

[16AMEND1008 - Interested Party Comments](#)

**From:** WAYNE HAMELOTH <[waynehameloth@bellsouth.net](mailto:waynehameloth@bellsouth.net)>  
**Date:** May 31, 2016 at 11:43:11 PM EDT  
**To:** "[donnie.blake@metroboards.org](mailto:donnie.blake@metroboards.org)" <[donnie.blake@metroboards.org](mailto:donnie.blake@metroboards.org)>  
**Subject:** Conservation Subdivision LDC Task Force  
**Reply-To:** WAYNE HAMELOTH <[waynehameloth@bellsouth.net](mailto:waynehameloth@bellsouth.net)>

Commissioner Blake

I would like to thank you for allowing the neighborhood groups and organizations to attend the Task Force meetings and participate in the discussions. All of us out here in the Floyds Fork area are currently the most effected by the new proposed developments and have a vested interest in what happens. We welcome any opportunity to provide input into the process and hopefully make a difference in the overall outcome for the community.

After the meeting last week, Karen and I had an opportunity to talk to Councilman Peden about a rewrite of the Conservation Neighborhood LDC. We saw this as a possible opportunity to rewrite Chapter 7 as we would like to see it written and submit that to both you and him for consideration. I gave him a hard copy after today's meeting and am attaching your copy to this email. Persons from all three groups, FFARPA, FLDAG and Fisherville have reviewed and commented on the document so it just not the opinion of one person.

I am available to discuss this further or answer any questions that you may have. It is a DRAFT document that requires defining some terminology and there are some formatting issues. I can be reached through this email address or my cell at 502-494-3141.

Respectfully,

Wayne

Chapter 7 **LDC** Subdivision Regulations

	<i>March 2006</i>	<b>Part 1</b>	<b>General Provisions and Definitions</b>	<b>7.1-1</b>
	<i>March 2006</i>	<b>Part 2</b>	<b>Procedures for Major Subdivisions</b>	<b>7.2-1</b>
	<i>March 2006</i>	<b>Part 3</b>	<b>Standards of Designs for Major Subdivisions</b>	<b>7.3-1</b>
	<i>March 2006</i>	<b>Part 4</b>	<b>Minimum Improvements for Major Subdivisions</b>	<b>7.4-1</b>
	<i>March 2006</i>	<b>Part 5</b>	<b>Preliminary Plan for Major Subdivisions</b>	<b>7.5-1</b>
	<i>March 2006</i>	<b>Part 6</b>	<b>Construction Plan for Major Subdivisions</b>	<b>7.6-1</b>
	<i>March 2006</i>	<b>Part 7</b>	<b>Record Plat for Major Subdivisions</b>	<b>7.7-1</b>
	<i>March 2006</i>	<b>Part 8</b>	<b>Minor Subdivisions</b>	<b>7.8-1</b>
	<i>March 2006</i>	<b>Part 9</b>	<b>Standard Certificate Form</b>	<b>7.9-1</b>
	<i>March 2006</i>	<b>Part 10</b>	<b>Enforcement</b>	<b>7.10-1</b>
<i>Update</i>	<i>July 2008</i>	<b>Part 11</b>	<b>Conservation Subdivisions</b>	<b>7.11-1</b>

	<b>Appendix 7A</b>	<b>Conservation Subdivision Street &amp; Sidewalk Guidelines</b>	
	<b>Appendix 7B</b>	<b>Definitions</b>	
	<b>Appendix 7C</b>	<b>Conservation Neighborhood Example</b>	

**Chapter 7 Part 11 Conservation Subdivisions**

**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:

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

**7.11.2 Definitions**

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

Definitions for the following list of terms used in this Part can be found in Chapter 7 Part 11 Appendix B

# Chapter 7 Part 11 **LDC** Conservation Subdivisions

<i>Active Recreation Area</i> <i>Conservation Area</i> <i>Lane</i> <i>Conservation Subdivision</i> <i>Maximum Density</i> <i>Passive Recreation Area</i> <del><i>Secondary Conservation Areas (SCA)</i></del> <i>Terminal Vista</i> <i>Legacy Trees</i> <i>Unique Natural Areas</i> <i>Historical Areas</i> <i>Woodland</i> <i>Steep Slopes</i> <i>Home Clustering</i> <i>Undisturbed Land</i>	<i>Average Lot Size</i> <i>Existing Resources and Site Analysis Plan Minimum</i> <i>Required Conservation Area</i> <i>Neighborhood Green</i> <i>Preliminary Conservation Area Ownership and Management Plan</i> <del><i>Primary Conservation Areas (PCA)</i></del> <i>Vegetative Cover</i> <i>Unbuildable Land</i> <i>Tree Canopy Area (TCA)</i> <i>Unique Cultural Areas</i>
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## 7.11.3 Applicability

**Zoning Code Requirements:** Conservation Subdivisions are permitted in the RE, RR, R-1, R-2, R-3, R-4, and R-5 zoning districts.

