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### **13.1 DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a private or public way which affords a secondary means of access to an abutting property.

*Block* means a parcel of land entirely surrounded by public streets, watercourses, rights-of-way, parks, etc., or a combination thereof.

*Comprehensive plan* means The City of Milton Comprehensive Plan, adopted by the city council

*Easement* means a grant by a property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation or a certain person.

*Lot* means a parcel of land occupied or intended for occupancy by a building together with its accessory buildings; including any open space as may be required by these regulations.

*Major subdivision* means the subdivision of a parcel of land into two or more lots where any roadway, drainage or other improvements are necessary.

*Marginal access streets* means local roads and streets which are parallel and adjacent to arterials, which provide access to abutting properties and protection from through traffic.

*Minor replat* means the subdivision of a single lot or parcel of land into two lots or parcels, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the requirements of these regulations.

*Minor subdivision* means the subdivision of a parcel of land into more than two lots where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the requirements of these regulations.

*Parcel* means a unit of land within legally established property lines.

*Streets* means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. Streets are functionally classified as follows:

(1) *Arterial* means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, all United States numbered highways shall be arterial roads;

(2) *Collector* means a route providing service which is of relatively moderate traffic volume, moderately average trip length, and moderately average operating speed. These routes also collect and distribute traffic between local roads or arterial roads and serve as linkage between land and mobility access needs; and

(3) *Local roads and streets* means a route providing service which is of relatively low average traffic volume, short average trip length or minimal through traffic movements, and high land access for abutting property.

*Streetlights* means a high-pressure sodium vapor type, LED, or equivalent in output as measured in foot-candles and lumens. Alternative lighting which is proven to be equivalent is subject to approval by the city council.

*Subdivision* means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development. The term "subdivision" includes re-subdivision and shall relate to the process of subdividing or to the land subdivided.

*Owner or developer* means the property owner of the subdividing land or developing land.

*Planning board* means a board duly appointed by the city council which acts as the local planning agency (LPA). The planning board reviews major subdivision proposals and planned development projects, and issues recommendations on such proposals to the city council.

*Reserve strip* means a strip of land on which no physical structure may be erected aboveground.

*Technical review committee (TRC)* means the technical review committee, as appointed by the city manager, is composed of various staff members whose function is to review and approve major development activity. The technical review committee submits recommendations to the planning board regarding planned development projects (PDP's) and major subdivision proposals which require planning board review and city council approval.

## **13.2 PURPOSE**

The purpose of these subdivision requirements is:

- A. To establish reasonable design and layout standards for subdivision of land.
- B. To establish requirements for preliminary plats and final plats of land subdivision
- C. To establish an adequate street system, a means of water supply, sewage disposal and other utilities, surface drainage and stormwater control, and other services related to the use of subdivided land.
- D. To protect and provide for the public health, safety, and welfare of the citizens of the City of Milton.
- E. To provide for the conservation design of subdivisions to promote the following purposes:
  - 1. To conserve open space and sensitive natural features.
  - 2. To preserve and restore natural areas and provide for their long-term ecologic management.
  - 3. To preserve the hydrologic condition and infiltrative capability of the soil by minimizing mass grading and impervious surfaces.
  - 4. To protect the quality of surface water and groundwater.

### **13.3 PLAT APPROVAL AND RECORDING.**

- A. No person shall subdivide land within the city, nor commence the construction of any public improvements on such land prior to the approval of a preliminary plat and construction plans in accordance with the provisions hereof. No person shall construct or build any buildings on any land not platted and set aside by such plat as a building site. Furthermore, no building may commence until any and all sureties (letters of credit, performance bonds, etc.) required by a development order have been received by the city manager's office.
- B. Nothing in these regulations shall be deemed to require the approval and recording of the public acquisition of strips of land for the widening of existing streets or the combination or recombination or portions of previously platted and recorded lots where no new parcels or residual parcels are created which are smaller than the minimum lot requirements contained in the Schedule of District Regulations (section III-4).

