

Sec. 14.04.005 Conservation development alternative

The conservation development alternative provides a development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. A conservation development alternative is a development of land within rural residential or neighborhood residential districts, occupying ten (10) contiguous acres or more, that is developed in a manner generally consistent with engineering and planning principles often described as “low impact design.” The land must also be under unified control and planned and developed as a whole in a single development operation or programmed series of development stages. The development may cover more than one parcel as long as all parcels are contiguous, but the entirety of each included parcel will be included in the gross area of the development. This process also provides incentives to landowners by providing uniform rules to govern increased density, outlined in the table below, entitled “conservation development alternative density incentive.” Conservation development may also be used to preserve natural resources, minimize infrastructure costs for the landowner or the city, and to better conform lot configurations and housing types to topography and market needs in places where the city deems it appropriate. These regulatory incentives are intended to ensure that regulatory modifications to the zoning standards benefit the general public welfare as well as the landowner. A conservation development must be clearly indicated as such on its preliminary and final plats.

Conservation Development Alternative Density Incentive

Zoning District	Neighborhood Residential	Rural Residential
Conventional lot size minimum	1 acre	5 acre
Conservation development alternative minimum	.75 acre (blended average)	3.75 acre (blended average)

(1) Standards

(A) All street and utility improvements will be constructed to standards specified by the city. Private street widths may vary with city manager approval from widths required in the subdivision regulations, and interior streets may be either public or private.

(B) All conservation developments will provide for continuous and perpetual maintenance of stormwater management facilities, common open space, common recreation facilities, private roads, utilities, parking areas, and other similar development within the boundaries of the development in a form and manner acceptable to the city.

(C) Platting will be required for all projects that involve or contemplate the subdivision of land. Lots in a platted conservation developments may be sold to separate owners.

(D) To encourage design flexibility, conservation of natural amenities, and innovations that result in a higher quality residential environment than traditional subdivisions, comprehensive site planning is required of all conservation developments.

(E) The buildable area is the gross area of the conservation development minus the protected conservation areas. The minimum restricted conservation area will comprise all of the types as defined below. The minimum restricted conservation area will total not less than 30 percent of the total buildable area of the conservation development. Refer to city manager for a list of conservation areas required to be included within the protected area.

(2) Application requirements.

(A) Site analysis map. Applications and permits, of this code, the developer must show the following features on a conservation development site analysis map to be submitted concurrent with the submission of conservation development site plan to include the following:

(i) Exact property boundaries, topographic contours, delineated wetlands, special flood hazard areas,

existing roads, and existing structures based on an on the ground survey or aerial imagery;

- (ii) All streams, rivers, lakes, and other hydrologic features;
- (iii) General vegetation characteristics;
- (iv) General soil types as determined from the latest soil survey by the Natural Resources Conservation Service of the United States Department of Agriculture;
- (v) Planned location of protected open space;
- (vi) Total acreage of buildable area in the conservation development;
- (vii) Potential connections with existing green space and trails; and
- (viii) Location and total area of proposed impervious surfaces.

(B) Management plan. A management plan must provide guidelines for maintenance and operation, costs, inspections, and amendments. Refer to city manager for further information.

(C) Legal instrument of permanent protection. A conservation easement be placed on the open space no later than the recording of the final plat. The conservation easement and the final plat will be filed simultaneously and will make reference to each other. Each will not be complete without the other.

(D) Other requirements. The developer will adhere to all other zoning and subdivision requirements. A conservation development will be approved in accordance with the procedures established in this code. It will be clearly indicated on the preliminary and final plats that the proposed subdivision is a conservation development.

(3) Prohibited uses. The uses of open space will not include the following:

(A) Golf courses.

(B) Impervious surfaces. roads, parking lots, and impervious surfaces, except as incidental to other development purposes.

(C) Impoundments.

(D) Commercial uses. commercial uses not specifically authorized in the previous section.

(E) Mining uses.

(F) Treatment/management facilities. Potable water or wastewater treatment plants. Stormwater management facilities and wastewater disposal systems not specifically authorized in the previous section.

(G) Other activities. Other activities as determined by the developer.

(H) Recorded. All prohibited uses will be clearly indicated in the legal instrument, identified in the application requirements of this section, which provides for permanent protection.

(I) Public access. Whether or not to allow public access to the protected open space is at the discretion of the applicant.

(4) Ownership and management.

(A) Ownership of open space. A homeowners association representing residents of the conservation development will own the open space. Membership in the homeowners association will be mandatory and automatic for all homeowners of the development and their successors. The homeowners association will have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon will be borne by the homeowners association.

(B) Management plan. The applicant will submit a management plan for the open space and common facilities.

(5) Approval criteria. Upon receipt of the commission's recommendation to the city council, the council will consider the following specific objectives and criteria in making a determination on a proposed conservation development. The conservation development and related incentives will be permitted if it meets the following criteria:

(A) Comprehensive plan. The development must be compatible with the goals and policies of the City of Fair Oaks Ranch Comprehensive Plan; and

(B) Standards. The minimum standards identified in this section.