

16AMEND1008

Conservation Subdivision Amendments



Louisville Metro Planning Commission

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July 7, 2016

Requests

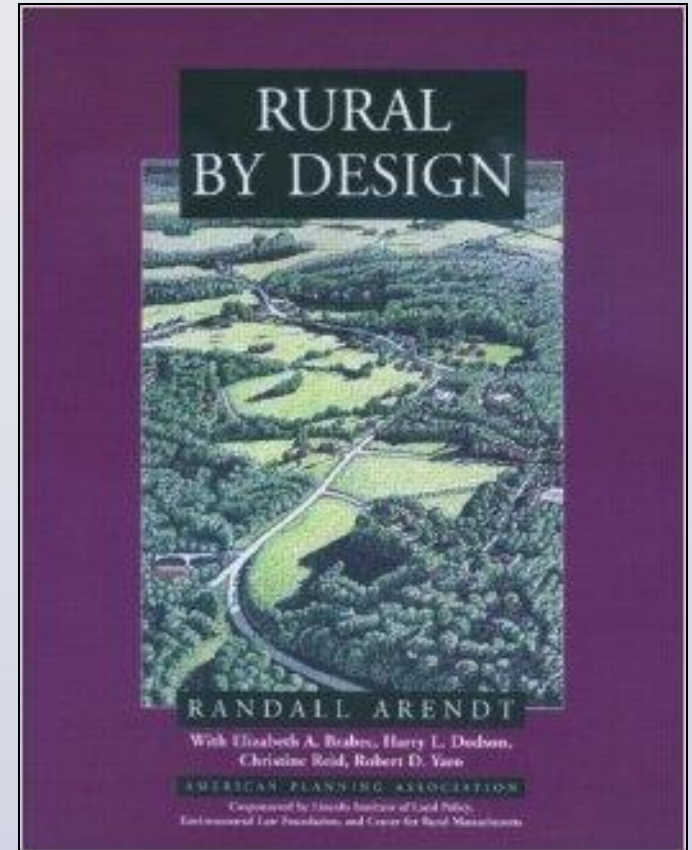
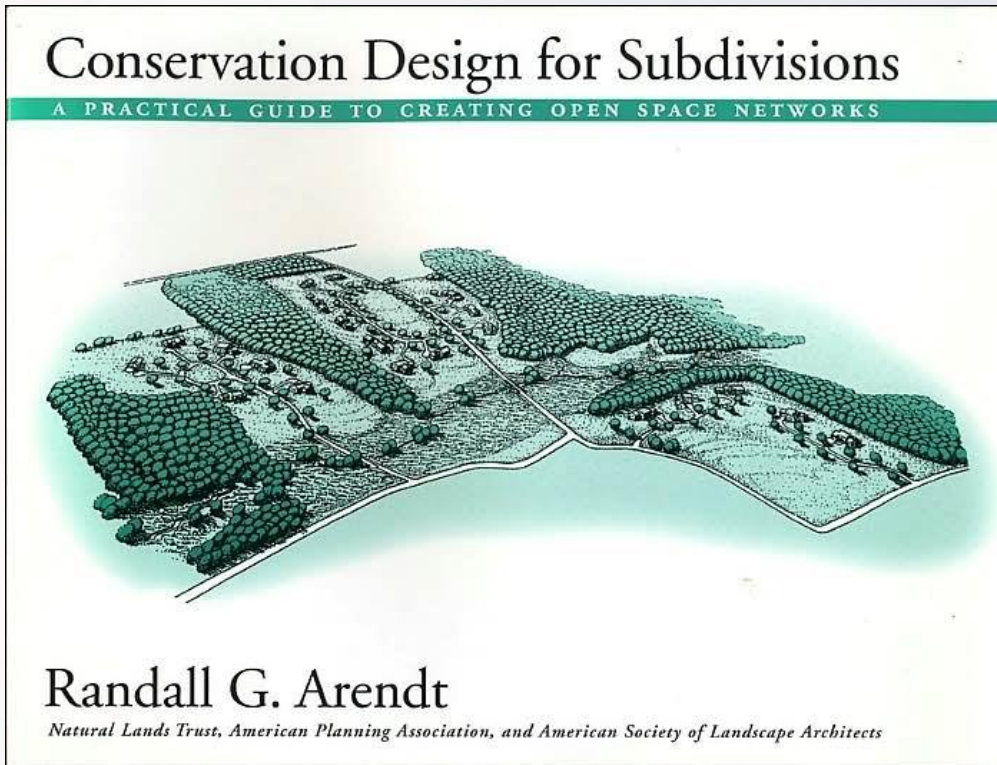
- Amendments to Chapter 7.11 of the Land Development Code (Conservation Subdivisions)
- Amendments to Chapter 1.2 of the Land Development Code (Definitions)

Case Summary / Background

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.

Case Summary / Background



Case Summary / Background

- The Conservation Subdivision Regulations were originally approved by the Planning Commission on November 29, 2007 (Case Nos. 9815 and 9816). The regulations would go into effect on March 1, 2008.
- Catalpa Farms was the first approved conservation subdivision (2009).
 - 463 Detached Lots, 103 Attached Lots on 197 acres
 - 36% open space
 - 3.6 units/acre net density
- From 2013 to 2015, 20 of the 55 subdivisions submitted for review were conservation subdivisions.