### **13.4 REQUIRED INFORMATION TO BE SHOWN ON PRELIMINARY PLAT**

The preliminary plat shall be drawn to a scale of one inch equals 100 feet or larger on 24 inches by 36 inches sheet size and shall, at a minimum include the following information:

- A. Subdivision or development name, name of the owner or developer; name of surveyor and designer, north arrow, date and scale;
- B. The boundary line of the tract to be subdivided, drawn accurately and to scale;
- C. Existing and proposed streets, including street names, rights-of-way and roadway widths, and typical sections (every 100 feet). Similar data shall be provided for any existing or proposed alleys;

- D. All parcels of land intended to be dedicated for public use; or to be reserved in deeds for common use of property owners;
- E. The location and size of existing water, gas and sewer mains, drain pipes, and all underground structures on the land to be subdivided and on the land to be subdivided and on any land area within ten feet of it;
- F. Other existing rights-of-way or easements, their location, width and purpose;
- G. Proposed lot lines, lot numbers and block numbers, lot area and minimum lot dimensions;
- H. Sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;
- I. Minimum building setback lines;
- J. Gross area of subdivision by specific use (e.g., single-family, multifamily, commercial) and zoning districts;
- K. Ground contours at intervals no greater than two feet based on the North American Vertical Datum (NAVD). Contours to extend 50 feet past the site property line;
- L. Any area of the subdivision as platted, that is located in an area identified by the Federal Insurance Administration (Federal Emergency Management Agency, flood insurance rate maps) as being in a FEMA A or V zone, and in an area having special flood hazards, shall be so indicated on the preliminary plat. The intended use of these areas shall be indicated;
- M. Location of any protected and heritage trees on site;
- N. Potable water wellheads within 500 feet of any lot line of the proposed development;
- O. The above information may be depicted graphically, except where detailed computations are required.

### **13.5 REVIEW AND APPROVAL PROCEDURES FOR MAJOR SUBDIVISIONS.**

#### **A. Preliminary plat review.**

(1) Any person desiring to subdivide land shall first file with the planning and development department two copies of a preliminary plat of the subdivision prepared in accordance with the specifications and requirements of section 13.3 entitled "Required Information to be Shown on Preliminary Plat" in addition to any applicable requirements contained in the public works manual.

(2) Accompanying the preliminary plat shall be a general location map showing the relationship of the proposed subdivision to existing community features and facilities. This map shall include main traffic arteries, shopping centers, schools, parks and playgrounds, and other relevant features.

(3) Six paper copies and one electronic copy of the preliminary plat shall be submitted to the planning and development department at least ten working days prior to the planning board meeting at which it is to be considered. Prior to planning board review, the TRC shall review the preliminary plat for

conformance with these Land Development Regulations, particularly section V-1.8, general subdivision layout standards, and general design requirements of the public works manual. Their findings shall be forwarded to the planning board. The planning board shall review the preliminary plat and the findings of the TRC and issue a recommendation to city council. The city council's failure to approve or disapprove the preliminary plat within 42 working days after submission to the planning and development department shall be deemed approval of the preliminary plat.

(4) Prior to approval of the preliminary plat, a determination of concurrency shall be made as set forth in section II-2.

(5) When, after examination, the city council finds that such preliminary plat does or does not conform to the provisions contained in these regulations, the public works manual, the comprehensive plan, to sound principles and practices of planning and engineering, and to such other items that may affect the public health, safety and welfare, the preliminary plat may be approved or rejected. Approval of a preliminary plat shall not constitute an approval of the final plat. If the preliminary plat is rejected, city council shall provide the sub-divider a detailed list, in writing, of the reasons for its rejection.

**B. Following approval of the preliminary plat**, the developer shall submit to the planning and development department six sets of detailed construction plans and two sets of specifications prepared in conformance to these Land Development Regulations and public works manual. All required technical submittals such as drainage plans and calculations, etc. shall be included. A letter requesting approval of the construction plans and authorization to commence construction shall accompany the plans.

(1) The technical review committee (TRC) shall conduct a detailed conformance review and may retain the services of a professional engineer to conduct a detailed engineering review of the construction plans. The TRC shall provide written review comments to the developer within 30 days after receipt of the construction plans. Such plans shall be revised as necessary and resubmitted for approval by the TRC.

(2) Prior to approval of the construction plans by the TRC, all required federal and state permit applications shall be submitted. Upon approval by the TRC, and following any council decisions on variance requests, such approval shall be entered into the minutes of the following city council meeting. Such approval shall constitute preliminary development order approval and authorization to proceed with construction.

**C. After preliminary plat** and construction plan approval, the developer may commence construction of the required subdivision improvements.