- A. Minimum Area:** The minimum area of the subdivision will be no less than five acres and will contain a minimum of 5 units
- B. Exceptions to the Minimum Area.** The Planning Director or designee may consider a smaller area than required in subsection A 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 **will** 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 will be subject to the following procedures:

- A. Pre-application.** Prior to formal application, an applicant **will** file a pre-application and accompanying materials required by Planning and Design Services. The filing will include an Existing Resources and Site Analysis Plan. The plan **will** be drawn on paper or other media approved by division staff at a legible scale, depending on the size of the subdivision, and will follow the guidelines as outlined in **Section 7.5**. The Existing Resources and Site Analysis Plan **will** be prepared in accordance with the requirements contained below:
1. **Existing Resources and Site Analysis Plan.** The Existing Resources and Site Analysis Plan **will** show the following:
    - a. Topography, the contour lines of which **will** be at two-foot intervals. The determination of appropriate alternative contour intervals **will** be made by the Planning Director or designee, which may result in a requirement of greater or lesser intervals on exceptionally steep or flat

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- sites. Slopes between 15-20 percent, 20-30 percent, and greater than 30 percent **will** 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 will 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 view shed 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, earthen works, 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.
  - l. At least 100 feet into adjacent properties will be depicted on the plan with the use of the property identified as well as any significant natural features shown as listed within items a-k above.
  - m. **LOJIC Maps will be used as the principle and guiding resource document to ensure transparency. A developer may supplement the resource documents with additional geological documentation.**
2. **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.3** below, PDS staff, the applicant, along with interested public agencies, **interested adjoining/first tier property owners** and utility companies **will** visit the site to gain a thorough understanding of the characteristics of the site. It **will** be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.
  3. **Neighborhood Meeting.** The applicant **will 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 **will** be held no more than 90 days prior to filing the application. At the

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time of filing a Conservation Subdivision Preliminary Plan, the applicant **will** provide a summary of the public meeting between the applicant and the adjacent property owners. The summary **will** include a list of those invited, those in attendance and a summary of the issues discussed.

- B. Preliminary Plan Application.** The applicant **will** file an application for preliminary plan approval on a form supplied by Planning and Design Services and **will** submit therewith a preliminary plan prepared in conformance with the requirements of **Part 5** hereof. No application **will** be complete unless it is accompanied by the appropriate review fee. Applications **will** be accompanied by the following supporting documentation and any additional documentation as deemed necessary by the Planning Director or designee. Additional materials **will** 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 **will may** be required. Failure to submit all required material may result in delay of the application review. Staff of the Division **will 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 **will** 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 will 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 will 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 will 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 will 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.

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9. **Document** Letter of Explanation. The applicant must submit a detailed ~~letter~~ **document** explaining the various key elements of the proposed conservation subdivision. The **document will** ~~letter may~~ include, but is not-limited to, the following items:
- a. Describe how the existing natural features of the site are being preserved and incorporated into the layout.
  - b. Explain how clustering of dwelling units **will**:
    - i. Minimize disturbance to woodlands, wetlands, grasslands, mature trees and steep slopes;
    - i. Prevent downstream impacts due to runoff through storm water techniques including minimizing impermeable areas, using bio swales, rain gardens, permeable pavements, small scale, infiltration and green roofs;
    - ii. Protect views of open land from existing adjacent roadways through 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;
    - iii. Protect archaeological site and existing historic buildings or incorporate them through adaptive reuse;
    - iv. 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.
  - c. Explain how the design and location of buildable lots will ensure compatibility with existing adjacent development.
  - d. Justification must be provided for any cases where proposed open space areas within the development will not abut existing open space areas on adjoining parcels.
10. The Planning Director ~~may also~~ **will** require the applicant to submit a traditional subdivision layout (non-conservation subdivision regulations) for the site for staff to compare to the conservation subdivision layout submitted.
- C. **Staff Review.** PDS Staff's review of the plan **will** proceed in accordance with the procedures set forth in **Section 7.2.20.B**. In addition, specific guidelines of this part will apply.

## 7.11.5 DEVELOPMENT DESIGN STANDARDS

In addition to the Technical Standards for Conservation Subdivisions as set forth in **Section 7.11.9** the following criteria ~~shall~~ **will** 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. (see Appendix C)
- B. Open space will 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.

## 7.11.6 Conservation Areas

- A. Conservation Areas are land ~~to~~ **that will** remain undisturbed as part of the development of a Conservation Subdivision. Conservation Areas will consist of at least thirty percent (30%) of the total proposed

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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 **after the following Excluded Areas, defined by this regulation have been removed from the Total Land Area (TLA).** Conservation Areas are made up of Primary and Secondary Conservation Areas. If the Primary Conservation Area makes up less than the required percentage of the tract, the balance of the required Conservation Areas will be made up of Secondary Conservation Areas.

~~B. **Primary Excluded Areas (EA) (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 **as defined by LOJIC;**
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) **as defined by LOJIC includes:** 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. Karst features subject to development restrictions as defined in **Chapter 4.9.**
7. 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.
8. **Active Recreation Areas are prohibited in Conservation Areas.**
9. Historic and/or archaeological sites as identified by the Kentucky Heritage Council or Louisville Landmarks Commission, ~~excluding~~ **including** cemeteries;
10. **Tree Canopy Areas (TCA) that consist of Legacy Trees**

~~**Secondary Conservation Areas (SCA).** Conservation Areas will include the following:~~ 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, excluding riparian buffers;



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3. Passive recreation areas, public and private, to include pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas.

