate legislative approval.
6. Riparian zones equal to any required stream buffers and improvement setbacks;
7. Karst features subject to development restrictions as defined in **Chapter 4.9**.
8. Existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps from Louisville-Jefferson Geographic Information Consortium (LOJIC) or from a topographic survey prepared by a licensed land surveyor.

B. Secondary Conservation Areas (SCA). SCAs consist of undeveloped,—unconstrained, buildable land, and protected, constrained but buildable lands. Because active recreation

areas are cleared and graded and therefore reduce natural resources and wildlife habitats, only 50% of active recreation areas and facilities may be counted as Conservation Area. SCAs, as defined by this ordinance, include the following:

1. Farmlands (fields, pastures, meadows, prime agriculture soils);
 2. Woodlands and landscape buffers excluding riparian buffers;
 3. Historic and/or archaeological sites as identified by the Kentucky Heritage Council or Louisville Landmarks Commission, excluding cemeteries;
 4. Passive recreation areas, public and private, to include pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
 5. Active recreation areas and facilities, public and private, including parks as identified by the Metro Parks and Recreation Master Plan, playing fields, and playgrounds.
- C. Conservation Area Design Review Standards.** The configuration of Conservation Area land shall comply with the following standards:
1. Where the proposed development adjoins public park land, a conservation area of at least thirty (30) feet shall be provided within the development along its common boundary with the park land or conservation easement, within which no new structures shall be constructed and no clearing of trees or understory growth shall be permitted (except as necessary for street or trail construction). Where this buffer is unwooded, the Planning Director or designee may require that vegetative screening be planted or that the buffer be managed to encourage natural forest succession through “no-mow” policies and the periodic removal of invasive alien plant and tree species. **EXCEPTION:** Housing facing park land or park boundary road is not required to have above listed conservation area.
 2. Conservation Area land shall be interconnected wherever possible to existing and potential Conservation Areas on adjacent properties as well as to other internal Conservation Areas on the development site to provide a continuous network of such lands within and adjoining the development site.
 3. Except for civic and recreational spaces, such as squares and playing fields, Conservation Areas shall be free of all structures, excluding, however, historic buildings, stone walls, and structures related to Conservation Area land uses. Structures and improvements made for storm drainage, sewage treatment, and water supply may be located in the Conservation Area land. Acreage set aside for such uses shall not be credited towards the minimum required Conservation Area, unless the land remains appropriate for passive recreational use.
 4. Except in those cases where a portion of the Conservation Area is located on private house lots, this Conservation Area land shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within Louisville Metro or an adjoining jurisdiction. Provisions should be made for access to the Conservation Area land, as required for land management and emergency purposes.
 5. Conservation Area land shall adjoin the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to Conservation Area land.
 6. Conservation Area land shall be suitably landscaped either by retaining existing natural cover and wooded areas or according to a landscaping plan to protect and enhance greenway resources. In any case, preservation and retention of natural cover is preferable and may be supplemented by additional landscaping where necessary.

7. The Conservation Area shall be contiguous. Contiguous shall be defined as being connected based on the following:
 - a. The minimum width of any Conservation Area is 30 feet and shall contain at least 6,000 square feet of contiguous area unless the Conservation Area is the terminus of a cul-de-sac, where the minimum width of 15 feet shall be permitted.
 - b. All Conservation Area networks shall provide connectivity to any common areas within the development and to any adjacent public places or rights-of-way.
 - c. Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the Planning Director or designee.
 - d. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by Planning Director or designee.
8. Conservation Areas will still be considered connected if separated by a roadway. The Planning Director may waive the requirement of connectivity for all or part of the required Conservation Area where it is determined that allowing non-contiguous Conservation Area will promote the goals of this section or protect identified PCAs and SCAs.
9. Common and non-common areas in Conservation Area land shall be preserved for its designated uses and shall be made subject to such agreement with Louisville Metro Government and such conservation easements, duly recorded with the office of Jefferson County Clerk as may be required by Louisville Metro Government.
 - a. The percentage of the Conservation Area that is wetlands shall not typically exceed the percentage of the tract which is wetlands; provided, however, the applicant may include a greater percentage of wetlands in such Conservation Area upon a demonstration that such inclusion promotes the purposes of this regulation.
10. Paths or walkways may be permitted within Wetland and Protected Waterway Buffer Areas if constructed of pervious materials and demonstrate compliance with standards established in **Chapter 4.8** of the LDC.
11. Conservation Areas shall be used for wildlife habitat, conservation, and other uses compatible with these regulations.

