

Chapter 15 - Conservation Design Overlay

15.01 Conservation Design

- A. **Purpose and Intent:** The purpose of the Conservation Design/Open Space option is to preserve the Village’s character and encourage the preservation of open areas. The regulations in this section propose to accomplish this purpose by providing for grouping of new homes onto the most buildable portions of a site so that the remainder of the site can be preserved as Open Space. Conservation Design /Open Space developments may be approved in all residential zoning districts, subject to the standards and review procedures set forth herein.

The regulations in this section are also intended to accomplish the following purposes, and intended to achieve:

1. A choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre or a reduction in lot dimensions, yards, building setbacks, and area requirements.
 2. A more useful pattern of open space and recreation areas.
 3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
 4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
 5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Village’s Comprehensive Plan.
- B. **Site Plan Review:** Conservation Design/Open Space development shall be an allowed use in all residential zoning districts and subject to the approval by the Planning Commission and Village Council. The application, review and approval of a Conservation Design/Open Space Development shall be consistent with the application, review and approval procedures identified in Chapter 14, Planned Unit Development Overlay District.
- C. **Parcel Size, Density and Lot Size:** The overall density of residential uses within a Conservation/Open Space Development should not exceed the density that could be achieved in the residential district in which the development is located. The Village will allow up to a twenty (20%) increase in allowable density. The Planning Commission and Village Council may agree to permit development of additional “bonus” dwellings when a proposed development exhibits outstanding design principles and will constitute a long-lasting positive attribute to the community. The Planning Commission may agree to recommend an additional twenty (20%) increase in dwellings on a site in recognition of such outstanding attributes. The bonus could be used for either single-family detached dwellings or for multiple-family attached dwellings, at the discretion of the Village.

The applicant shall submit a parallel site plan that is designed in accordance with the requirements of the zoning district in which the development is located. The parallel site plan shall be used to establish the overall permitted density that could be achieved on the

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site.

Examples of design excellence attributes that may result in the award of a density bonus include:

1. Innovative energy efficient design; provision of additional open space in excess of required open space; added improvements to assure vehicular and pedestrian safety; or, added landscaping or other site features to assure a long-term aesthetically pleasing appearance.
2. The Conservation/Open Space Development would include certain public facilities to enhance the long-term viability of the project and Village and to allow for more efficient use of the land and surrounding land.
3. The proposed arrangement of uses and residential densities within the development enhances the compatibility of proposed development with existing or planned land use on adjacent land.
4. Provision of a greater amount of open space than the minimum requirements specified by the herein.

D. Dimensional Standards.

1. **Setbacks:** Buildings in Conservation Design/Open Space developments shall comply with the minimum yard setback requirements shown in Table 15.1:

Table 15.1 Minimum Yard Setbacks	
Description	Setback
Along site perimeter adjacent to public road	50 ft.
Along site perimeter, but not adjacent to a road	35 ft.
Along an internal collector or local road	
<i>between parking lot and property line</i>	40 ft
<i>Adjacent to road</i>	50 ft.
<i>Not fronting on road</i>	20 ft.

2. **Parcel Size:** The minimum parcel size for the overall Conservation Design/Open Space development shall be ten (10) acres.
3. **Distances between Buildings:** Buildings in Conservation Design/Open Space developments shall comply with the following minimum spacing requirements:
 - a. Any detached single family structure (or accessory structure) shall be located at least fifteen (15) feet from any other detached single family structure (or accessory structure).
 - b. The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for

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emergency vehicles, and the need for adequate amounts of light and air between buildings.

- D. **Floor Area and Height Standards:** Buildings in a Conservation Design/Open Space development shall comply with the floor area and height standards in the residential zoning district the proposed development is proposed to be constructed.
- E. **Streets:** Twenty-five (25) foot wide streets
- E. **Conservation Design/Open Space Requirements:** Conservation Design/Open Space developments shall provide and maintain usable Conservation Design/Open Space that is accessible to all residents, which shall comply with the following requirements:
1. Conservation Design/Open Space developments shall set aside a minimum of thirty percent (30%) of the total parcel area in common open space.
 2. Conservation Design/Open Space shall be located on the parcel to meet the following objectives:
 - a. To preserve distinctive natural features and characteristics.
 - b. To minimize impact from development on wetlands, woodlands, open water, and other sensitive environmental areas.
 - c. To maintain open character along main roads.
 3. No more than ten percent (10%) of the required open space shall be used for active developed recreation facilities, such as swimming pools, tennis courts, etc.
 4. Pervious land area may be included in required open space, except that: required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any required setbacks.
 5. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions and covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the site plan. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the required open space.
 - b. Provide for the privately-owned open space to be maintained by private property owners with an interest in such open space.
 - c. Provide maintenance standards and a maintenance schedule.
 - d. Provide notice of possible assessment to the private property owners by the Village of Maineville for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance or in the event that other public facilities are not maintained.
 - e. Be recorded with the County Register of Deeds to provide record notice of the restrictions to all persons having an interest in the property contained in the Conservation Design/Open Space development.
- F. **Storm-water Management**

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1. Existing natural drainage shall be maintained to the maximum extent feasible.
2. Where storm-water management facilities are required, they shall be designed in as small an area as possible. The ratio of the basin's area to volume shall be minimized.
3. Retention or detention basins, where required, shall resemble natural ponds with gradual slopes and shall be landscaped with native plant material that enhances the wildlife habitat.

G. Landscaping and Lawns

1. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
2. Where landscaping is proposed, native species shall be used.
3. Landscaping must be the requirements of Chapter 29, Landscaping and Screening.

- H. Pedestrian Circulation:** The applicant must demonstrate that the Conservation/Open Space development will be connected to any existing pedestrian and non-motorized vehicle paths and trails within a public right-of-way or easement open to the public. Paths and sidewalks must be provided within the development.