~~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~~ **will** comply with the following standards:

- a. Where the proposed development adjoins public park land, a conservation area of at least ~~thirty (30)~~ **sixty 60** feet will be provided within the development along its common boundary with the park land or conservation easement, within which no new structures ~~or lots will shall~~ be constructed and no clearing of trees or understory growth will be permitted (except as necessary for street or trail construction). Where this buffer is unwooded, the Planning Director or designee ~~will 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 species. **EXCEPTION:** Housing facing park land or park boundary road is not required to have above listed conservation area.
- b. Conservation Area land will be interconnected 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.
- ~~c. Except for civic and recreational spaces, such as squares and playing fields, Conservation Areas will 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 cannot be located in the Conservation Area land. Acreage set aside for such uses can will not be credited towards the minimum required Conservation Area. Unless the land remains appropriate for passive recreational use.~~
- d. ~~Except in those cases where a portion of~~ The Conservation Area ~~will not be~~ is located on private house lots. ~~this~~ Conservation Area land will provide for pedestrian pathways for use by the residents of the subdivision. Consideration will 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 will be made for access to the Conservation Area land, as required for land management and emergency purposes.
- e. Conservation Area land will 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.
- f. The Conservation Area will be contiguous. Contiguous will be defined as being connected based on the following:
  - a. The minimum width of any Conservation Area is 30 feet and will 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 will be permitted. Property perimeter buffers may only be considered as Conservation Areas if they include existing trees that are designated as Tree Canopy Protection Areas (TCPA).
  - b. All Conservation Area networks will provide connectivity to any common areas within the development and to any adjacent public places or rights-of-way. These connections could be provided through a pathway that may be paved, mulched, natural or grassy or other similar way to connect the areas.

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- c. Where path networks cross internal subdivision streets or public streets, access points will be directly across from each other or as approved by Public Works.
- d. Crossings and access points will be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by Public Works.
- g. Conservation Areas will still be considered connected if separated by a roadway. Planning & Design Services staff 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.~~
- h. Common and non-common areas in Conservation Area land ~~will shall~~ be preserved for its designated uses and ~~will 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 will 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.~~
- i. Paths or walkways may be permitted within ~~Conservation Wetland and Protected Waterway Buffer~~ Areas if constructed of pervious materials and demonstrate compliance with standards established in **Chapter 4.8** of the LDC.

## 7.11.7 Legal Restrictions.

- A. Permanent Conservation. Dedicated Conservation Areas will 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. Conservation Area Management Plan. Using the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all Conservation Area land ~~will shall~~ be shown. The applicant ~~will shall~~ submit a 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. A detailed ownership and management plan for the Conservation Areas ~~will shall~~ be filed with the plat for any proposed Conservation Subdivision. The plan ~~shall~~ will:
  1. Identify the owner, entity responsible for maintenance, and long-term funding strategies such as homeowners' fees or assessments.
  2. Specify guidelines for how the maintenance of the Conservation Areas and any facilities eligible for location in the Conservation Areas will occur.
  3. Identify a board and procedures for oversight of an enforcement of the Management Plan.
- C. Ownership and Management. Any management organization ~~will shall~~ be bona fide and in perpetual existence and the conveyance instrument will 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 ~~will~~ determine that, based on documents

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submitted with the development plan, the Association's bylaws or code of regulations specify the following requirements:

- a. Membership in the Association **will** be mandatory for all purchasers of lots in the development or units in the condominium.
  - b. The Association **will** 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 **will may** assume responsibility for its maintenance and **will may** enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance **will may** be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs **will may** include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs will become a lien on all subdivision properties.
- E. **Review.** The legal restrictions and ownership and Management Plan will 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 will 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. **Net Density Calculation:** ~~After all of the land that qualifies as either unbuildable or Conservation Areas (CA), as specified in 7.11.6 are removed from the Total Land Area (TA) the maximum total number of lots permitted for Conservation Subdivisions will 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 will shall serve as a guide and will shall not exceed the underlying zoning district, unless the applicant chooses to pursue a zoning change. The base density allowed on the site will shall be calculated by:~~

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

MLP = Maximum Lots Permitted  
 Net TA = Total Land Area (After CA is removed)  
 CA = Primary Conservation Area  
 IA = Infrastructure Area (10% of Net TA)

**EXAMPLE: Total Land Area (TA): 50 acres Primary Conservation Areas (PCA): ~~12~~ 25 (50%) acres**  
**Maximum Lot Calculation**

R4	R5
MLP=(50 - <del>12</del> 25-5 (acres))/9000 sf	MLP=(50 - <del>12</del> 25-5 (acres))/ 6000 sf
MLP = <del>33</del> 20 acres <sup>1</sup> / 9,000 sf.	MLP = <del>33</del> 20 acres <sup>1</sup> / 6,000 sf.
MLP = <del>1,437,480</del> 871,200 sf./9,000sf.	MLP = <del>1,437,480</del> 871,200 sf./6,000sf
MLP= <del>160</del> 97 lots	MLP = <del>239</del> 145 lots
<i>With bonus 10%:</i>	<i>With bonus 10%:</i>
MLP = <del>176</del> 107 lots or <del>3.52</del> 2.14 du/acre	MLP = <del>263</del> 159 or <del>5.26</del> 3.18 du/acre

<sup>1</sup> Calculation is in acres. To convert acres to square feet, multiply result by 43,560.