7.11.7 Legal Restrictions.

- A. **Permanent Conservation.** Dedicated Conservation Areas shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Planning Commission's Legal Counsel and duly recorded in the office of Jefferson County Clerk.
- B. **Management Plan.** A detailed ownership and management plan for the Conservation Areas shall be filed with the plat for any proposed Conservation Subdivision. The plan shall:
 1. Identify the owner, entity responsible for maintenance, and long-term funding strategies such as homeowners' fees or assessments.
 2. Demonstrate the financial feasibility of the ownership and maintenance program.
 3. Specify guidelines for how the maintenance of the Conservation Areas and any facilities eligible for location in the Conservation Areas will occur.
 4. Include cost estimates for maintenance, including staffing, operation, or insurance costs, if any.

5. Identify a board and procedures for oversight of an enforcement of the Management Plan.
- C. Ownership and Management.** Any management organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its function (Management Entity). Options for ownership and management of preserved area include:
1. Fee Simple dedication to Louisville Metro Government or other public entity subject to acceptance by and at the sole discretion of Louisville Metro Government or other public entity.
 2. Creation of or dedication to a Homeowners Association capable of carrying out the ownership and management plan. The Planning Commission Legal Counsel shall determine that, based on documents submitted with the development plan, the Association's bylaws or code of regulations specify the following requirements:
 - a. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - b. The Association shall be responsible for maintenance, control, and insurance of common areas, including the dedicated conservation areas.
 3. Establishment of an endowment where the principal generates sufficient annual interest to cover the yearly costs of ownership and maintenance of the preserved area.
 4. Dedication to a private or not-for-profit entity such as a land trust or similar conservation-oriented organization with the legal authority and financial capacity to accept such dedications.
 5. Dedication of a conservation easement on the Conservation Areas to any of the above entities with a right of enforcement in favor of Louisville Metro Government stated in the easement.
- D. Right of Enforcement.** In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.
- E. Review.** The legal restrictions and ownership and Management Plan shall be subject to review and approval by the Planning Director or the Planning Commission Legal Counsel.

7.11.8 Dedication of Conservation Areas for Public Use.

Applicants shall comply with relevant standards in **Chapter 10.5.4** of the LDC pertaining to dedicating a portion of the development site for public recreational use.

7.11.9 Technical Standards for Conservation Subdivisions

- A. Density Calculation:** The maximum total number of lots permitted for Conservation Subdivisions shall be based on the amount of dwelling units per acre permitted in the underlying zoning district, classes RR through R-5, minus the Primary Conservation Areas (PCA) and land typically allocated for infrastructure. For purpose of this calculation, a 10% bonus of maximum lots permitted (MLP) may be added to those sites pursuing conservation

areas 50% or greater of the development site in R4 and R5 zoned districts. The resulting density shall serve as a guide and shall not exceed the underlying zoning district, unless the applicant chooses to pursue a zoning change. The base density allowed on the site shall be calculated by:

$$\text{MLP} = \frac{\text{TA} - \text{PCA} - \text{IA}}{\text{Zoning District Min. Lot Area}}$$

MLP= Maximum Lots Permitted
 TA=Total Land Area
 PCA=Primary Conservation Area
 IA=Infrastructure Area (10% of TA)

EXAMPLE: **Total Land Area (TA): 50 acres**
 Primary Conservation Areas (PCA): 12 acres

