

Attachment #7: Summary of LDC Main Committee's Actions Related to Conservation Subdivision Sub-committee Report & Recommendations

Planning Commission Meeting Date: 8/11/14



Case No:	14AMEND1003
Project Name:	Conservation Subdivision Sub-committee Final Report
Case Manager:	Michael Hill, AICP, Planning Coordinator

LDC MAIN COMMITTEE REVIEW & ACTION SUMMARY

The recommendations of the Conservation Subdivision LDC Sub-committee were discussed at the 11/19/13 LDC Main Committee meeting. Items #1 & 2 listed below in this report have been recommended for approval by the LDC Main Committee. One staff recommendation related to the Chapter 7 Subdivision Regulations is also included in this report.

TASKS ASSIGNED TO THE CONSERVATION SUBDIVISION SUB-COMMITTEE

This sub-committee was charged with reviewing the existing conservation subdivision regulations and proposing improvements to the section.

CONSERVATION SUBDIVISION SUB-COMMITTEE BACKGROUND INFORMATION

Between March 5, 2013 and June 8, 2013 the Conservation Subdivision Sub-committee met six times. The meetings averaged five participants per meeting. The 12 individuals listed below participated in this sub-committee.

David Kaelin	David Mindel – Mindel Scott & Associates
Mike Jones – Signature Green Properties	Chuck Kavanaugh – Homebuilders Association of Louisville
Mike Farmer	Franny Aprile
Bonne Betz Loeb – Wolf Pen Preservation Association	Pat Barry – Metropolitan Sewer District
Jeff Brown – Louisville Metro Public Works	James Peden – Metro Council
Pat Dominik – Sabak Wilson	Julia Williams – Planning & Design Services

SUMMARY OF RECOMMENDATIONS

SUB ITEM #1 –Request Staff to Research New Rural Conservation Subdivision Option

After a thorough review of the current conservation subdivision regulations the sub-committee has determined that in its current format the regulation is more conducive to the creation of suburban conservation subdivisions. This suburban conservation subdivision option serves a purpose in our community, but ultimately should be complimented by a separate option that is more focused on the preservation of significant rural characteristics of the land. Beyond the changes proposed to the existing conservation subdivision regulations the sub-committee recommends that the LDC Main Committee request PDS staff and others to begin analyzing the benefits of creating a new rural conservation subdivision option within the first quarter of 2014. **Considering it is now apparent that this proposal will be reviewed by the Planning Commission after the first quarter of 2014, staff suggests removing the reference to the first quarter of 2014 and replacing it with “this effort should begin as soon as reasonably possible.”**

SUB ITEM #1 – VOTE

Motion to approve SUB Item #1 made by Chuck Kavanaugh and seconded by Barbara Sinai at 11/19/13 meeting.

YES: James Peden, Donnie Blake, David Proffitt, Chuck Kavanaugh, Pat Dominik, Kathy Linares (2 votes; also alternate for Matt Meunier), Mike Jones (alternate for Deborah Bilitski), Barbara Sinai, Steve Porter, Tom FitzGerald, Teena Halbig, Kevin Dunlap and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King

SUB Item #1 recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

SUB ITEM #2 –Changes to Existing Conservation Subdivision Regulations

Section 7.11 and Appendix 7A (attached to this report) contain the proposed changes to the existing conservation subdivision regulations. Changes are summarized below.