Case Summary / Background

- Confusion about “Primary Conservation Area” and “Secondary Conservation Area”
- Inconsistency with the density calculation
- Improper wording in the regulation
- Open space quality
- Way around zoning change

Case Summary / Background

March 3, 2016 Planning Commission:

- Chairman Blake remarked, “In the letter, Councilman Peden has indicated that he and some other members of the council have become concerned about some of the conservation subdivisions that have been approved and think maybe they’re not completely following the intent of the conservation subdivision regulations.”
- Chairman Blake remarked, “It may be a consideration that we need to step back and review these regulations to see what we can do to make them better conform to the intent of the original conservation subdivision.”

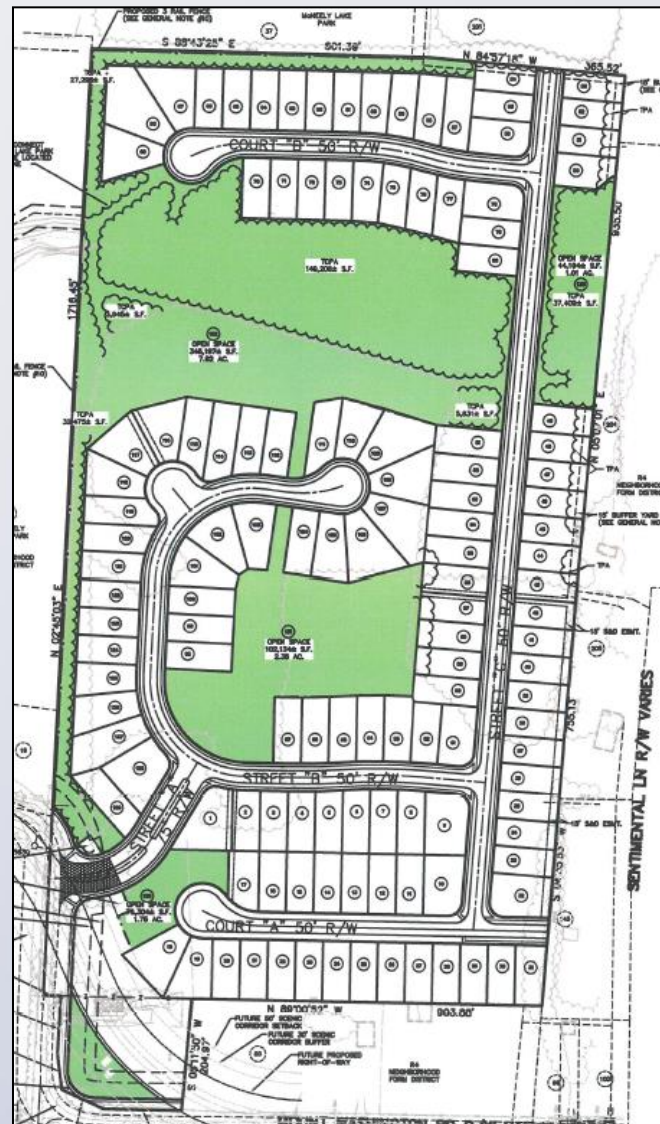
Case Summary / Background

Conservation Subdivision Task Force:

- Met six times between March 17 and June 13, 2016
- Reviewed a number of approved conservation subdivisions
- Expressed concerns and offered possible suggestions