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**B. Dimensional Standards.** Conservation Subdivision design encourages creative, flexible design; therefore no minimum or maximum lot size will be imposed. Instead, an average lot size for the entire net development area is permissible. **Attached/Semi-detached units are not permitted in a Conservation Subdivision. Therefore, each lot will 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% N/A	Attached=8 Semidetached=2 N/A	≥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% N/A		≥3,000 S.F.							
R-4	Min. 30%	20% N/A	Attached=8 Semidetached=2 N/A	≥5,500 S.F.	5 ft., 0 ft. if attached	20 ft.	NA	35 ft.	25 ft., 5 ft. adjacent to alley	35 ft. (NFD) 45 ft. (TNFD)	>6,000 S.F.= .5 <6,000 S.F.= 1.5
	Min. 50%	40% N/A		≥4,500 S.F.							
R-3	Min. 60%	20% N/A	Attached=4 Semidetached=2 N/A	≥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% N/A		≥10,000 S.F.							
R-1 RE		NA	NA	≥20,000 S.F.	10 ft.	30 ft.		60 ft.			
RR		NA	NA	≥40,000 S.F.	15 ft.	40 ft.		75 ft.			

**C. Building and Lot Design Standards**

- Lot design will consist of a clustering of home sites (See Appendix C).** ~~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. Existing woodland areas may not be removed for the purposes of constructing off-street guest parking areas. The parking area will be constructed using approved pervious paving methods and will not occupy more than 15% of the total Conservation Area lot. The addition of parking spaces will not be deemed a reduction in the size of the Conservation Area with regard to the minimum Conservation Area requirement.~~

# Chapter 7 Part 11 **LDC** Conservation Subdivisions

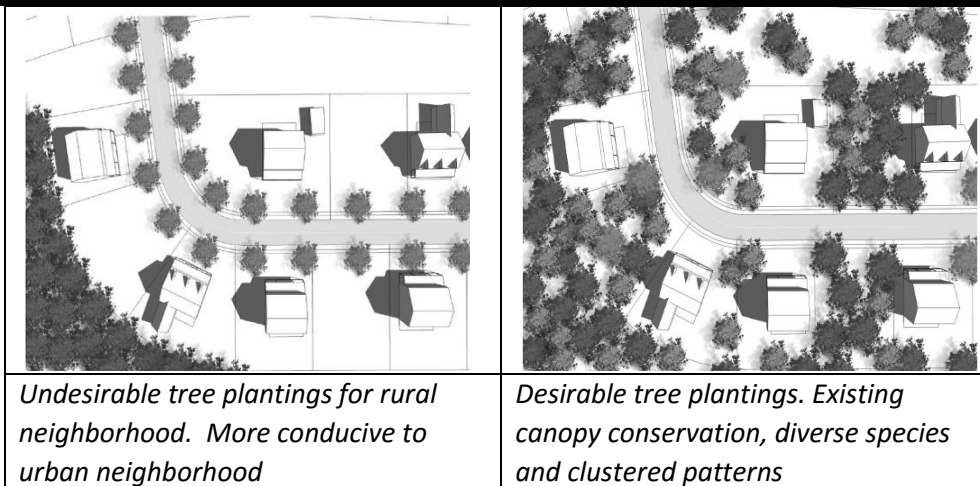
2. Rear facades **will** ~~shall~~ not be oriented to existing or proposed streets. Rear facades may face interstate highways, alleys or rear lanes.
3. Lot Frontage on a Conservation Area. Conservation subdivisions may be designed with lots fronting onto Conservation Areas with all vehicular access from 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. Streetscape Standards

For additional information regarding conservation subdivision streets refer to Appendix 7A.

1. Streets. The street network **will** form a generally connected pattern, with a minimum of cul-de-sacs, and will be varied with boulevards, diagonal streets, curving crescents, eyebrows, ovals and courts to provide visual interest. Local street design **will** adhere to the following standards:
  - a. Street patterns **will** be designed to respect and follow the existing natural topography and to limit the amount of grading and tree removal. Street grades will conform to 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, **will** terminate at other streets within the subdivision, and at least two streets will provide connections to existing or proposed through-streets or collectors outside the subdivision.
  - c. To the greatest extent practicable, streets **will** 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 **will** provide a Conservation Area.
  - d. Loop lanes or cul-de-sacs **will** be designed to not exceed 1000 feet in length. Loop lanes **will** 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 **will** be at least 30 feet wide, and **will** 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 **will**:
  - 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 will 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.

# Chapter 7 Part 11 **LDC** Conservation Subdivisions



### 3. Sidewalks

For additional information regarding conservation subdivision sidewalks refer to Appendix 7A.

Public sidewalks (including informal walkways and footpaths) **will**:

- 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.2.
- d. Be provided along the front lot lines of all residential lots to ensure pedestrian access to each lot. Sidewalks will 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 both sides of the street. Walkways located in Primary Conservation Areas (PCAs) will be constructed of pervious material such as pervious concrete, gravel, wood chips or other similar materials.

# LDC Conservation Subdivision Street & Sidewalk Guidelines

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## Appendix 7A Conservation Subdivision Street & Sidewalk Guidelines

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In order to facilitate the intent of the Conservation Subdivision Regulations in the Land Development Code (Chapter 7, Part 11), which encourages reductions in impervious surfaces to reduce surface runoff and limit land disturbances, Public Works has set forth a series of guidelines to aid in the overall design process. This guideline is not meant to be all encompassing or rigidly applied to all sites equally, however it does establish various treatments to be considered within a proposed conservation subdivision.

### A. Definitions

Road Classifications:

For the purpose of this guideline, all roads within the Conservation Subdivision will be classified based on interconnectivity, number of lots served, and the possibility of future extensions.

