



RENAISSANCE PLANNING GROUP

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MEMORANDUM

TO: **AMYE KING, AICP**

FROM: **JULIE SALVO, AICP**

COMPANY: **LAKE COUNTY, DIVISION OF
COMPREHENSIVE PLANNING**

COMPANY: **RENAISSANCE PLANNING GROUP**

RE: **OPEN SPACE PROTECTION STRATEGIES – CSD**

DATE: **SEPT. 12, 2005**

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

INTRODUCTION

For the Comprehensive Plan Update, Lake County is seeking strategic direction on open space protection through the use of clustering. More important than simply clustering development is the assurance that clustering occurs within a framework that supports the broader countywide objectives, including preserved and enhanced system of open space and natural resources, and a balance between the rampant growth that is occurring and the need for preservation of open space. The following information provides an overview of Conservation Subdivision Design (CSD), a clustering concept that may be appropriate for the County. The overview of CSD includes the following:

- Overview of CSD
- How CSD Can Benefit the Community
- Implementation
- Maintenance/Ownership
- Examples
- Model Ordinances

OVERVIEW OF CONSERVATION SUBDIVISION DESIGN

The term “Conservation Subdivision Design” (CSD), as coined by Randall Arendt, describes a concept of cluster-type development that enables land to be developed while simultaneously preserving community character, reducing environmental impacts, protecting the rights of property owners, and enabling a developer to benefit from a high-quality project. Wetlands, floodplains and steep slopes, in addition to a large portion of the flat, dry, and otherwise buildable land, are set aside within those conservation areas from clearing, grading, and construction. Instead, lot sizes are reduced and the allowed development is arranged to “fit” onto the unconstrained land.

CSD takes traditional “clustering” one step further by connecting it with flexible design approaches that allow a community to create an interconnected network of open space, linking resource areas in adjoining subdivisions and/ or providing buffers between new development and pre-existing parklands or forest.

For example, if a “traditional” residential zoning ordinance requires a minimum lot size of 10,000 square feet, a 50-acre parcel could yield roughly 200 houses. In contrast, a CSD-friendly zoning ordinance might allow a developer to build the same 200 houses on 5,000 square foot lots if the other half of the land is left undeveloped.



FEATURES OF CONSERVATION SUBDIVISION DESIGN

- A “green” version of clustering
- Allows developers to build homes on smaller lots if they leave a portion of the land undisturbed as protected open space
- Offers the full development potential of a parcel while minimizing environmental impacts and protecting desirable open spaces

FEATURES OF “TRADITIONAL” SUBDIVISION DESIGN

- “Cookie-cutter” approach
- All developable land within a tract is divided into roads and house lots
- Typically subject to minimum lot size requirements
- Open space remaining is the un-developable portions of the tract, such as wetlands and steep slopes
- Most of the land is either built upon, individual lots as yards, or roads.

HOW CSD CAN BENEFIT THE COMMUNITY

- Preserved areas may be leased to farmers, used for community gardens, active or passive recreational space, or community-owned horse farms
- Lower development-related expenses (e.g., infrastructure)
- Growing market for homeowners in natural settings with less property to maintain and more community open space for families with children
- Creates or contributes to open-space networks, reducing the need to purchase and maintain new tracts of public land
- Protects wildlife habitat and maintains ecological and water filtration functions of wetlands and riparian areas
- Addresses common local concerns regarding the loss of environmental resources, farmland and community character

IMPLEMENTATION

- To encourage the use of CSD, the County will need to modify their comprehensive plan (currently underway) and land development regulations (pending completion of the Comprehensive Plan) to allow conservation subdivisions and to incorporate the flexibility design standards - such as lot sizes, building setbacks, and road frontages and standards - needed to implement CSD. Additional regulatory changes are also needed:
 - The County may provide incentives such as density bonuses to developers that incorporate CSD into their projects.
 - The County or individual developers need to develop a toolkit supporting CSD. This toolkit, at a minimum, should include a stormwater management plan, parks and greenway acquisition plan, a riparian buffer plan, etc. Also, land use plans must identify priority areas for development, as well as areas appropriate for higher density development.