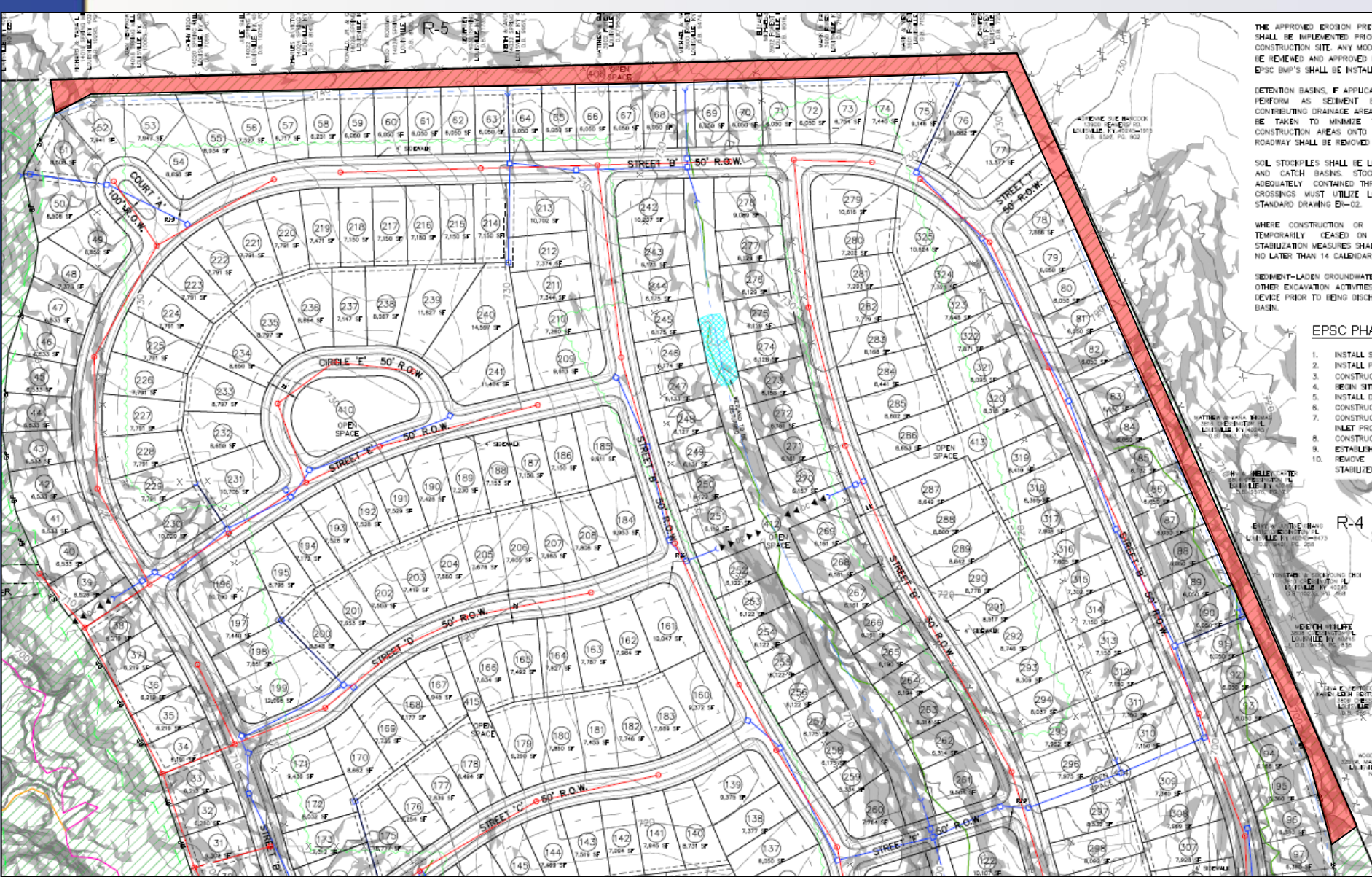


**Woods at Penn Run
(Standard)
112 lots
4.89 acres of open space**



**Woods at Penn Run
(Conservation)
129 lots
13.03 acres of open space**





THE APPROVED EROSION PREVENTION PLAN SHALL BE IMPLEMENTED PRIOR TO CONSTRUCTION. ANY MODIFICATION TO THE PLAN SHALL BE REVIEWED AND APPROVED BY THE CITY ENGINEER. EROSION PREVENTION MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.

DETENTION BASINS, IF APPLICABLE, SHALL BE DESIGNED TO PERFORM AS SEEDING OR CONTRIBUTING DRAINAGE AREA. ANY MODIFICATION TO THE PLAN SHALL BE REVIEWED AND APPROVED BY THE CITY ENGINEER. CONSTRUCTION AREAS ONTO ADJACENT ROADWAYS SHALL BE REMOVED.

SOIL STOCKPILES SHALL BE LOADED AND CATCH BASINS STOCKED ADEQUATELY CONTAINED THROUGH CROSSINGS MUST UTILIZE LOCAL STANDARD DRAWING EN-02.