Main Road = provides direct access to the existing arterial or collector roadway and serves as the main entrance to the subdivision. Serves as the primary access to multiple secondary roadways and cul-de-sacs, but with few driveways directly abutting the roadway.

Secondary Road = connects directly to the main road and provides direct access to residential lots, cul-de-sacs, loop roads or connects two Main Roads.

Loop Road = provides direct access to residential lots and does not provide further access to cul-de-sacs or other stub roads. Should not provide access to more than 15 lots and can be designed as a one-way street.

Cul-De-Sac = connects directly to a Main or Secondary road and provides direct driveway access to residential lots. Cannot exceed 1,200 feet in length and should be limited to 50 single family lots or a mix of single and multi-family lots not exceeding 75 units. Designed to terminate with a bulb or halfbulb design, depending on number of lots served, that can accommodate emergency service trucks.

Stub Road = a roadway designed for future extension to an abutting property. Should be designed to Main Road standards. Temporary hammer-head turn-around will be required if the Stub road exceeds 300 feet in length or serves more than 20 single and multi-family units.

### B. Typical Roadway Cross-Sections

Roads may be designed as curb and gutter with concrete flume drainage or grass shoulders in order to reduce the overall impact of infrastructure construction. Other drainage treatments, such as inverted crown or pervious pavement, will be considered on a case by case basis, however the responsibility for maintenance will be with the Conservation Subdivision's Owners Association and an agreement of continued maintenance will be recorded prior to construction approval.

### C. Sidewalks

Sidewalks are an integral part of any residential subdivision and provide a means of access to neighborhood serving uses and a source recreation by all residents of the subdivision. Sidewalks should be provided along both sides of any roads that provide direct or indirect access to more than 75 lots. This will include most Main Roads and should include any Stub Roads that may be further developed. Sidewalks should also



# Chapter 7 Part 11 **LDC** Conservation Subdivisions

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be provided along both sides of any roads with pavement widths less than 20 feet with the exception of Loop Roads that only have lots abutting one side of the road. Sidewalks should be provided along at least one side of the road in Cul-De-Sacs with 25 or more lots or Secondary Roads with 60 or more lots.

As a general rule, sidewalks ~~should~~ **will** be provided along any roads without adequate pavement width or grass shoulder to provide safe use by pedestrians or along any densely developed road frontage that may contain a mix of single and multi-family development. Sidewalks should also be provided along roadways that are used to connect two higher classified roads, thus providing pedestrian connectivity between main roads.

Sidewalks ~~should~~ **will** also be located so as to provide pedestrian access to trail heads or other amenities located within the conservation areas.

## D. Parking

On-street parking **will** be restricted along any roads with pavement width less than 20 feet. No parking **will** be permitted on either side of the road. ~~and community parking areas will need to be provided. The total number of spaces necessary to accommodate the parking restriction will be based on the total number of lots and be located so as to provide reasonable guest parking for all abutting lots.~~

On-street parking will be restricted along one side of any roads with pavement widths less than 22 feet. No parking will be permitted on one side of the road ~~and community parking areas will need to be provided. The total number of spaces necessary to accommodate the parking restriction will be based on the total number of lots and be located so as to provide reasonable guest parking for all abutting lots.~~

## E. Right-of-Way

The total width of the public Right-of-Way will depend on the number of lots, pavement width, sidewalks and roadside drainage. ~~Roads without sidewalks or shoulders will require less Right-of-Way than wider, shouldered roads serving more lots.~~ Roadways may be constructed asymmetrically within the Right-of-Way in order to maximize the amount of infrastructure within a minimum Right-of-Way. This smaller footprint will allow greater flexibility in road design without impacting the surrounding area.

# Chapter 7 Part 11 **LDC** Conservation Subdivisions

Table 7A-1: Typical Cross-Sections

R/W	Pavement Width	Sidewalk	Roadside	Verge	Sidewalk Width	Total Width (Pavement + Verge + Sidewalk)
36'	14'	None	Shoulder	6'	0'	26'
36	14	None	Curb & Gutter	4	0	22
36	14	One	Shoulder	6	4	30
36	14	One	C & G	4	4	26
36	14	Both	Shoulder	6	4	34
36	14	Both	C & G	4	4	30
40	16	None	Shoulder	6	0	28
40	16	None	C & G	4	0	24
40	16	One	Shoulder	6	4	32
40	16	One	C & G	4	4	28
40	16	Both	Shoulder	6	4	36
40	16	Both	C & G	4	4	32
40	18	None	Shoulder	6	0	30
40	18	None	C & G	4	0	26
40	18	One	Shoulder	6	4	34
40	18	One	C & G	4	4	30
40	18	Both	Shoulder	6	4	38
40	18	Both	C & G	4	4	34
45	20	None	Shoulder	6	0	32
45	20	None	C & G	4	0	28
45	20	One	Shoulder	6	4	36
45	20	One	C & G	4	4	32
45	20	Both	Shoulder	6	4	40
45	20	Both	C & G	4	4	36
50	22	None	Shoulder	6	0	34
50	22	None	C & G	4	0	30
50	22	One	Shoulder	6	4	38
50	22	One	C & G	4	4	34
50	22	Both	Shoulder	6	4	42
50	22	Both	C & G	4	4	38
50	24	None	Shoulder	6	0	36
50	24	None	C & G	4	0	32
50	24	One	Shoulder	6	4	40
50	24	One	C & G	4	4	36
50	24	Both	Shoulder	6	4	44
50	24	Both	C & G	4	4	40
55	26	None	Shoulder	6	0	38