**D. Final plat approval.**

(1) The final plat shall conform substantially to the approved preliminary plat. The sub-divider shall submit only that portion of the approved preliminary plat which he proposes to record and develop. Such portion shall conform to all requirements of these regulations, specifically to F.S. ch. 177. In addition, it shall show the orientation of the subdivision or development in relation to surveyors bench marks and monuments, including accurate linear and angular dimensions.

(2) Land use and control measures for flood-prone areas as identified by the Federal Emergency Management Agency will conform to the Federal Emergency Management Agency, and the Department of Housing and Urban Development regulations under the National Insurance Program.

(3) Five copies of the final plat shall be submitted to the planning and development department at least ten working days prior to the planning board meeting at which it is to be considered. Prior to the planning board review, the TRC shall review the final plat and present their recommendation to the planning board. Upon determination by the planning board that revisions required by the preliminary plat have been made, the plat shall be transmitted with planning board recommendation to the city council for approval. Failure of the city council to approve or disapprove the final plat within 62 days after that meeting shall be deemed approval of the final plat by the city council.

(4) Final subdivision plat approval by city council: Approval of a final subdivision plat by the city council shall be granted:

a. Upon the finding that the developer has complied with the requirements of these regulations and applicable state and city laws;

b. Upon a finding that the final plat substantially conforms to the approved preliminary plat;

c. Upon submittal of two sets of paper as-built construction plans, which are signed and sealed by a state registered professional engineer, and which contains certification that such as-built plans substantially conform to approved construction plans. An additional electronic copy shall be provided to the planning and development department;

d. Upon the condition that a true copy of the plat, as approved, shall be registered and filed by the developer within 60 days from the date of such approval with the county circuit court clerk;

e. Upon the condition that when the plat has been recorded in the county records, five copies thereof shall be filed with the planning and development department within 15 days after the date of record. One of the aforesaid copies shall be on reproducible "age proof paper," such as mylar. An additional electronic copy shall be provided to the planning and development department;

f. Upon the condition that no building permit shall be issued for that property, which has been identified as being in a floodplain area having special flood hazards, unless the construction design meets Federal Insurance Administration criteria to minimize flood damage, as specified in section IV-2;

g. Upon the condition that all public utilities, such as sewer, gas, electric and water systems are located, elevated and constructed to minimize or eliminate flood damage in those areas identified by the Federal Insurance Administration as being in a floodplain area having special flood hazards;

h. Upon the condition that final plat approval shall not occur until all the required improvements are installed, except as provided in the remainder of this subsection (d)(4)h; If final plat approval is to occur prior to the final installation of all improvements on any street in the subdivision, in lieu of the immediate installation of the required improvements, the owner or sub-divider shall either:

i. File with the city manager's office a performance or surety bond in an amount to be determined by the city council with sureties satisfactory to the city, guaranteeing the installation of the required improvements where agreed upon within a specified period of time, or

ii. Deposit with the city, or place in escrow, cash or a certified check in an amount to be determined by the city council to cover the cost of the improvements. The city council may release portions of this security deposit as work progresses. In any case, the streets shall be continuous and not disjointed by unpaved portion; all streets must lead or enter onto a paved arterial or collector roadway to the satisfaction of the city council.

1) Upon the condition that no lot may be sold and no building permit issued until the final plat is approved and recorded.

(5) Final plat approval shall constitute final development order approval.

### **13.6 ABBREVIATED REVIEW AND APPROVAL PROCEDURES FOR MINOR REPLAT AND MINOR SUBDIVISION.**

#### **A. Minor Re-plat.**

A minor re-plat may be reviewed and approved by the planning and development department consistent with the development review procedures for minor development activity. An abbreviated review procedure is permitted which allows for the preliminary and final plat to be submitted concurrently. All design standards, plat information and recording requirements contained in this section must be complied with.

#### **B. Minor subdivision.**

A minor subdivision may be reviewed and approved by the technical review committee consistent with the development review procedures for major development activity. Such subdivision may be reviewed and approved through an abbreviated procedure, which provides for the submittal of both the preliminary and final plat concurrently. All design standards, plat information and recording requirements contained in these regulations must be complied with.