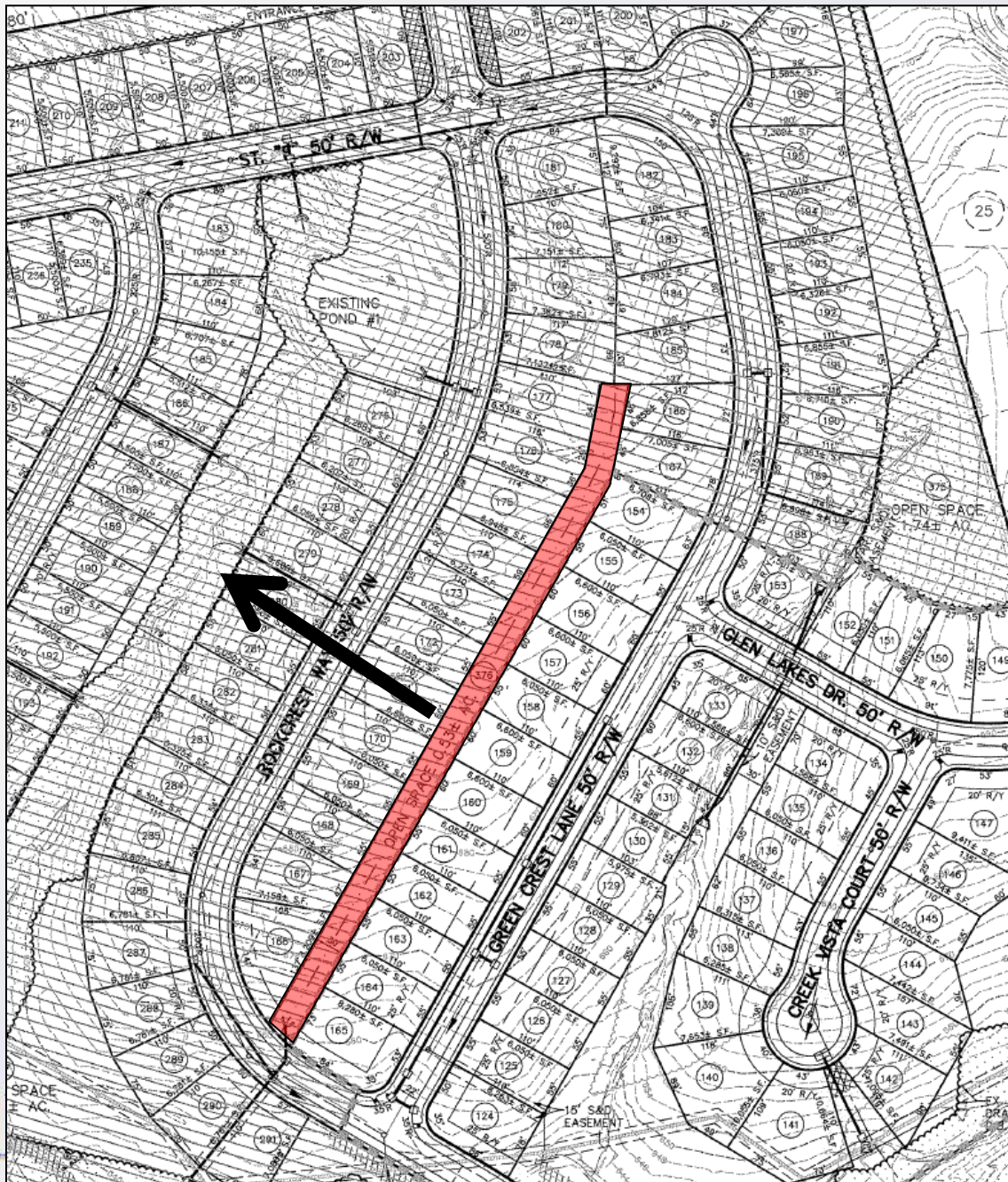
WHERE CONSTRUCTION OR TEMPORARILY CEASED OR STABILIZATION MEASURES SHALL NO LATER THAN 14 CALENDAR DAYS AFTER THE DATE OF COMPLETION OF THE CONSTRUCTION.

SEDIMENT-LOADED GROUNDWATER OTHER EXCAVATION ACTIVITIES SHALL BE STOPPED PRIOR TO BEING DISCHARGED INTO THE BASIN.

EPSC PHASE

1. INSTALL STABILIZATION MEASURES
2. INSTALL EROSION PREVENTION MEASURES
3. CONSTRUCT DETENTION BASIN
4. CONSTRUCT DETENTION BASIN
5. INSTALL DETENTION BASIN
6. CONSTRUCT DETENTION BASIN
7. CONSTRUCT DETENTION BASIN
8. CONSTRUCT DETENTION BASIN
9. CONSTRUCT DETENTION BASIN
10. REMOVE EROSION PREVENTION MEASURES

R-4



Case Summary / Background

- Conservation
- Buffer Areas
- Open Space Quality, Usability and Connectivity
- Tree Preservation

- Open Space Credit
- Density Calculation
- Review Process
- Feasibility to Develop

Proposed Amendments

- Chapter 1.2 of the Land Development Code (Definitions)
- Chapter 7.11 of the Land Development Code (Conservation Subdivisions)

Proposed Amendments (Chapter 1.2)

The following definitions have been removed:

Active Recreation Area (Conservation Subdivision)

Maximum Density (Conservation Subdivision)

Passive Recreation Area (Conservation Subdivisions)

Primary Conservation Areas (PCA)

Secondary Conservation Areas (SCA)

Proposed Amendments (Chapter 1.2)

The following definition has been amended:

Conservation Area - Land to remain **undisturbed** undeveloped 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.~~

Proposed Amendments (Chapter 1.2)

The following definitions has been added:

Conservation Tree - A tree of a species shown on the State Champions Tree List maintained by the Kentucky Department of Natural Resources, Division of Forestry, which also has a circumference, height, average crown spread or total points at a minimum of 50 percent of the Species Champion.

Conventional Subdivision - A subdivision that complies with the applicable provisions of this LDC, but that is not a conservation subdivision.

Proposed Amendments (Chapter 1.2)

The following definitions has been added:

Recreation Area (Conservation Subdivisions) - Areas dedicated to passive and active recreation activities. Examples of active recreation area facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. Examples of passive recreation activities include bird watching, walking, hiking, picnicking, horseback riding, or photography.