1. Eliminate required concept plan/sketch overlay submittal prior to site visit. Site visit should occur earlier in process. Now a pre-application submittal will be required which includes submittal of an Existing Resources and Site Analysis Plan. Then site visit with applicant and staff occurs. Then the required neighborhood meeting is conducted by the applicant. Then the preliminary plan is formally submitted to PDS.
2. Consolidated language regarding the conservation area management plan.
3. New requirement for a letter of explanation to be submitted explaining various key elements of the proposal.
4. Give the Planning Director the authority to require the applicant to submit a traditional (non-conservation) subdivision conceptual layout for the same property to be used as a comparison tool.
5. Landscape buffer areas are no longer allowed in Secondary Conservation Areas (SCA). SCA's are intended to be undeveloped, protected lands and to allow landscape buffers in them implies that newly designed landscaping and screening devices will be installed.
6. Property perimeter buffers may only be considered as Conservation Areas if they include existing trees that are designated as Tree Canopy Protection Areas (TCPA).
7. Additional language has been added to clarify that connections between conservation areas and common areas could be provided through a pathway that may be paved, mulched, natural or grassy or other similar ways to connect the areas.
8. Removed the requirement for the applicant to demonstrate the financial feasibility of the conservation area ownership and maintenance as well as elimination of the requirement to include cost estimates for maintenance, staffing, operations, insurance costs, etc.

9. Currently, off-street guest parking areas are allowed within Secondary Conservation Areas, but we now are prohibiting existing woodland areas from being removed for the purposes of constructing off-street guest parking areas.
10. Appendix 7A is a new document (prepared by Public Works staff) that includes guidelines for streets and sidewalks within conservation subdivisions.
11. Elimination of redundant statements.
12. Correction of grammatical errors.

SUB ITEM #2 – VOTE

Motion to approve SUB Item #2 made by Tom FitzGerald and seconded by Barbara Sinai at 11/19/13 meeting.

YES: James Peden, Donnie Blake, David Proffitt, Pat Dominik, Mike Jones (alternate for Deborah Bilitski), Barbara Sinai, Steve Porter, Tom FitzGerald, Teena Halbig, Kevin Dunlap and Gabe Fritz

NO: None

ABSTAIN: Kathy Linares (2 votes; also alternate for Matt Meunier)

ABSENT: Jim King and Chuck Kavanaugh

SUB Item #2 recommended for approval by a vote of: 11 in favor, 0 opposed, 2 abstentions and 2 absent.

CONSERVATION SUBDIVISION REGULATION CHANGES APPROVED UNDER ITEM #2 SHOWN BELOW

7.11.1 Relationship to the Comprehensive Plan

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

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

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

7.11.2 Definitions

Definitions for the following list of terms used in this Part can be found in Chapter 1, Part 2: Active Recreation Area, Average Lot Size, Conservation Area, Conservation Subdivision, Existing Resources and Site Analysis Plan, Lane, Maximum Density, Minimum Required Conservation Area, Neighborhood Green, Passive Recreation Area, Preliminary Conservation Area Ownership and Management Plan, Primary Conservation Areas (PCA), Secondary Conservation Areas (SCA), Terminal Vista, Vegetative Cover

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 shall be no less than five acres and shall 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 ~~C~~ **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 not result in providing only narrow or isolated fragments of Conservation Area.
 - 2. The Conservation Subdivision will ensure the protection of a unique natural, cultural or historical area.

7.11.4 Procedures

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

- A. **~~Concept Plan~~Pre-application.** Prior to formal application, an applicant shall file a ~~concept plan~~ **pre-application** and accompanying materials required by Planning and Design Services. The filing shall include an Existing Resources and Site Analysis Plan ~~and a conceptual sketch overlay of proposed lots~~. The Plan ~~and conceptual sketch overlay~~ shall be drawn on paper or other media approved by division staff at a **legible** scale of ~~1 inch = 100 feet or 1 inch = 200 feet~~, depending on the size of the subdivision, and shall follow the guidelines as outlined in **Section 7.5**. The Existing Resources and Site Analysis Plan ~~and Sketch Plan Overlay~~ shall be prepared in accordance with the requirements contained below:
 - 1. **Existing Resources and Site Analysis Plan.** The Existing Resources and Site Analysis Plan shall show the following:
 - a. Topography, the contour lines of which shall be at two-foot intervals. The determination of appropriate alternative contour intervals shall be made by the Planning Director or designee, which may result in a requirement of greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15-20 percent, 20-30 percent, and greater than 30 percent shall be clearly labeled.
 - b. Ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in **Section 4.8** of the LDC.
 - c. Vegetative Cover conditions on the property according to general cover type including, but not limited to, cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland, individual and isolated, mature trees which have a caliper (measured at chest height) of at least 12-15 inches for Type A species, 8-12 inches for Type B species, and 6-8 inches for Type C species, and the actual canopy line of existing trees and woodlands. Vegetative Cover types shall be described by plant community, relative age, and condition.
 - d. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for Jefferson County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
 - e. Ridge lines and watershed boundaries.
 - f. A viewshed analysis showing the location and extent of views into the property from public roads, public parks, public forests, and other public lands.
 - g. Geologic formations, including, but not limited to, rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