Chapter 7 Part 11 **LDC** Conservation Subdivisions

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55	26	None	C & G	4	0	34
55	26	One	Shoulder	6	4	42
55	26	One	C & G	4	4	38
55	26	Both	Shoulder	6	4	46
55	26	Both	C & G	4	4	42

# Chapter 7 Part 11 **LDC** Conservation Subdivisions

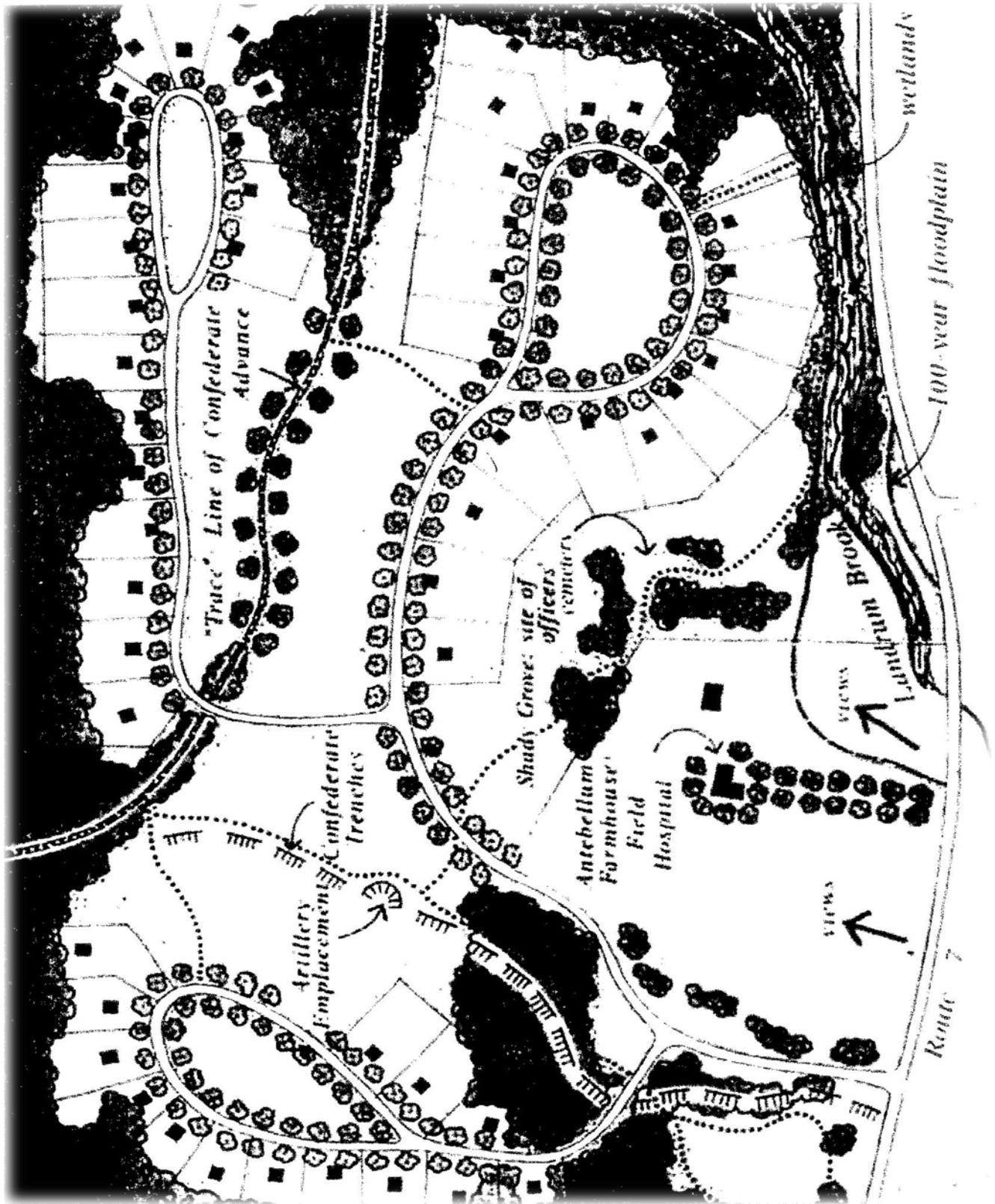
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## Appendix 7B

### Definitions

- A. Historical Areas
- B. Woodlands
- C. Steep Slopes
- D. Home Clustering
- E. Undisturbed Land
- F. Legacy Trees
- G. Unique Natural Areas
- H. Unbuildable Land
- I. Tree Canopy Preservation Area (TCPA)
  - 1. There will be no removal/cutting of trees during the review period
  - 2. There will be no tree removal/cutting 12 months before the application is filed with PDS
- J. Unique Cultural Areas

# Chapter 7 Part 11 LDC Conservation Subdivisions



16AMEND1008 - Interested Party Comments

**From:** [Davis, Brian](#)  
**To:** [Mabry, Brian K.](#); [Liu, Emily](#); [Williams, Julia](#)  
**Subject:** FW: Comment on the 6/13 density calculation  
**Date:** Wednesday, June 15, 2016 11:46:29 AM

---

-----Original Message-----

From: Harrell Hurst [<mailto:harrell.hurst@gmail.com>]  
Sent: Wednesday, June 15, 2016 11:46 AM  
To: Davis, Brian  
Cc: Liu, Emily; Porter Steve; donnie.blake@metroboards.org  
Subject: Comment on the 6/13 density calculation

Hi Brian,

I want to reaffirm my concern that the proposed increase from a 5% to 20% bonus with open space increase from 30% to 35% is too great an increase. Please recall that this was presented Monday (6/13) on the 8th slide in the presentation. I would suggest no more than 15% to encourage use of the additional mechanisms for bonuses such as those for tree canopy and green design.