Proposed Amendments (Chapter 1.2)

The following definitions has been added:

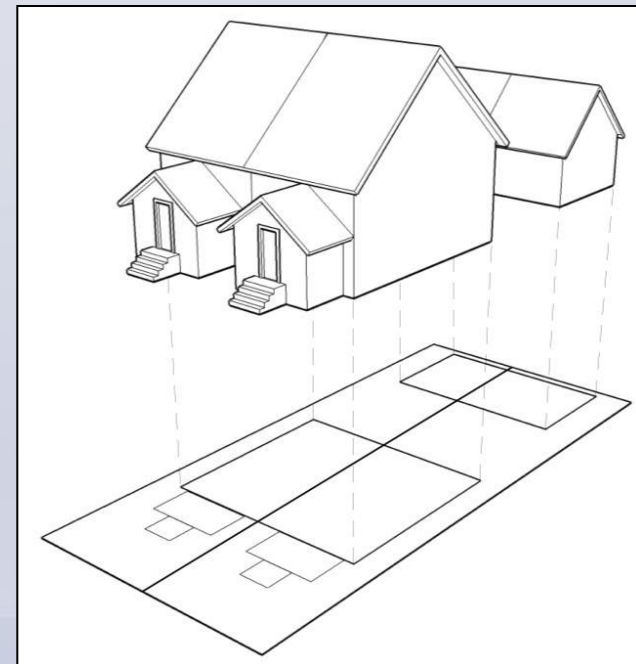
Undeveloped (Conservation Subdivisions) - A characteristic of a site whereby the site does not contain or exhibit any of the following improvements, activities or characteristics: buildings, mining, dredging, filling, excavation, drilling or grading activities, paving, storage of materials and equipment, 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.

Proposed Amendments (Chapter 7.11)

7.11.3 Applicability:

D. Tree Removal Prior to Application. A site shall be ineligible for development as a conservation subdivision if any tree removal has taken place on the site at any time within twelve months prior to pre-application submittal without consultation from 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 or routine maintenance.

E. Single-Family Semi-Detached and Attached Permitted. Single-family semi-detached and attached dwelling units are permitted in the R-2, R-3, R-4, and R-5 zoning districts as part of a conservation subdivision. Such housing types are not permitted in the RE, RR, and R-1 zoning districts.



Proposed Amendments (Chapter 7.11)

7.11.4 Procedures:

Under Item A. Pre-application, the following has been added:

2. Tree Removal Affidavit. The applicant shall submit an affidavit affirming that no tree removal, other than removal for safety reasons or for routine maintenance 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.

Proposed Amendments (Chapter 7.11)

7.11.4 Procedures:

Under Item A. Pre-application, the following has been added:

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.~~3~~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. In addition, the Metro Council member, or his or her designee, shall be invited to the site visit. 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.

Proposed Amendments (Chapter 7.11)

7.11.4 Procedures:

Under Item B. Preliminary Plan Application, the following has been changed:

10. ~~The Planning Director may also require~~ The applicant shall ~~to~~ submit a ~~traditional~~ conventional subdivision layout (adhering to non-conservation subdivision regulations) for the site for staff to compare to the conservation subdivision layout submitted. The conventional layout shall not reflect any variances or waivers that may otherwise have been requested as part of the submittal.

Proposed Amendments (Chapter 7.11)

7.11.4 Procedures:

The following has been added:

D. Final Action. Final action on the conservation subdivision shall be in accordance with the Louisville Metro Planning Commission Policies.

Proposed Amendments (Chapter 7.11)

7.11.6 Conservation Areas:

A. Half Credit Conservation Areas

1. Cemeteries;
2. Alluvial soils identified by the Federal Emergency Management Agency (FEMA) and 100-Year floodplain;
3. Unstable soils as determined by the Natural Resources Conservation Services and depicted in Core Graphic 5;
4. Protected Waterways and their Buffer Areas (100 feet)
5. Karst features subject to development restrictions as defined in Chapter 4.9;
6. Existing slopes greater than 30% on average with a site area greater than 5,000 square feet

Proposed Amendments (Chapter 7.11)