### **13.7 GENERAL SUBDIVISION STANDARDS.**

**A.** The owner or developer shall submit, to the planning and development department for approval, plans for adequate storm drainage, street grading and street improvements, sewer and water systems, which shall be installed by the owner or developer. These improvements shall be installed in accordance with the provisions contained in these regulations and those included in the public works manual. Entrance signs to subdivisions shall be permitted; refer to **section V-7** of these regulations. All such plans shall be prepared and sealed by a state-licensed civil engineer.

#### **B. Conformance to Plans**

Proposed land division and public improvements must be consistent with the Comprehensive Plan, these regulations, and any applicable public facilities and capital improvements plans.

#### **C. Unsuitable land.**

Land which the city council has found to be unsuitable for subdivision due to flooding, poor drainage, or other features likely to be harmful to the health, safety and general welfare of future residents, shall not be subdivided unless adequate methods of correction permitted by applicable state and federal regulatory agencies, are formulated by the developer and approved by the city council.

#### **D. Blocks.**

(1) Blocks design and layout shall meet the standards of Article 11.

#### **E. Lot Configuration.**

(1) Minimum building site area and yard restrictions shall be governed by the requirements contained in Article 4 of these regulations and any amendments thereto.

(2) Every lot or parcel of land shall front directly upon and take access from a public or private road for a minimum distance of 15 feet.

(3) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(4) Double frontage and reverse frontage lots shall be avoided, except where desirable to provide separation of residential developments from traffic arteries, or to overcome specific disadvantages of topography and orientation.

(5) Every lot created by subdivision must be substantially similar in shape to those lots on the same block, unless the contours of an adjacent street or previously established lot render such shape impractical.

(6) Every lot or parcel of land that is subdivided must contain a relatively straight boundary line between each lot. Side lot lines must be approximately at right angles or radial to the street line.

(7) Through lots must be avoided, except where essential to provide separation of residential development from major thoroughfares or to overcome specific disadvantages of topography and orientation.

#### **F. Streets.**

(1) All streets must provide a safe, convenient and functional system for vehicular and pedestrian circulation. All streets must be appropriate for the traffic characteristics and impacts of the proposed development. All rights-of-way must meet the right-of-way standards of Article 11.

(2) In the case of public roads, the plat must indicate that the City of Milton Public Works, as applicable, will take responsibility for maintaining the rights-of-way after final acceptance. In the case of a private road, the plat must state that the City will not accept any private road in the future.

(3) The sub-divider must furnish and erect all necessary traffic control and directional signs, including street signs, as designated by the City Engineer and/or City Public Works. All signs must be of a type approved by the City Engineer and/or City Public Works.

(4) Shoulders are required along all streets not provided with curbs and gutters. Green infrastructure design is encouraged for shoulders. Curbs and shoulders must be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) standards.

(5) All street construction within the City of Milton must meet the standards of set forth in this code. All street construction within the City of Milton must meet the standards set forth by the City of Milton Public Works and/or City Engineer. The following must be complied with during construction:

a. During construction of streets with curb and gutter, the sub-divider is prohibited from partially installing pavement below the gutter elevation during construction operations. The sub-divider is required to maintain positive drainage throughout construction and install pavement up to the finished gutter elevation on a temporary basis. A temporary cross slope of less than 2% is allowed during construction operations to match the gutter elevation. At the conclusion of construction, the sub-divider must remove the appropriate thickness of the pavement surface in order to establish the final approved cross section of the roadway.

b. The sub-divider is responsible for maintaining and repairing all roads in the subdivision until the roads are accepted by the City of Milton Public Works.

c. Subdivision roads will not be accepted by the City Engineer or City Public Works until all construction detailed in the plans is completed. It is the responsibility of the sub-divider to consult with the City Engineer and/or City Public Works before the work has begun to afford the City Engineer and/or City Public Works an opportunity to inspect the work as construction progresses.

d. The asphalt surface course may only be applied after the sub-divider has received written approval from the City Engineer or City Public Works

(6) The arrangement, character, extent, width, and location of all streets shall conform to the comprehensive plan and these regulations and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety in their appropriate relation to the proposed land uses to be served by such streets and to the most advantageous development of the surrounding neighborhood. In addition to the following provisions, the owner must comply with design standards contained in the public works manual.

(7) Arrangement.

