

Changes to Conservation Subdivision Draft After Planning Commission Hearing on 7/7/16 and 7/21/16

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| 7.11-2 | <p><u>Undeveloped (Conservation Subdivisions)</u> – A characteristic of a site whereby the site does not contain or exhibit any of the following improvements, activities or characteristics, except as customarily associated with cemeteries, farmlands, recreational activities, floodplain compensation, creation of water features, provision of streets or underground utilities, provision of detention basins, or historic, cultural or archeological sites: <u>buildings; mining, dredging, filling, excavating, drilling or grading activities; paving; or storage of materials and equipment;</u> and any construction of improvements or clearing or the alteration of land from a natural state to facilitate a residential, commercial, business, or industrial use.</p> | Address concerns about allowing certain activities to not be considered “developed”. |
| 7.11-4 | <p><u>D. Tree Removal Prior to Application.</u> A site shall be ineligible for development as a conservation subdivision if <u>any tree removal has taken place on the site at any time within twelve months prior to pre-application submittal without consultation and approval of the Urban Forester. In addition, no such tree removal shall take place in the time between pre-application submittal and final approval of the conservation subdivision. This requirement shall not prohibit tree removal for safety reasons, routine maintenance, or required geotechnical work.</u></p> | Address concern about inadvertently prohibiting required geotechnical work prior to development. |
| 7.11-6 | <p><u>2. Tree Removal Affidavit.</u> The applicant shall submit an affidavit affirming that no tree removal, other than removal for safety reasons, routine maintenance or required geotechnical work and after consultation with and approval of the Urban Forester, has taken place on the site at any time within twelve months prior to pre-application submittal and that no such tree removal will take place on the site during the review process- compliance with Section 7.11.3.D.</p> | Shortened the sentence to refer back to 7.11.3.D |
| 7.11-7 | <p>8. Utilities and Easements.</p> <ul style="list-style-type: none"> 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. <u>d.</u> <u>The tentative location of all Green Management Practices.</u> | Requested by MSD. |

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| 7.11-8 | <p>7.11.5 Development Design Standards</p> <p>In addition to the Technical Standards for Conservation Subdivisions as set forth in Section 7.11.9, the following criteria shall be followed by applicants and considered by review bodies to ensure that the project is appropriate for the site’s natural, historic and cultural features and meets the objectives of this regulation Part:</p> <p>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.</p> <p>B. Open space shall abut with existing or potential open space lands on adjoining parcels and local or regional recreational trails. Written justification is required for open space that does not abut adjacent open space.</p> <p>C. The design of the subdivision is in accord with the Purpose of this Part, as established in Section 7.11.3.</p> | Removed based on concerns about being too discretionary. |
| 7.11-10 | <p><u>B. Full Credit Conservation Areas</u></p> <p>....</p> <p><u>f. Any intermittent stream or river (or portion thereof), with a minimum 50-foot Buffer Area, that is portrayed as a broken line on the United States Geological Survey 7.5 minute quadrangle maps, of the most recent edition.</u></p> | Added at request of Commissioners and residential stakeholders. |
| 7.11-11 | <p>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 sewage treatment and water supply shall not be credited towards the minimum required Conservation Area. Thirty percent of the acreage set aside for storm drainage that does not qualify as a Green Management Practice shall be eligible for credit as Conservation Area. One hundred percent of the acreage set aside for (a) storm drainage that does qualify as a Green Management Practice or (b) underground utilities shall be eligible for credit as Conservation Area if unless the land remains appropriate for passive recreational use.</p> | Added based on MSD meeting. We did not want to penalize a project in terms of open space credit that had green wet or dry basins. Also added based on concern that underground utilities should get full credit if appropriate for recreation. |