Maximum Lot Calculation

R4	R5
$\text{MLP} = \frac{50 - 12 - 5 \text{ (acres)}}{9,000 \text{ s.f.}}$	$\text{MLP} = \frac{50 - 12 - 5 \text{ (acres)}}{6,000 \text{ s.f.}}$
$\text{MLP} = \frac{33 \text{ acres} *}{9,000 \text{ s.f.}}$	$\text{MLP} = \frac{33 \text{ acres} *}{6,000 \text{ s.f.}}$
$\text{MLP} = \frac{1,437,480 \text{ s.f.}}{9,000 \text{ s.f.}}$	$\text{MLP} = \frac{1,437,480 \text{ s.f.}}{6,000 \text{ s.f.}}$
MLP=160 lots	MLP = 239 lots
<i>With bonus 10%:</i>	<i>With bonus 10%:</i>
MLP = 176 lots or 3.52 du/acre	MLP = 263 or 5.26 du/acre

* Calculation is in acres. To convert acres to square feet, multiply result by 43,560.

B. Dimensional Standards. Conservation Subdivision design encourages creative, flexible design; therefore no minimum or maximum lot size shall be imposed. Instead, an average lot size for the entire net development area is permissible. Each lot shall be designed according to **Table 1**:

Table 1 Conservation Subdivision Dimensional and Diversity Standards

Zoning District	Conservation Area Requirement	Maximum Attached/ Semi-Detached Units	Max. Contiguous Attached/ Semi-detached units	Average Lot Size	Minimum Side Yard	Min. Front & Street-side Yard	Max. Front Yard	Min. Lot Width	Minimum Rear Yard	Maximum Building Height	FAR
R-5	Min. 30%	30%	Attached=8 Semi- detached=2	≥4,500 S.F.	3 ft., 5 ft. if adjacent to alley; 0 ft if attached	15 ft.	25 ft.	25 ft If corner= 40 ft. If attached= 18 ft.	20 ft., 5 ft. adjacent to alley	35 ft. (NFD) 45 ft. (TNFD)	1.5
	Min. 50%	50%		≥3,000 S.F.							
R-4	Min. 30%	20%	Attached=8 Semi- detached=2	≥5,500 S.F.	5 ft.; 0 ft if attached	20 ft.	NA	35 ft.	25 ft., 5 ft. adjacent to alley	35 ft.	>6,000 S.F.= .5 <6,000 S.F.= 1.5
	Min. 50%	40%		≥4,500 S.F.							
R-3	Min. 60%	20%	Attached=4 Semi- detached=2	≥6,000 S.F.	5 ft.; 0 ft if attached	25 ft.	NA	50 ft.	25 ft., 5 ft. adjacent to alley	35 ft.	>40,000 S.F.=.3 <40,000= .5
R-2		20%		≥10,000 S.F.				60 ft.			
R-1 RE		NA	NA	≥20,000 S.F.	10 ft.	30 ft.					
RR				≥40,000 S.F.	15 ft.	40 ft.		75 ft.			

C. Building and Lot Design Standards.

1. Conservation subdivisions may include off-street guest parking areas within Secondary Conservation Areas only, particularly in blocks that contain lot widths less than 30 feet. The parking area shall be constructed using approved pervious paving methods and shall not occupy more than 15% of the total Conservation Area lot. The addition of parking spaces shall not be deemed a reduction in the size of the Conservation Area with regard to the minimum Conservation Area requirement.
2. Rear facades shall not be oriented to existing or proposed streets. Rear facades may face interstate highways, alleys or rear lanes.
3. Lot Frontage on a Conservation Area. Conservation subdivisions may be designed with lots fronting onto Conservation Areas with all vehicular access from alleys or lanes approved by Public Works and all other approving agencies. All alleys and

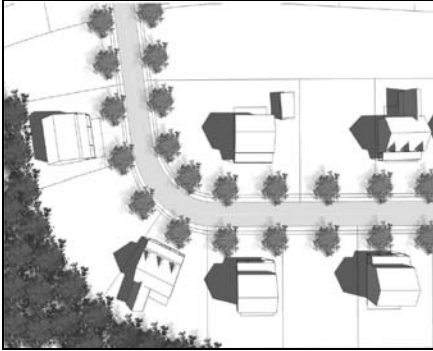
rear lanes in Conservation Subdivisions are additionally subject to the requirements of **Section 7.11.9.D.2**.