The arrangement of streets in a subdivision shall either:

- a. Provide the continuation or appropriate projection of existing principal streets in surrounding areas; or
- b. Conform to a plan for the neighborhood approved or adopted by the city.

(8) Local.

Local streets shall be laid out so that their use by through traffic will be discouraged. Any street located within a subdivision that abuts another subdivision street cannot tie into one another without a public hearing held and city council approval.

(9) Arterial.

Where a subdivision abuts or contains an existing or proposed arterial street, the technical review committee may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for the adequate protection of residential properties and to afford the separation of through and local traffic.

(10) Landscaped buffers.

A landscaped buffer of at least ten feet in width, across which there shall be no vehicular right-of-access, shall be provided by the sub-divider along the line of lots abutting arterial or collector roadways.

(11) Half streets.

Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of the regulations, and where the development approval authority finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(12) Dead-end streets.

a. Temporary dead-end streets.

Dead-end streets which are to dead-end at the outside property line limits of the overall subdivision are prohibited, unless the sub-divider furnishes a copy of a written agreement with the adjoining property owner that the adjoining property owner will continue and extend the streets at a later date in the development and platting of his property; provided, however, that dead-end streets of this type which dead end at the property line limits of the overall subdivision shall not be longer in distance from the closest platted intersection than the depth of the adjoining corner lots.

b. Permanent dead-end streets.

Permanent dead-end streets which are not to be extended by either the sub-divider or the adjoining property owner shall not be longer than 1,000 feet and shall be provided at the closed end with a turnaround having an outside roadway (paved) diameter of at least 100 feet and a street property line diameter of at least 120 feet.

(13) Street names and street markers.

a. A proposed new street, which is in alignment with or a continuation of an existing street, shall have the same name as the existing street. In no case (including numbered or lettered streets) shall new streets have names or numbers which duplicate or which are phonetically similar to existing street names, regardless of the prefix or suffix used as avenue, boulevard, court, crescent, drive, place, street and terrace. All street names shall be subject to city council approval and coordinated with the United States Postal Service and Civil Defense (911).

b. Street markers shall be installed by the developer at street intersections, designating the names of the intersecting streets. The installation shall be in compliance with the technical requirements contained in the public works manual and The Manual of Uniform Traffic Control Devices and FDOT.

## **G. Streetlights.**

The following streetlight requirements apply when laying out subdivisions:

- (1) The owner or developer shall install approved streetlights in all residential districts;
- (2) All streetlights in residential districts shall be high-pressure sodium vapor type, LED, or equivalent in output as measured in foot-candles and lumens. Alternative lighting shall be proven to be equivalent and city council approved;
- (3) Fixture types shall be rated 100 watts or 250 watts and be of the Cobra head type;
- (4) Alternative decorative lighting fixtures and poles may be approved by the city and local electrical utility company; and
- (5) Maximum distances between fixtures shall be 125 feet for 100-watt fixtures and 250 feet for 250-watt fixtures. Adjustments may be approved by the city when it is determined that the local electrical utility company transformers or wiring require minimal adjustments. Lighting as a general rule will be located on transformer poles or on the nearest pole-to-pad-mounted transformer.

## **H. Sidewalks.**

The owner or developer shall install sidewalks on at least one side of all streets in any subdivision, and sidewalks must connect to the entrance way(s). All sidewalks shall be constructed in accordance with this code and the public works manual.

## **I. Easements for drainage and stormwater.**

- (1) Drainage improvements must accommodate potential runoff from upstream drainage areas and be designed to prevent overloading the capacity of the downstream drainage system. This may require the phasing of development, the use of control methods such as retention, detention, or pumping systems, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development. All developments must meet the stormwater management requirements of Article 9 and innovative stormwater management methods are encouraged.
- (2) In addition to the following, easement requirements for drainage and stormwater shall comply with the requirements contained in **section V-6, stormwater management:**
- (3) Drainage easements along lot lines shall be provided for drainage where necessary and shall be at least 20 feet wide; and
- (4) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width, as will be adequate for the purpose. Parallel streets or parkways may be required in connection herewith.
  - a. A drainage study is required and must be approved by the City Engineer and/or City Public Works identifying the lot number and drainage pipe size.
  - b. Stormwater drainage improvements consisting of storm sewers and/or open channels, swales, and drainage easements, must adequately drain the area being developed and also all of that area which

naturally drains through the area being developed. The design of drainage improvements must be coordinated with present and probable future improvements so as to form part of an integrated system.

c. Where the character or topography of the land in a subdivision is such that it is impossible or impractical to place streets so that they carry off the surface water, the appropriate easements along lot lines shall be provided and improved, where necessary, to carry off surface water in open channels or storm sewers.

d. All publicly dedicated drainage servitudes must be approved by the City Engineer and/or City Public Works.