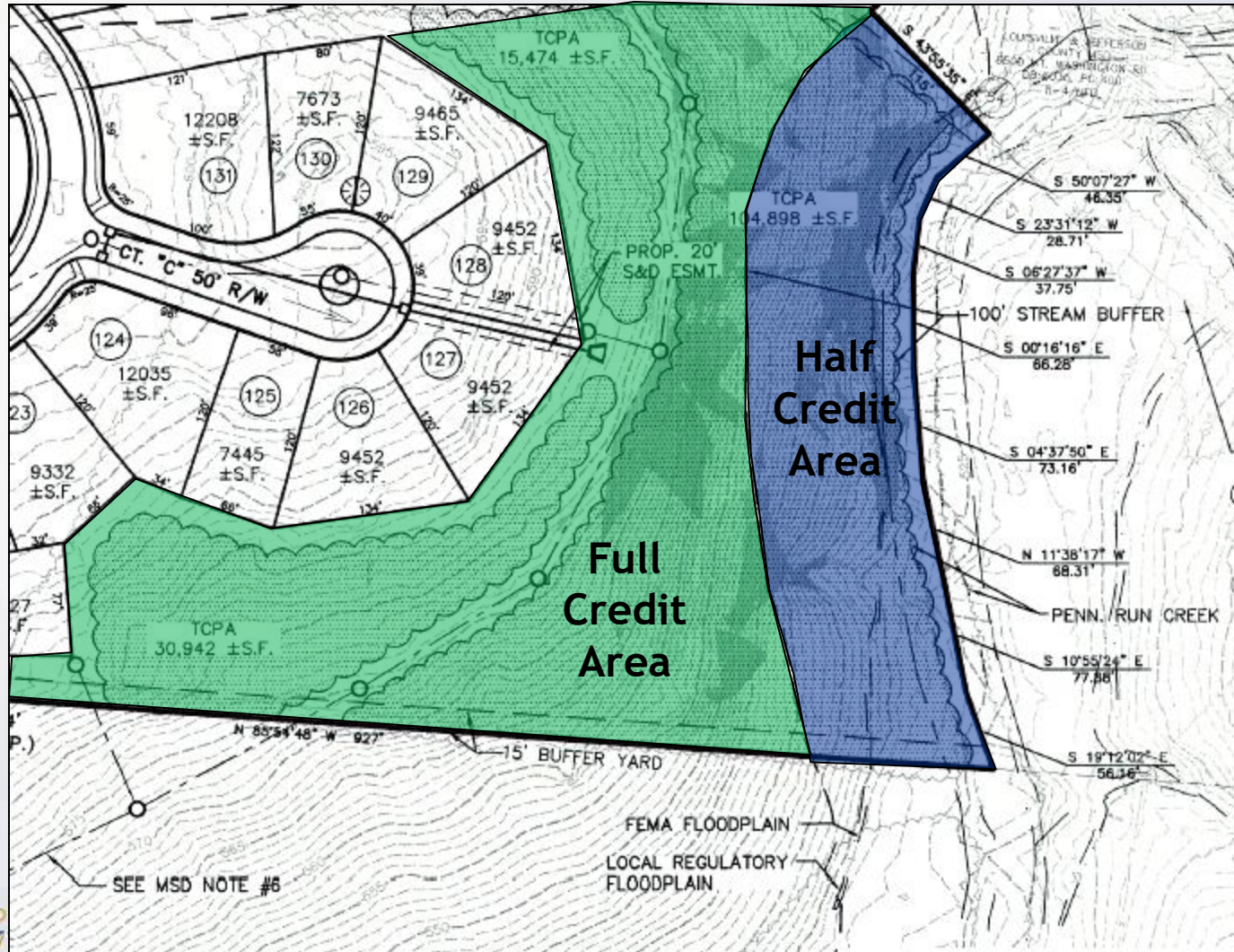
7.11.6 Conservation Areas:

B. Full Credit Conservation Areas

1. Farmlands (fields, pastures, meadows, prime agriculture soils);
2. Habitats for endangered or threatened species as defined by the Kentucky Department for Natural Resources;
3. Woodlands, excluding riparian buffers;
4. Historic and/or archaeological sites as identified by the Kentucky Heritage Council or Louisville Landmarks Commission, excluding cemeteries;
5. Recreation areas, public and private, passive and active, to include pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, orchards, vineyards or community gardens, parks as identified by the Metro Parks and Recreation Master Plan, playing fields, and playgrounds and similar areas;

Proposed Amendments (Chapter 7.11)

7.11.6 Conservation Areas:



Proposed Amendments (Chapter 7.11)

7.11.6 Conservation Areas:

B. Full Credit Conservation Areas

- The features listed above shall receive a 125 percent credit when calculating the minimum required Conservation Area for a conservation subdivision if they are situated so that they do not abut a rear property line of a residential lot.



Proposed Amendments (Chapter 7.11)

7.11.6 Conservation Areas:

The following has been amended:

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 shall be eligible for credit as Conservation Area if ~~unless~~ the land remains appropriate for ~~passive~~ recreational use.

Proposed Amendments (Chapter 7.11)

7.11.6 Conservation Areas:

The following has been amended:

- The requirement to have pedestrian pathways/trails in all conservation areas has been deleted.

Proposed Amendments (Chapter 7.11)

7.11.6 Conservation Areas:

The following has been amended:

C.5. 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 that is not a property perimeter buffer is 30 ~~60~~ feet, the maximum length is 1,200 feet, and minimum contiguous area is ~~shall contain at least 6,000~~ 9,000 square feet ~~of contiguous area~~ unless the Conservation Area is at the terminus of a cul-de-sac, where the minimum width of ~~15~~ 30 feet shall be permitted.



- b. Property perimeter buffers may only be considered as Full Credit Conservation Areas if they include existing trees and vegetation that are designated as ~~Tree Canopy Protection Areas (TCPA)~~ Woodland Protection Areas (WPA) and are a minimum of 100 feet in width in their entirety.

Proposed Amendments (Chapter 7.11)

7.11.6 Conservation Areas:

The following has been amended:

C.5. The Conservation Area shall be contiguous. Contiguous shall be defined as being connected based on the following:

- c. All Conservation Area networks shall 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.~~
- f. Provisions shall be made for access to the Conservation Area, as required for land management and emergency purposes.

Proposed Amendments (Chapter 7.11)

Total Area - Primary Conservation Area - ROW

Zoning District Min. Lot Area

(40 acres - 4.16 acres - 6.0 acres) 43,560

9,000

(29.84 acres) 43,560

9,000

1,299,830

9,000

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

- A. Lot Yield Density Calculation. The total number of lots permitted for a conservation subdivision shall be the number of lots shown on the conventional layout required to be submitted in Sec. 7.11.4.B. The Lot Yield Bonus provisions in subsection B below may be utilized to increase the total number of lots permitted for the conservation subdivision.
- B. Lot Yield Bonus Provisions. The following lot yield bonuses are permitted for a conservation subdivision and shall apply to the number of lots permitted for the subdivision based on the submitted conventional layout. Under no circumstances shall the accumulated lot yield bonuses result in a lot count that exceeds the lesser of 135 percent of the number of lots shown on the conventional layout or the maximum number of lots permitted by the zoning density.