- h. All existing man-made features including, but not limited to, streets, driveways, farm lanes, woodland roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
- i. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthenworks, and graves.
- j. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, all-terrain vehicle and other similar trails), or private trails that will be integrated into the final plan.
- k. All easements of property which are or have been filed of record with the Jefferson County Clerk's Office.
- l. **At least 100 feet into adjacent properties shall 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.**

- ~~2. **Sketch Overlay.** The Sketch Overlay shall contain the following information:~~
 - ~~a. The name(s) of property owner(s) and the tax block(s) and lot number(s) for all Parcels that are contained within the boundaries of the proposed subdivision as identified from Property Valuation Administrator's current maps and records.~~
 - ~~b. The boundaries of the proposed subdivision.~~
 - ~~c. A key map showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.~~
 - ~~d. Graphic scale (not greater than 1 inch = 200 feet; however, dimensions on the plan need not be exact at this stage) and north arrow;~~
 - ~~e. Zoning and Form District(s) for all property shown on the Sketch Overlay.~~
 - ~~f. Schematic layout indicating a general concept for land conservation and development;~~
 - ~~g. Proposed general street and lot layout;~~
 - ~~h. In the case of land development plans, proposed location of buildings and major structures, parking areas, and other improvements; and~~
 - ~~i. General sketch of proposed methods of water supply, sewage disposal, and stormwater management.~~
 - ~~j. Notes indicating zoning district and calculations for Minimum Required Conservation Area Land and Maximum Density.~~

3-2. 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.4** below, PDS staff, the applicant, along with interested public agencies and utility companies shall visit the site to gain a thorough understanding of the characteristics of the site. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.

4-3. Neighborhood Meeting. The applicant shall provide notice to all first tier property owners, neighborhood groups that have registered with Planning and Design Services, the Metro Council office representing the district in which the parcel lies, and to PDS staff stating that a subdivision is being proposed and announcing a neighborhood meeting held by the developer/owner to discuss the proposed project. The meeting shall be held no more than 90 days prior to filing the application. At the time of filing a Conservation Subdivision Preliminary Plan, the applicant shall provide a summary of the public meeting between the applicant and the adjacent property owners. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.

B. Preliminary Plan Application. The applicant shall file an application for preliminary plan approval on a form supplied by Planning and Design Services and shall submit therewith a preliminary plan prepared in conformance with the requirements of **Part 5** hereof. No application shall be complete unless it is accompanied by the appropriate review fee. Applications shall be accompanied by the following supporting documentation and any additional documentation as deemed necessary by the Planning Director or designee. Additional materials shall be required based on site conditions or potential impact of the

development, or as needed to determine compliance with these regulations. In addition, technical studies required by other applicable sections of this Land Development Code, including traffic, air quality, wetland analysis, geo-technical studies, and hydro-geologic analyses may be required. Failure to submit all required material may result in delay of the application review. Staff of the Division may require submission of information, material and documents beyond that required in this section as necessary to determine compliance with these regulations. In addition to the requirements outlined in **Section 7.2.20**, the preliminary plan shall include the following:

1. All information required on the Existing Resources and Site Analysis Plan, as set forth in **Section 7.11.4.A.1**.
2. Existing and approximate proposed lot lines, lot areas, existing easements and rights-of-way, and approximate boundaries of Conservation Area lands.
3. Approximate location, alignment, width and temporary names, location, alignment, and width of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets.
4. Location of all percolation tests, including all failed and approved test sites or pits and including an approved alternate site for each lot requiring an alternative sewage disposal system. All approved alternative sewage disposal systems shall be clearly distinguished from unapproved sites.
5. Limits-of-disturbance lines shown in relation to natural and cultural features to be saved.
6. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land to be dedicated or reserved for public use.
7. If the land to be subdivided lies partly in or abuts another jurisdiction, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on such land in the proposed site as lies within the adjacent municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of submittal of this information to appropriate officials of the adjoining municipalities also shall be submitted.
8. Utilities and Easements.
 - a. Approximate locations of existing utility easements and approximate locations of proposed utility easements.
 - b. Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (These data may be on a separate plan.)
 - c. The tentative location of proposed on-site sewage and water facilities.
 - d. ~~Signature blocks for the Technical Review Committee (TRC) shall be provided on the right-hand side of the Preliminary Plan.~~
- ~~9. **Preliminary Conservation Area Management Plan.** Using the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all Conservation Area land shall be shown. The applicant shall submit a Preliminary Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.~~
- 9. Letter of Explanation. The applicant must submit a detailed letter explaining the various key elements of the proposed conservation subdivision. The 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;**

ii. 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;

iii. 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;

iv. Protect archaeological site and existing historic buildings or incorporate them through adaptive reuse;

v. 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 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 shall proceed in accordance with the procedures set forth in **Section 7.2.20.B**. In addition, specific guidelines of this part shall apply.

7.11.5

DEVELOPMENT DESIGN STANDARDS

In addition to the Technical Standards for Conservation Subdivisions as set forth in **Section 7.11.159**, an applicant for developing a Conservation Development shall maintain critical natural areas by designing the site with sensitivity. The following criteria shall be followed to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this regulation:

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

- ~~5. Avoid encroaching on sensitive areas such as rare plant communities, high quality habitats, or endangered species habitats identified by the Kentucky Department for Natural Resources.~~

7.11.6

Conservation Areas

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

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

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

B. Secondary Conservation Areas (SCA). SCAs consist of undeveloped, unconstrained, buildable land, and protected, constrained but buildable lands. Because active recreation areas are cleared and graded and therefore reduce natural resources and wildlife habitats, only 50% of active recreation areas and facilities may be counted as Conservation Area. SCAs, as defined by this ordinance, include the following:

1. Farmlands (fields, pastures, meadows, prime agriculture soils);
2. Woodlands and ~~landscape buffers~~ excluding riparian buffers;
3. Historic and/or archaeological sites as identified by the Kentucky Heritage Council or Louisville Landmarks Commission, excluding cemeteries;
4. Passive recreation areas, public and private, to include pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
5. Active recreation areas and facilities, public and private, including parks as identified by the Metro Parks and Recreation Master Plan, playing fields, and playgrounds.

C. Conservation Area Design Review Standards. The configuration of Conservation Area land shall comply with the following standards:

1. Where the proposed development adjoins public park land, a conservation area of at least thirty (30) feet shall be provided within the development along its common boundary with the park land or conservation easement, within which no new structures shall be constructed and no clearing of trees or understory growth shall be permitted (except as necessary for street or trail construction). Where this buffer is unwooded, the Planning Director or designee may require that vegetative screening be planted or that the buffer be managed to encourage natural forest succession through “no-mow” policies and the periodic removal of invasive ~~alien plant and tree~~ species. **EXCEPTION:** Housing facing park land or park boundary road is not required to have above listed conservation area.
2. Conservation Area land shall be interconnected ~~wherever possible~~ to existing and potential Conservation Areas on adjacent properties as well as to other internal Conservation Areas on the development site to provide a continuous network of such lands within and adjoining the development site.
3. Except for civic and recreational spaces, such as squares and playing fields, Conservation Areas shall be free of all structures, excluding, however, historic buildings, stone walls, and structures related to Conservation Area land uses. Structures and improvements made for storm drainage, sewage treatment, and water supply may be located in the Conservation Area land. Acreage set aside for such uses shall not be credited towards the minimum required Conservation Area, unless the land remains appropriate for passive recreational use.
4. Except in those cases where a portion of the Conservation Area is located on private house lots, this Conservation Area land shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within Louisville Metro or an adjoining jurisdiction. Provisions ~~should~~ **shall** be made for access to the Conservation Area land, as required for land management and emergency purposes.
- ~~5. Conservation Area land shall adjoin the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to Conservation Area land.~~
- ~~65.~~ Conservation Area land shall be suitably landscaped either by retaining existing natural cover and wooded areas or according to a landscaping plan to protect and enhance greenway resources. In any case, preservation and retention of natural cover is preferable and may be supplemented by additional landscaping where necessary.
- ~~76.~~ The Conservation Area shall be contiguous. Contiguous shall be defined as being connected based on the following:
 - a. The minimum width of any Conservation Area is 30 feet and shall contain at least 6,000 square feet of contiguous area unless the Conservation Area is the terminus of a cul-de-sac, where the minimum width of 15 feet shall be permitted. **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 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.**
 - c. Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by ~~the Planning Director or designee~~ **Public Works**.
 - d. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by ~~Planning Director or designee~~ **Public Works**.
- ~~87.~~ Conservation Areas will still be considered connected if separated by a roadway. ~~The Planning Director~~ **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.

- ~~98.~~ Common and non-common areas in Conservation Area land shall be preserved for its designated uses and shall be made subject to such agreement with Louisville Metro Government and such conservation easements, duly recorded with the office of Jefferson County Clerk as may be required by Louisville Metro Government.
- a. The percentage of the Conservation Area that is wetlands shall not typically exceed the percentage of the tract which is wetlands; provided, however, the applicant may include a greater percentage of wetlands in such Conservation Area upon a demonstration that such inclusion promotes the purposes of this regulation.
- ~~109.~~ Paths or walkways may be permitted within Wetland and Protected Waterway Buffer Areas if constructed of pervious materials and demonstrate compliance with standards established in **Chapter 4.8** of the LDC.
- ~~1110.~~ Conservation Areas shall be used for wildlife habitat, conservation, and other uses compatible with these regulations.

7.11.7 Legal Restrictions

- A. Permanent Conservation.** Dedicated Conservation Areas shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Planning Commission's Legal Counsel and duly recorded in the office of Jefferson County Clerk.
- B. Conservation Area Management Plan.** Using the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all Conservation Area land shall be shown. The applicant shall submit a 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 shall be filed with the plat for any proposed Conservation Subdivision. The plan shall:
- ~~1.~~ Identify the owner, entity responsible for maintenance, and long-term funding strategies such as homeowners' fees or assessments.
 - ~~2.~~ Demonstrate the financial feasibility of the ownership and maintenance program.
 - ~~32.~~ Specify guidelines for how the maintenance of the Conservation Areas and any facilities eligible for location in the Conservation Areas will occur.
 - ~~4.~~ Include cost estimates for maintenance, including staffing, operation, or insurance costs, if any.
 - ~~53.~~ Identify a board and procedures for oversight of an enforcement of the Management Plan.
- C. Ownership and Management.** Any management organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its function (Management Entity). Options for ownership and management of preserved area include:
1. Fee Simple dedication to Louisville Metro Government or other public entity subject to acceptance by and at the sole discretion of Louisville Metro Government or other public entity.
 2. Creation of or dedication to a Homeowners Association capable of carrying out the ownership and management plan. The Planning Commission Legal Counsel shall determine that, based on documents submitted with the development plan, the Association's bylaws or code of regulations specify the following requirements:
 - a. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - b. The Association shall be responsible for maintenance, control, and insurance of common areas, including the dedicated conservation areas.