I noted that most current designs fell just between 30% and 35% open space. Of the eight presented in the separate handout, only one exceeded 35% open space. If the bonus were reduced to 15% for 35% open space, this also might encourage designs to reach 40% open space to take advantage of a 25% bonus.

I hope you will give serious consideration to this suggested alternative. Again I thank you and all the P&DS staff for your efforts toward revision of the conservation subdivision regulations.

Best regards,  
Harrell Hurst

## 16AMEND1008 - Interested Party Comments

**From:** [Davis, Brian](mailto:Brian.Davis@ky.gov)  
**To:** [Mabry, Brian K.](mailto:Brian.K.Mabry@ky.gov)  
**Subject:** FW: Conservation Subdivision Reg DRAFT and Planning Committee Staff Report  
**Date:** Wednesday, June 29, 2016 10:10:57 AM

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**From:** Bill Bardenwerper [mailto:wbb@bardlaw.net]  
**Sent:** Wednesday, June 29, 2016 9:14 AM  
**To:** Liu, Emily; Davis, Brian  
**Cc:** chuck@bialouisville.com; David Mindel; Nick Pregliasco  
**Subject:** Conservation Subdivision Reg DRAFT and Planning Committee Staff Report

Emily and Brian: thank you again for all your hard and good work. Much is just fine with this revised compromise draft. But here's the same heads-up I gave you on Monday, Emily, as to the biggest problem by far with the revised reg.

The below copied Section 7.11.5C provision turns a ministerial review into a discretionary one, thereby violating the KY law of subdivisions (Snyder v Owensboro). This provision positively needs to be deleted, or else the PC will have written an illegal Subdivision regulation. I understand why DPDS staff may want to turn the below copied 7.11.3 "Purpose" section into what, for all intents and purposes, makes it a "standard". But, just read, for example, Section 7.11.3.A below, which is no standard at all. Rather it gives DPDS and the PC total discretionary review authority over a private land planner's/engineer's design of his or her subdivision, which, apart from this loosey-goosy language at Section 7.11.3.A below, may otherwise very well fully comply with all of the standards and formulas of the regulation.

Furthermore, I still don't see a definition of the word "undeveloped". Maybe I missed it. But if there is no definition to mean what we think it is supposed to mean, then it means the opposite of "development", which is a defined term in the LDC, such that the words "undisturbed" and "undeveloped" represent a distinction without a difference.

I think Chick will be prepared to raise these issues on Thursday. But I'd personally feel better if you acknowledged these two problems or solutions thereto in advance because I don't think that non-lawyers involved in these discussions always fully understand the importance of what I say. Again, a regulation as good as it otherwise is written that contains legal land mines will not be used when advised by lawyers like me who feel they are walking into a booby trap.

Meanwhile thank you for your good work. Parties may disagree, but, as compromise is within reach, let's make sure that the reg isn't legally problematic in the end. BB

### **7.11.5 Development Design Standards**

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:

**C. The design of the subdivision is in accord with the Purpose of this Part, as established in Section 7.11.3.**

***Note to Reviewers: The addition above requires consideration of the Purpose statements established in 7.11.3. This requirement can help prevent the submittal of designs that meet the letter of the regulations in this Part, but that do not create a subdivision that accomplishes the goals specific to a Conservation Subdivision.***

### **7.11.3 Purpose**

***Note to Reviewers:*** *The addition below provides a purpose statement for the Conservation Subdivision regulations. In turn, the criteria in Section 7.11.5 require consideration of these criteria as part of the review process.*

The purpose of this Part is to:

- A. Achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection** in Louisville Metro by permitting conservation subdivisions, a form of residential development that allows for reduced lot sizes in exchange for the preservation of natural, historic and cultural features on-site, as a form of residential development that is an alternative to conventional subdivisions and that fulfills multiple goals and objectives outlined in Cornerstone 2020;
- C. Provide for the preservation of open space;
- D. Permit flexibility of design in order to promote environmentally sensitive and efficient use of land;
- E. Permit grouping of houses and structures on less environmentally sensitive areas that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- F. Promote interconnected greenways and wildlife and other natural corridors through the community; and
- G. Preserve in perpetuity:
1. Unique or sensitive natural resources such as groundwater, floodplains and floodways, wetlands, streams, steep slopes, woodlands and wildlife corridors and habitat.
  2. Scenic views; and
  3. Historic and archaeological sites.