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| 7.11-13 | C. Ownership and Management. Any management organization shall be <u>in good standing with the State of Kentucky</u> 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: | Added at request of Planning Commission attorney. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7.11-15 | <table border="1"> <thead> <tr> <th colspan="2">Scenario 1</th> <th colspan="2">Scenario 2</th> </tr> <tr> <th>Amount of Preserved Conservation Area</th> <th>Lot Yield Bonus</th> <th>Amount of Preserved Conservation Area</th> <th>Lot Yield Bonus</th> </tr> </thead> <tbody> <tr> <td>30-34.99%</td> <td>5%</td> <td>30 - 34.99%</td> <td>10%</td> </tr> <tr> <td>35-39.99%</td> <td>20%</td> <td>35 - 39.99%</td> <td>15%</td> </tr> <tr> <td>40-44.99%</td> <td>25%</td> <td>40 - 44.99%</td> <td>20%</td> </tr> <tr> <td>45-49.99%</td> <td>30%</td> <td>45 - 49.99%</td> <td>25%</td> </tr> <tr> <td>50% or more</td> <td>35%</td> <td>50% or more</td> <td>30%</td> </tr> </tbody> </table> | Scenario 1 | | Scenario 2 | | Amount of Preserved Conservation Area | Lot Yield Bonus | Amount of Preserved Conservation Area | Lot Yield Bonus | 30-34.99% | 5% | 30 - 34.99% | 10% | 35-39.99% | 20% | 35 - 39.99% | 15% | 40-44.99% | 25% | 40 - 44.99% | 20% | 45-49.99% | 30% | 45 - 49.99% | 25% | 50% or more | 35% | 50% or more | 30% | Retained Scenario 2 and deleted Scenario 1 as directed by the Commissioners. |
| Scenario 1 | | Scenario 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Amount of Preserved Conservation Area | Lot Yield Bonus | Amount of Preserved Conservation Area | Lot Yield Bonus | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 30-34.99% | 5% | 30 - 34.99% | 10% | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 35-39.99% | 20% | 35 - 39.99% | 15% | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 40-44.99% | 25% | 40 - 44.99% | 20% | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 45-49.99% | 30% | 45 - 49.99% | 25% | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 50% or more | 35% | 50% or more | 30% | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7.11-16 | <p>3. <u>Green Infrastructure Design Techniques</u></p> <p><i>Note to Reviewers: The Section allows lot yield bonuses if certain Green Management Practices approved by MSD are included in the conservation subdivision.</i></p> <p>a. An applicant may receive the following lot yield bonuses for including in the conservation subdivision the Green Management Practices (GMP) set forth below: a two percent lot yield bonus for each of the following green infrastructure design techniques incorporated into the conservation subdivision:</p> <table border="1"> <thead> <tr> <th>GMP Type</th> <th>Performance Required</th> <th>Lot Yield Bonus</th> </tr> </thead> <tbody> <tr> <td><u>Rain Gardens, Bioswales or Vegetated Buffers</u></td> <td><u>Treat a minimum of 1 inch of runoff</u></td> <td><u>2%</u></td> </tr> <tr> <td><u>Green Wet and Dry Basins</u></td> <td><u>Post development two-year flow is equal to or less than half of the pre-development two-year flow</u></td> <td><u>4%</u></td> </tr> <tr> <td><u>Combination of the Two Types Above</u></td> <td><u>Treat a minimum of 1 inch of runoff and post development two-year flow is equal to or less than half of the pre-development two-year flow</u></td> <td><u>8%</u></td> </tr> </tbody> </table> <p><i>Note to Reviewers: Where vegetated buffers are proposed to be incorporated into the perimeter buffer as a Green Management Practice (eligible for a Lot Yield</i></p> | GMP Type | Performance Required | Lot Yield Bonus | <u>Rain Gardens, Bioswales or Vegetated Buffers</u> | <u>Treat a minimum of 1 inch of runoff</u> | <u>2%</u> | <u>Green Wet and Dry Basins</u> | <u>Post development two-year flow is equal to or less than half of the pre-development two-year flow</u> | <u>4%</u> | <u>Combination of the Two Types Above</u> | <u>Treat a minimum of 1 inch of runoff and post development two-year flow is equal to or less than half of the pre-development two-year flow</u> | <u>8%</u> | Based on MSD meeting. Lot yield bonus percentages are based on MSD preference of the Green Management Practice type. | | | | | | | | | | | | | | | | |
| GMP Type | Performance Required | Lot Yield Bonus | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Rain Gardens, Bioswales or Vegetated Buffers</u> | <u>Treat a minimum of 1 inch of runoff</u> | <u>2%</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Green Wet and Dry Basins</u> | <u>Post development two-year flow is equal to or less than half of the pre-development two-year flow</u> | <u>4%</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Combination of the Two Types Above</u> | <u>Treat a minimum of 1 inch of runoff and post development two-year flow is equal to or less than half of the pre-development two-year flow</u> | <u>8%</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p><i>Bonus as allowed in this Section), the relationship between the vegetated buffer and the perimeter buffer will be addressed on a case by case basis in the conditions of approval for the conservation subdivision.</i></p> <p>i. Green Streets;</p> <p>ii. Green Intersection;</p> <p>iii. Stormwater Curb Extensions;</p> <p>iv. Green Alleys;</p> <p>v. Green Parking; and</p> <p>vi. No Mow Buffer Zones.</p> <p>b. The green infrastructure design techniques must comply with the standards in the Metropolitan Sewer District Green Infrastructure Design Manual in order to result in a lot yield bonus. Other techniques added to the Green Infrastructure Design Manual may result in a lot yield bonus with the approval of the Planning Director.</p> | | | | | | | | | | | | | |
| 7.11-17 | <table border="1"> <thead> <tr> <th data-bbox="388 813 976 935">Percent of Kentucky Species Champion Circumference, Height, Spread, or Total Points</th> <th data-bbox="976 813 1312 935">Lot Yield Bonus per Tree (Subdivision with less than 60 lots)</th> <th data-bbox="1312 813 1633 935">Lot Yield Bonus per Tree (Subdivision with 60 lots or more)</th> </tr> </thead> <tbody> <tr> <td data-bbox="388 935 976 976">0-49</td> <td data-bbox="976 935 1312 976">None</td> <td data-bbox="1312 935 1633 976">None</td> </tr> <tr> <td data-bbox="388 976 976 1016">50-74</td> <td data-bbox="976 976 1312 1016">5%</td> <td data-bbox="1312 976 1633 1016">3%</td> </tr> <tr> <td data-bbox="388 1016 976 1065">75-100</td> <td data-bbox="976 1016 1312 1065">10%</td> <td data-bbox="1312 1016 1633 1065">5%</td> </tr> </tbody> </table> | Percent of Kentucky Species Champion Circumference, Height, Spread, or Total Points | Lot Yield Bonus per Tree (Subdivision with less than 60 lots) | Lot Yield Bonus per Tree (Subdivision with 60 lots or more) | 0-49 | None | None | 50-74 | 5% | 3% | 75-100 | 10% | 5% | Removed small bonus that would have gone along with large subdivisions based on Commission direction. |
| Percent of Kentucky Species Champion Circumference, Height, Spread, or Total Points | Lot Yield Bonus per Tree (Subdivision with less than 60 lots) | Lot Yield Bonus per Tree (Subdivision with 60 lots or more) | | | | | | | | | | | | |
| 0-49 | None | None | | | | | | | | | | | | |
| 50-74 | 5% | 3% | | | | | | | | | | | | |
| 75-100 | 10% | 5% | | | | | | | | | | | | |
| 7.11-17 | <p>C. 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 the following table. Table 1:</p> | Removed reference to average lot size, which is no longer utilized in the dimensional table. | | | | | | | | | | | | |
| 7.11-19 | Changed Heading from “Average Lot Size” to “Minimum Lot Size” | Based on direction from Planning Commission | | | | | | | | | | | | |