3. Establishment of an endowment where the principal generates sufficient annual interest to cover the yearly costs of ownership and maintenance of the preserved area.
 4. Dedication to a private or not-for-profit entity such as a land trust or similar conservation-oriented organization with the legal authority and financial capacity to accept such dedications.
 5. Dedication of a conservation easement on the Conservation Areas to any of the above entities with a right of enforcement in favor of Louisville Metro Government stated in the easement.
- D. Right of Enforcement.** In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.
- E. Review.** The legal restrictions and ownership and Management Plan shall be subject to review and approval by the Planning Director or the Planning Commission Legal Counsel.

7.11.8 Dedication of Conservation Areas for Public Use

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

7.11.9 Technical Standards for Conservation Subdivisions

- A. Density Calculation:** The maximum total number of lots permitted for Conservation Subdivisions shall be based on the amount of dwelling units per acre permitted in the underlying zoning district, classes RR through R-5, minus the Primary Conservation Areas (PCA) and land typically allocated for infrastructure. For purpose of this calculation, a 10% bonus of maximum lots permitted (MLP) may be added to those sites pursuing conservation areas 50% or greater of the development site in R4 and R5 zoned districts. The resulting density shall serve as a guide and shall not exceed the underlying zoning district, unless the applicant chooses to pursue a zoning change. The base density allowed on the site shall be calculated by:

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

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

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

R4	R5
MLP=(50 -12-5 (acres))/9000 sf	MLP=(50 -12-5 (acres))/ 6000 sf
MLP = 33 acres ¹ / 9,000 sf.	MLP = 33 acres ¹ / 6,000 sf.
MLP = 1,437,480 sf./9,000sf.	MLP = 1,437,480 sf./6.000sf
MLP=160 lots	MLP = 239 lots
<i>With bonus 10%:</i>	<i>With bonus 10%:</i>
MLP = 176 lots or 3.52 du/acre	MLP = 263 or 5.26 du/acre

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

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

Chapter 1 Table 1 Conservation Subdivision Dimensional and Diversity Standards

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

C. Building and Lot Design Standards

1. Conservation subdivisions may include off-street guest parking areas within Secondary Conservation Areas only, particularly in blocks that contain lot widths less than 30 feet. **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.
2. Rear facades shall not be oriented to existing or proposed streets. Rear facades may face interstate highways, alleys or rear lanes.
3. Lot Frontage on a Conservation Area. Conservation subdivisions may be designed with lots fronting onto Conservation Areas with all vehicular access from alleys or lanes approved by Public Works and all other approving agencies. All alleys and rear lanes in Conservation Subdivisions are additionally subject to the requirements of **Section 7.11.9.D.2.**

~~**D. Compatibility with Adjacent Development**~~

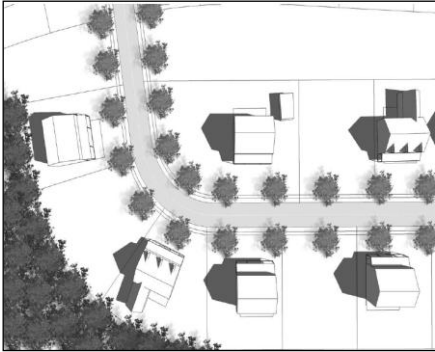
- ~~1. Buildable lots shall be designed and located to ensure compatibility with existing adjacent development.~~
- ~~2. Views of house lots from exterior roads and abutting properties shall be minimized by preserving the natural topography and existing vegetation to the furthest extent possible.~~
-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