Bill Bardenwerper  
Bardenwerper Talbott & Roberts  
BIA of Greater Louisville Bldg, 2d Fl  
1000 N. Hurstbourne Parkway  
Louisville, KY 40223  
502-419-7333m/426-6688w



16AMEND1008 - Interested Party Comments

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**From:** Davis, Brian [<mailto:Brian.Davis@louisvilleky.gov>]  
**Sent:** Tuesday, June 28, 2016 7:49 AM  
**To:** Reverman, Joe <[Joe.Reverman@louisvilleky.gov](mailto:Joe.Reverman@louisvilleky.gov)>; [donnie.blake@metroboards.org](mailto:donnie.blake@metroboards.org);  
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<[waynehameloth@bellsouth.net](mailto:waynehameloth@bellsouth.net)>; [wscottjones810@gmail.com](mailto:wscottjones810@gmail.com)  
**Subject:** Draft Conservation Subdivision Regs and Planning Committee Staff Report

Good Morning,

Sorry for the tardiness, but here is the draft conservation subdivision regulations and staff report for Thursday's Planning Committee meeting. The meeting will begin at 9:00 a.m. and be conducted in the Old Jail Auditorium, 514 W. Liberty St., Louisville, KY 40202. Please contact me, Brian Mabry or Julia Williams if you have any questions.

Thanks,  
Brian Davis

**Brian Davis, AICP**  
**Planning & Design Manager**  
**Louisville Metro Planning & Design Services**  
**444. South Fifth Street, Suite 300**  
**Louisville, KY 40202**  
**(502) 574-5160**

16AMEND1008 - Interested Party Comments

**From:** [Harrell Hurst](#)  
**To:** [Davis, Brian](#)  
**Cc:** [Reverman, Joe](#); [donnie.blake@metroboards.org](mailto:donnie.blake@metroboards.org); [david.tomes@metroboards.org](mailto:david.tomes@metroboards.org); [vince.jarboe@metroboards.org](mailto:vince.jarboe@metroboards.org); [Stpinlou@aol.com](mailto:Stpinlou@aol.com); [David.Mindel@mindelscott.com](mailto:David.Mindel@mindelscott.com); [wbb@bardlaw.net](mailto:wbb@bardlaw.net); [Peden, James](#); [patrick.dominik@swlinc.com](mailto:patrick.dominik@swlinc.com); [Baker, Jonathan](#); [Billitski, Deborah](#); [Liu, Emily](#); [Haberman, Joseph E](#); [Mabry, Brian K.](#); [Williams, Julia](#); [Webster, Angela](#); [kaelinfarms@bellsouth.net](mailto:kaelinfarms@bellsouth.net); [jeffreycfrank@gmail.com](mailto:jeffreycfrank@gmail.com); [bertstocker@hotmail.com](mailto:bertstocker@hotmail.com); [churst@louisville.edu](mailto:churst@louisville.edu); [Nick Pregliasco \(nrp@bardlaw.net\)](#); [farmaid@bellsouth.net](mailto:farmaid@bellsouth.net); [frances@littledovefarm.com](mailto:frances@littledovefarm.com); [teenahal@aol.com](mailto:teenahal@aol.com); [Peter Bodnar \(pdb3@aye.net\)](mailto:Peter.Bodnar@pdb3@aye.net); [Torsky, John N](#); [karen.factorylane@gmail.com](mailto:karen.factorylane@gmail.com); [Gina.factorylane@gmail.com](mailto:Gina.factorylane@gmail.com); [WAYNE HAMELOTH \(waynehameloth@bellsouth.net\)](#); [wscottjones810@gmail.com](mailto:wscottjones810@gmail.com)  
**Subject:** Re: Draft Conservation Subdivision Regs and Planning Committee Staff Report  
**Date:** Tuesday, June 28, 2016 10:31:43 PM

---

Brian,

Thank you for providing the draft revisions prior to the 6/30 committee meeting. Following its review I would like to encourage the following change in the Lot Yield Bonus table of the LDC Conservation Subdivision Part 7.11.9 B.1. as represented in the file 16AMEND1008\_Planning\_Committee\_Draft Attachment\_1.pdf () and distributed by on June 28-2016.

Please consider change in the Preserved Conservation Area 35 – 39.99% category from 20% to 15% Lot Yield Bonus in the table noted above.

As listed the increment is very drastic from the previous line (5%) and I believe will preclude or limit use of other means, such green infrastructure design techniques, to achieve high lot bonuses. It should be noted that the maximum number of lots will be limited by the available building area as higher amounts of Preserved Conservation Area are set aside. A Lot Yield Bonus of 20% with the marginal increase from the minimum 30% to 35% will decrease use of desirable green techniques to increase Lot Yield, and negate the value of other bonuses such as those offered for increases above minimum Tree Canopy or Woodland Protection Area.

I believe the change suggested above will encourage use of the green design techniques and promote tree protection in the design process. Additionally such an amended scale might encourage increases in the Preserved Conservation Area to 40% to gain the additional 10% (i.e, from 15% to 25%) Lot Yield Bonus.

Thank you for seriously considering this suggestion.

Respectfully submitted,

Harrell Hurst

Fisherville, KY

On Tue, Jun 28, 2016 at 7:49 AM, Davis, Brian <[Brian.Davis@louisvilleky.gov](mailto:Brian.Davis@louisvilleky.gov)> wrote:

Good Morning,

Sorry for the tardiness, but here is the draft conservation subdivision regulations and staff report for Thursday's Planning Committee meeting. The meeting will begin at 9:00 a.m. and be conducted in the Old Jail Auditorium, 514 W. Liberty St., Louisville, KY 40202. Please contact me, Brian Mabry or Julia Williams if you have any questions.

Thanks,

Brian Davis

**Brian Davis, AICP**

**Planning & Design Manager**

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