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

B. Lot Yield Bonus Provisions

1. Conservation Area

	SCENARIO 1	SCENARIO 2
Amount of Open Space	Lot Yield Bonus	Lot Yield Bonus
30 - 34.99%	5%	10%
35 - 39.99%	20%	15%
40 - 44.99%	25%	20%
45 - 49.99%	30%	25%
50% or more	35%	30%

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

B. Lot Yield Bonus Provisions

2. Tree Canopy or Woodland Protection Area

Amount of Tree Canopy or Woodland Protection Area	Lot Yield Bonus
Minimum required in Chapter 10 - 24.99%	0%
25 - 34.99%	10%
35 - 44.99%	15%
45 - 49.99%	25%
50% or more	35%

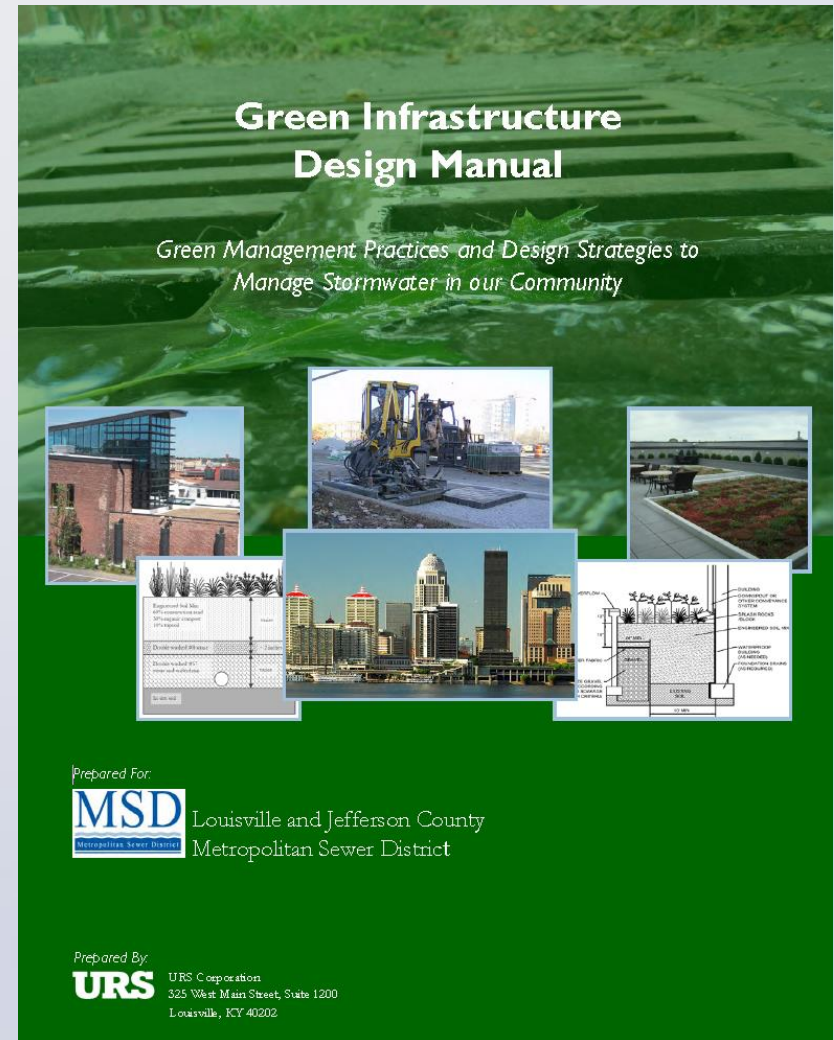
Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

B. Lot Yield Bonus Provisions

3. Green Infrastructure Design Techniques

- a. 2% lot yield bonus for each technique incorporated into the design (green streets, green detention basins, etc.)



Concept Neighborhood and Parkway Uses

Multiple GMPs can be used as part of the design strategy for green streets as demonstrated in the following pictures.

Existing: Traditional Curb and Gutter with Catch Basins in a Residential Development →

A traditional street with catch basins and curbing is shown in the picture to the right.



(Concept Rendering: Shea Powell, Dropseed Nursery)



(Photo: Erin Wagoner, URS)

← Green Option: Rain Garden, Pervious Pavers and Trees are Used in Residential Neighborhood

In residential neighborhoods existing catch basins can be incorporated into curb cuts that capture street runoff and direct it to rain gardens (demonstrated in the picture to the left), bioswales and filter strips. The use of pervious pavers reduces the runoff from the street. These GMPs provide environmental benefits, as well as aesthetic and economic benefits.



Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

B. Lot Yield Bonus Provisions

4. Conservation Tree Preservation

Conservation Tree - A tree of a species shown on the State Champions Tree List maintained by the Kentucky Department of Natural Resources, Division of Forestry, which also has a circumference, height, average crown spread or total points at a minimum of 50 percent of the Species Champion.



Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

B. Lot Yield Bonus Provisions

4. Conservation Tree Preservation

Percent of Kentucky Species Champion Circumference, Height, Spread or Total Points	Lot Yield Bonus per Tree (Subdivision with less than 60 lots)	Lot Bonus per Tree (Subdivision with 60 lots or more)
0 - 49%	None	None
50 - 74.99%	5%	3%
75 - 100%	10%	5%

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

C. Dimensional Standards

- Divided “Average Lot Size” into “Average Lot Size for Single-Family Detached” and “Average Lot Size for Single-Family Attached/Semi-Attached”
- Added 40% Conservation Area thresholds to the R-4 and R-5 zoning districts
- Added Minimum Lot Width standards for attached units in the R-2 and R-3 zoning districts
- Made changes to the Floor Area Ratio (FAR) requirements

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

C. Dimensional Standards

	Min. Conservation Area	Max. Attached/Semi-Attached Units	Avg. Lot Size for SF Detached	Avg. Lot Size for SF Attached/Semi-Detached
R-5	30%	30%	4,500 sf	<u>1,500 sf</u>
	<u>40%</u>	<u>40%</u>	<u>3,750 sf</u>	
	50%	50%	3,000 sf	
R-4	30%	20%	5,500 sf	<u>1,500 sf</u>
	<u>40%</u>	<u>30%</u>	<u>5,000 sf</u>	
	50%	40%	4,500 sf	

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

C. Dimensional Standards

	Min. Conservation Area	Max. Attached/Semi-Attached Units	Average Lot Size for SF Detached	Average Lot Size for SF Attached/Semi-Detached
R-3	60%	20%	<u>6,000 sf</u>	<u>2,000 sf</u>
R-2	60%	20%	<u>10,000 sf</u>	<u>3,000 sf</u>
R-1/ R-E	60%	N/A	<u>20,000 sf</u>	<u>N/A</u>
R-R	60%	N/A	<u>40,000 sf</u>	<u>N/A</u>

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

C. Dimensional Standards

	Floor Area Ratio (FAR)
R-5, R-4, R-3, R-2, R-1, RE and RR	<u>Less than 5,000 sf = 1.5</u> <u>5,000 - 5,999 sf = 1.0</u> <u>6,000 sf or more = 0.5</u>

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

D. Building and Design Standards

2. Rear facades shall ~~not~~ only be permitted to be oriented to existing or proposed streets if the developer submits a concept landscape plan or architectural plan for lots with rear facades oriented to existing or proposed streets. Rear facades may face interstate highways, alleys or rear lanes.

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

E. Streetscape Standards

1.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.~~

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

E. Streetscape Standards

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, except as provided in paragraph d. below, be installed in groupings that appear natural rather than equally spaced rows;

Proposed Amendments (Chapter 7.11)

7.11.9 Technical Standards for Conservation Subdivisions:

E. Streetscape Standards

2. Street trees.

Street trees shall:

- c. Except as provided in paragraph d. below, be installed at intervals no greater than 40 feet, planted in a clustered pattern with spacing approved by PDS staff; and
- d. Include Type A, Type B, and Type C trees, planted at intervals not less than 50, 40, and 30 lineal feet, respectively, if planted at regular intervals, rather than a clustered pattern as set forth in paragraphs b. and c. above.

Proposed Amendments (Chapter 7.11)

Additional Changes Made Since Planning Committee

- 7.11.6.C.1 - added “or conservation easement”
- 7.11.6.C.6 - changed the reference to Planning staff to Planning Commission or their designated committee
- 7.11.9.B.3 - eliminated Stream Buffers and Green Detention Basins from the list of items eligible for bonuses

Applicable Plans & Policies

- Cornerstone 2020
- Land Development Code

Staff Conclusions

- The proposed amendments would refine the existing conservation subdivision regulations in the LDC to address the current concerns of both the development community and local environmental and residential stakeholders. The proposed amendments provide greater development incentives for environmentally sensitive design and greater assurance to the public that the conservation subdivision will be environmentally sensitive.

Findings

WHEREAS, the Planning Commission finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with the applicable guidelines and policies of Cornerstone 2020.

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Community Form, Guideline 4, Open Space. The proposed amendments maintain and enhance the existing open space preservation requirements.

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Community Form, Guideline 5, Natural Areas and Scenic and Historic Resources. The proposed amendments require or encourage the protection of natural or scenic assets.

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Livability and Environment, Guideline 13 and Livability Strategy, Goal F2. The proposed amendments encourage and require preservation of natural landscape character and allow for designed enhancements to the natural features of a site in the form of street trees, buffers, and other improvements.

WHEREAS, the Planning Commission further finds that the proposed amendments to the conservation subdivision provisions of the LDC comply with Livability Strategy, Goal F4. The proposed amendments contain incentives to preserve both large stands of trees and individual specimens.

Required Actions

Recommend Approval/Denial of the following items to Louisville Metro Council:

Amendments to Chapter 1.2 of the Land Development Code (Definitions)

Amendments to Chapter 7.11 of the Land Development Code (Conservation Subdivisions)