E D. Streetscape Standards

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

1. **Streets.** The street network shall form a generally connected pattern, with a minimum of cul-de-sacs, and shall be varied with boulevards, diagonal streets, curving crescents, eyebrows, ovals and courts to provide visual interest. Local street design shall adhere to the following standards:
 - a. Street patterns shall be designed to respect and follow the existing natural topography and to limit the amount of grading and tree removal ~~required for construction to the greatest extent possible.~~ Street grades shall conform with standards established in Section 6.2.3 of the LDC.
 - b. All streets, with the exception of loop streets, cul-de-sacs, and loop lanes, shall terminate at other streets within the subdivision, and at least two streets shall provide connections to existing or proposed through-streets or collectors outside the subdivision, ~~wherever practicable.~~
 - c. To the greatest extent practicable, streets shall be designed to have maximum lengths of 600 feet between intersections and maximum lengths of 1,200 feet before terminating at three-way "T" intersections or angling off in a diagonal direction. Blocks greater than 600 feet long shall provide a Conservation Area.
 - d. Loop lanes or cul-de-sacs shall be designed to not exceed 1000 feet in length. Loop lanes shall be designed as a single one-way lane, not less than 18 feet in pavement width, with a central median running the entire length. The median shall be at least 30 feet wide, and shall be planted with shade trees along both sides at intervals not less than 1 Large (Type A) tree per 50 lineal feet of right-of-way, or 1 medium (Type B) tree per 40 lineal feet, or 1 Small (Type C) tree per 30 lineal feet. Small trees are permitted only where utility lines or other site constraints will not allow planting of Large or Medium trees.

2. **Street trees.** Street trees shall:
 - a. Be planted along each side of all streets in or adjacent to the development site, public or private, existing or proposed, including arterials (only the side adjacent to the development site), but excluding alleys and rear access lanes. Existing healthy and mature street trees may be counted toward the street tree planting requirement.
 - b. New street trees shall be in accordance with recommended street tree types as listed in **Appendix 10A** of the LDC and be installed in groupings that appear natural rather than equally spaced rows.
 - c. Be installed at intervals no greater than 40 ft, planted in a clustered pattern with spacing approved by PDS staff.



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



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

3. Sidewalks

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

Public sidewalks (including informal walkways and footpaths) shall:

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

Appendix 7A – Conservation Subdivision Street & Sidewalk Guidelines (all new text)

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 shall 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 half-bulb 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 shall 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 shall be with the Conservation Subdivision's Owners Association and an agreement of continued maintenance shall 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 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 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 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 shall 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 shall 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 shall 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 shall 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 shall 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.

Table 7A-1: Typical Cross-Sections						
R/W	Pavement W	Sidewalk	Roadside	Verge	Sidewalk W	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
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

STAFF RECOMMENDATIONS

The following changes to Chapter 7 Subdivision Regulations are also recommended by PDS staff.

SUB STAFF ITEM A – Builder’s Bonds

This change is proposed by Metro Transportation Planning and will allow them the flexibility to waive the Public Works bonding requirement of sidewalks on Builder’s Bonds.

7.2.70 Builder's Bonds Required

At the time of the subdivider's release from guaranteeing proper functioning of required improvements pursuant to Section 2.60, each builder is **may be** required to post with the Director of Works and/or M.S.D. a Builder’s Bond prior to the issuance of the building permit to insure the fulfillment of the obligations set out in Section 7.2.65 and to insure compliance with the tree canopy requirements and sidewalk requirements in accordance with Part 4. The bond shall be in the amount of \$2,500.00 or an appropriate amount as determined by the Director of Works, the Director of Planning, and/or M.S.D. **This bond requirement may be waived by the Director of Works, the Director of Planning or MSD if other action has been taken to insure fulfillment of the builder’s obligations.** In the event a building permit has been issued on unimproved lots that are sensitive to generation of drainage related damages to existing development at the time of release of the subdivider's performance bond, a \$2,500.00 bond or an appropriate amount shall be posted on those lots by the builder. "Unimproved lots" refers to those on which no primary building has been constructed.