D. Compatibility with Adjacent Development

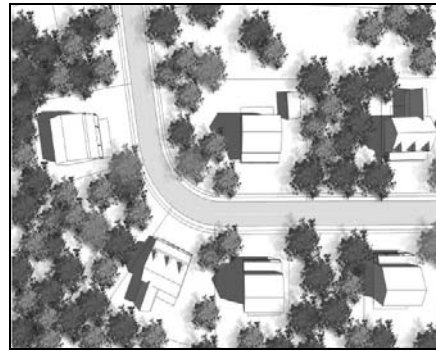
1. Buildable lots shall be designed and located to ensure compatibility with existing adjacent development.
2. Views of house lots from exterior roads and abutting properties shall be minimized by preserving the natural topography and existing vegetation to the furthest extent possible.
3. The Planning Director or designee may require an alternative design of portions of the site plan in order to fulfill subsections 1 and 2 above.

E. Streetscape Standards

1. **Streets.** The street network shall form a generally connected pattern, with a minimum of cul-de-sacs, and shall be varied with boulevards, diagonal streets, curving crescents, eyebrows, ovals and courts to provide visual interest. Local street design shall adhere to the following standards:
 - a. Street patterns shall be designed to respect and follow the existing natural topography and to limit the amount of grading and tree removal required for construction to the greatest extent possible. Street grades shall conform with standards established in Section 6.2.3 of the LDC.
 - b. All streets, with the exception of loop streets, cul-de-sacs, and loop lanes, shall terminate at other streets within the subdivision, and at least two streets shall provide connections to existing or proposed through-streets or collectors outside the subdivision, wherever practicable.
 - c. To the greatest extent practicable, streets shall be designed to have maximum lengths of 600 feet between intersections and maximum lengths of 1,200 feet before terminating at three-way "T" intersections or angling off in a diagonal direction. Blocks greater than 600 feet long shall provide a Conservation Area.
 - d. Loop lanes or cul-de-sacs shall be designed to not exceed 1000 feet in length. Loop lanes shall be designed as a single one-way lane, not less than 18 feet in pavement width, with a central median running the entire length. The median shall be at least 30 feet wide, and shall be planted with shade trees along both sides at intervals not less than 1 Large (Type A) tree per 50 lineal feet of right-of-way, or 1 medium (Type B) tree per 40 lineal feet, or 1 Small (Type C) tree per 30 lineal feet. Small trees are permitted only where utility lines or other site constraints will not allow planting of Large or Medium trees.
2. **Street trees.** Street trees shall:
 - a. Be planted along each side of all streets in or adjacent to the development site, public or private, existing or proposed, including arterials (only the side adjacent to the development site), but excluding alleys and rear access lanes. Existing healthy and mature street trees may be counted toward the street tree planting requirement.
 - b. New street trees shall be in accordance with recommended street tree types as listed in **Appendix 10A** of the LDC and be installed in groupings that appear natural rather than equally spaced rows.
 - c. Be installed at intervals no greater than 40 ft, planted in a clustered pattern with spacing approved by PDS staff.



Undesirable tree plantings for rural neighborhood. More conducive to urban neighborhood.



Desirable tree plantings. Existing canopy conservation, diverse species and clustered patterns.

3. **Sidewalks.** Public sidewalks (including informal walkways and footpaths) shall:
 - a. Create a linked network of walkways connecting all uses with parks and other greenway land areas.
 - b. Link loop streets and the ends of cul-de-sacs with the street network, trails, or greenway land behind the lots served by those loop streets or cul-de-sacs.
 - c. Be separated from street curbs by a verge not less than five feet in width, planted with shade trees in accordance with **Section 7.11.9.D.3**.
 - d. Be provided along the front lot lines of all residential lots to ensure pedestrian access to each lot. Sidewalks shall be provided along the front lot lines of residential lots fronting directly onto common greens or parks.
 - e. Be permitted along one side of the street rights-of-way only when a proposed walkway system provides pedestrian access equal to or better than the provision of sidewalks along. Walkways located in Primary Conservation Areas (PCAs) shall be constructed of pervious material such as pervious concrete, gravel, wood chips or other similar materials.