## **J. Utilities**

(1) Easements must be provided for utility services including, but not limited to, sanitary sewer, storm water, sewer, water, gas, telecommunication, cable television, and electric. The location of a utility easement is determined by the City Engineer or City Public Works. Utility services should be clustered within a single easement when practical.

(2) The developer should provide underground utilities unless specific site conditions make the installation of underground utilities impractical.

### **(3) SANITARY SEWERS**

All platted lots must be served by public sewer system or an approved alternate means of wastewater collection and treatment.

a. Public sanitary sewer is required for all subdivisions within the City of Milton.

b. The location of sanitary sewers must be approved by the City Engineer and/or City Public Works.

c. Where sanitary sewer is provided, sewer service lines must be installed to serve all lots within the subdivision at the time they are constructed. Sewer service lines must extend to the lot line and the preferred location is the low side of the lot.

### **(4) WATER SUPPLY**

All platted lots must be connected to a public water system or properly permitted to ensure water for health and emergency purposes, including adequate fire protection.

a. Where a connection to a public water system is present at the boundary of the subdivision, water distribution facilities, including fire hydrants, must be installed to serve all properties within the subdivision, in addition to any other requirements for public sewer in Florida Statute.

b. Where a connection to a public water system is present, it must be extended for and throughout the entire subdivision in such a manner that each lot within a subdivision is serviced by means of a connection to the water system within its own frontage.

## **K. Phasing**

Phasing of development or improvements may be required as part of subdivision approval to maintain current levels of service for existing public services and facilities or for other reasons based upon protecting the health, safety, and welfare of residents.

### **13.8 HARDSHIP CASES AND VARIANCE APPROVAL.**

Where strict adherence to any of the provisions of this section would cause unnecessary hardship, due to topographical or other conditions peculiar to the site, the planning board may recommend and the city council may approve a variance. The reasons for the granting of any such variance shall be clearly specified and entered into the city council's minutes.

### **13.9 CONSERVATION DESIGN TRIGGERS**

**A.** Certain subdivisions are subject to the requirements for conservation design. This section describes those factors that trigger the required use of conservation design. In addition, when the triggers do not apply, an applicant may choose to subdivide their property in accordance with the conservation design requirements.

**B.** Conservation design is required when the development site meets specific triggers. For the purpose of determining a trigger, the area of analysis must include the property to be subdivided along with a buffer area extending 500 feet around the property.

**C.** An applicant may object to the designation of land as requiring conservation design by demonstrating, through the submittal of an analysis prepared by experts, to the Planning Director, that the property does not meet the triggers for conservation design. If the Planning Director concurs with the evaluations submitted by the applicant, then conservation design is not required. The Planning Director may seek independent expert opinion regarding the analysis and conclusions.

**D.** Conservation design is required when the cumulative acreage contained by the following resources equals or exceeds 20% of the total area of the area of analysis, as defined in item B above:

- (1)** Regulatory wetlands, except farmed wetlands.
- (2)** Regulatory floodplains.
- (3)** Woodlands based on on-site determination.
- (4)** Wildlife habitat based on on-site determination.
- (5)** Environmentally significant corridors and greenways based on on-site determination.
- (6)** Publicly significant natural open spaces and preserves.

### **13.10 CONSERVATION DESIGN STANDARDS**

**A. General Requirements**

- (1) The minimum area required for conservation design is 40 acres. However, the City Council may approve a district of a smaller area only if the purpose and objectives of this district can be met.
- (2) Conservation design is permitted only in those areas zoned residential.
- (3) Lots must be configured to minimize the loss of natural resources, including wetlands, bayous, water bodies, woodlands, and historical resources.
- (4) The development must preserve scenic natural views, including views from roadways.
- (5) If agricultural uses are being maintained within the development, lots must be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

**B. Development Standards**

- (1) There are two levels of conservation design:
  - a. Conservation Design Low Density (CD-L): is intended for areas of low-density residential.
  - b. Conservation Design Medium Density (CD-M) is intended for areas of medium-density residential.
- (2) Development in a CD District must meet the requirements of Table 13.1: Conservation Design District Standards. The intent of these standards is to allow for clustering of lots of a smaller area to preserve natural areas.