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| 7.11-19 | In R-5, changed Minimum Lot Size from 4,500; 3,750; and 3,000 to 1,500 SF. In R-4, changed Minimum Lot Size from 5,500; 5,000; and 4,500 to 2,500 SF. | Based on direction from Planning Commission |
| 7.11-19 | For Min. Front and Street-Side Yard, changed 12 to “Building (except garage): 12; Garage: 12 side or rear entry; 24 front entry” and “See illustration below” | Based on direction from Planning Commission |
| 7.11-19 | Changed FAR to 3.0, 2.0, and 1.0 from top to bottom for RE to R-5 | Increased FAR based on concerns of Commissioners. |
| 7.11-19 | Reduced rear setback for R-4 and R-5 from 20/5 to 15/1 | Based on providing increased buildable area on a lot |
| 7.11-19 | <p><u>D. G</u> Building and Lot Design Standards</p> <p>1. Conservation subdivisions <u>where required off-street parking cannot be accommodated on the residential lot</u> may include off-street guest parking areas within Secondary Conservation Areas only, particularly in blocks that contain lot widths less than 30 feet. Existing woodland areas may not be removed for the purposes of constructing off-street guest parking areas. 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.</p> | Based on direction from Planning Commission. Removed 30-foot requirement to something more flexible. |