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- Design guidelines or site design standards that govern elements such as street width, parking, use of sidewalks and protection of trees and open spaces will promote better environmental protection and encourage pedestrian travel.
- CSD implementation typically uses a four-step process, described below:
 1. Identify Conservation Areas - This step, which involves the identification of preservation land, is divided into two parts: **Primary Conservation Areas** limited to regulatory jurisdiction such as wetlands and floodplains; and **Secondary Conservation Areas** including those unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views. The act of “green-lining” conservation areas also defines “**Potential Development Areas,**” which occupy the balance of the site. This step ensures that the site’s fundamental integrity will be protected, regardless of the actual configuration of house lots and streets. The County has already done much of this work for the Comprehensive Plan.
 2. Locate House Sites - The step involves locating the approximate sites of individual houses within the **Potential Development Area** in a way that maximizes the number of homes enjoying direct views of the conservation areas. This step would not occur in the Comprehensive Plan, but the County could consider including some prototypes that illustrate this concept in the Land Use Element.
 3. Align the Streets and Trails - This consists of tracing a logical alignment for local streets to access the house lots. Informal footpaths should be laid out to connect various parts of the neighborhood, making it possible for residents to access and enjoy the open space and any existing off-site trail systems or sidewalks. Again, this concept could be included at a prototypical scale in the Comprehensive Plan.
 4. Draw in the lot lines.
- The Comprehensive Plan should include details on the primary and secondary conservation areas, with guidance on how to design steps 2, 3 and 4 at site plan level.

MAINTENANCE/OWNERSHIP

Common concerns about conservation subdivisions are questions about who will own and maintain the conservation land, and who will be responsible for the potential liability and payment of property taxes. The short answer is that whoever owns the conservation land is responsible. Typically, the open space is permanently preserved through a conservation easement or dedication and managed through a homeowners association, land trust or local government agency (or some combination of these). Ownership by the original landowner is also an option, though not current owners of individual lots.

Under all ownership structures, local officials should require conservation area management plans to be submitted and approved prior to granting final subdivision approval.

The Comprehensive Plan should include all ownership options and guidelines for management plans.

EXAMPLES

CHEROKEE COUNTY, GA

Cherokee County passed a conservation subdivision ordinance in 1998. The ordinance is relatively simple. It provides for increased flexibility to cluster homes at greater densities in



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every residential zone, with a maximum density determined by the underlying zoning and the presence or absence of sewer service. The open space in the subdivision can be owned by the homeowners association, the county or a land trust. There is no minimum amount of open space to be preserved. The ordinance does not contain extensive rules on activities that are permissible and prohibited in the open space.

The ordinance has been well received by the development community and many new residential developments in Cherokee County now take the form of a CSD. The County's planning director notes, "open space is a thing that's attractive to homeowners, especially those with children." Also of note is the ordinance gives developers flexibility to work with the hilly terrain that covers much of the county. Developers also note that the CSD allows them to save money on infrastructure. Opposition to the CSD has come from neighbors who don't like the appearance of higher density.

GWINNETT COUNTY, GA

Gwinnett County amended their zoning ordinance in 2001 to include a Conservation Subdivision Overlay District. The District permits variation in lot size and subdivision design within some of the single family zoning districts, while requiring preservation of open space and protection and enhancement of environmental, historical, archeological and aesthetic features. The purposes of the overlay are as follows:

To encourage the development of residential communities that are

- Density-neutral based upon the Comprehensive Plan;
- Designed to preserve and protect environmental resources, scenic vistas and natural and cultivate landscapes;
- To enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging the provision of open space;
- To reduce infrastructure maintenance costs as a result of efficient community design;
- To provide open space and pedestrian linkages and wildlife corridors among residential communities and to encourage recreation opportunities;
- To preserve significant historical and archaeological features; and
- To protect contiguous undeveloped areas within the development.

The County's Comprehensive Plan establishes an underlying recommended density not to exceed three units per acre in many areas of the County. Subdivisions in the overlay district may not exceed a maximum net density of the underlying district and must provide a higher amount of open space. For example, R-75 = 3.0 units/acre with 40 percent open space. R-100=3.0 units/acre with 50 percent open space. Subdivisions in this overlay must be a minimum of 10 contiguous acres. There is no minimum lot area. Ownership is through a mandatory property owner's association.

In addition to Georgia, we have come across other successfully-implemented examples of CSD in Massachusetts and Wisconsin.

MODEL ORDINANCES

The following sections include two model ordinances that can be adapted to implement CSD.