**TABLE 13.1: CONSERVATION DESIGN DISTRICT STANDARDS**

	<b>CD-L</b>	<b>CD-M</b>
<b>Minimum Lot Area</b>	10,000sf	8,000sf
<b>Minimum Lot Width</b>	100'	75'
<b>Maximum Building Height</b>	35'	35'
<b>Minimum Front Setback</b>	20'	20'
<b>Minimum Interior Side Setback</b>	10'	10'
<b>Minimum Rear Setback</b>	20'	20'

- (3) There must be a perimeter buffer yard around the entire conservation design development of no less than 75 feet. No development is permitted in this perimeter buffer yard, which must remain landscaped with no structures. This perimeter buffer yard may be included in the required percentage of open space if undivided and restricted in perpetuity from future development. Access points to the development are permitted within this perimeter buffer yard.
- (4) Residential dwellings must be clustered according to the following standards.
  - a. Each residential cluster is limited to no more than 20 dwellings.
  - b. Residential clusters should be located a minimum of 100 feet apart lot line to lot line, separated by greenbelts or other natural features. The greenbelts may include bike paths or hiking trails, no development is permitted within these separation areas.

c. Residential clusters must be located to minimize negative impacts on the natural scenic and cultural resources of the site.

d. Residential clusters must be sited to achieve the following goals:

- i. Minimize disturbance to natural areas. Clear-cutting is prohibited.
- ii. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
- iii. Protect scenic views of open land from adjacent roads.

e. Siting of residences must not encroach on rare plant communities, high quality sites, or endangered species.

f. Whenever possible, open space must connect with existing or potential open space on adjoining parcels and local or regional recreational trails.

### **C. Required Common Open Space**

**(1)** 40% of the land area in a conservation design must be maintained as active or passive open space, as described in this section.

**(2)** The minimum open space required must be owned and managed as described in this section. The uses within the open space must be accessible to the residents of the development. These uses may also be available to the general public. The required open space must be undivided and restricted in perpetuity from future development.

**(3)** The following active and passive open space uses are counted toward the required common open space percentage required:

a. Natural water features, wetlands, and conservation areas. No more than 25% of the required open space area may consist of water bodies, ponds, floodplain, or wetlands.

b. A trail system connecting open space areas.

c. Recreational facilities such as swimming pools, tennis courts, and skateparks. No more than 30% of the required total open space area may consist of structures for recreational facilities.

d. Hiking trails and fitness courses

e. Parks and playgrounds

f. Greenways.

g. Detention/retention areas which are accessible to occupants or the public via nature trails, boardwalks, perimeter walkways or street, but only if they are designed as wetlands or natural water features and are landscaped with native vegetation

h. Botanical gardens, greenhouses, and community gardens

i. Reuse of structures existing on the site prior to development for community purposes (i.e. rehab of an existing structure).

**j.** Agricultural uses, including vineyards with wineries.

**(4)** The following areas are permitted but are specifically excluded from the required common open space percentage:

**a.** Yards on individual lots or yards that are reserved for the exclusive use of an individual property owner

**b.** Dedicated streets, alleys, or other public rights-of-way

**c.** Vehicular drives, private streets, and parking, loading and storage areas

**d.** Golf courses.

**e.** One community shopping area not to exceed 40,000 square feet of building area.

i. A 50% decrease in allowable parking and a 25% increase in required landscaping shall apply.

ii. Utilization of approved pervious pavement systems shall adjust parking and landscaping requirements by up to 15%.

**(5)** A management plan must be prepared and submitted for all common open space, including any man-made drainage facilities that serve more than one property, such as detention/retention ponds. The designated common open space and common facilities must be owned and managed by one or a combination of the following:

**a.** A homeowners association.

**b.** A condominium association.

**c.** A non-profit conservation organization or park district.

**d.** An individual who will maintain the land for common open space purposes, as provided by a conservation servitude. This option may be used only on a very limited basis for unique situations where no other options are practical, as approved by the City Council.