
ARTICLE 31
BOONE COUNTY ZONING REGULATIONS

SUPPLEMENTAL PERFORMANCE STANDARDS

SECTION 3111

Conventional and Open Space Residential Subdivisions***

1. These regulations are intended to provide for the option of developing residentially zoned property in either a Conventional or Open Space manner. A Conventional Subdivision generally covers the entire buildable portion of a site with residential lots. These lots are equal to or greater than a required minimum size designed to approximate the maximum permitted development density under the zoning regulations. An Open Space Subdivision has the same overall gross density of total dwelling units per total acres and the same permitted uses under the existing zoning district, however lot dimension and setback requirements are less restrictive. This permits greater unit per acre net densities on portions of the site while containing the same maximum number of dwelling units as would be permitted under a Conventional Subdivision. The use of Open Space Subdivisions is not intended to allow increased density for undevelopable or unusable land. The remnant land not designated as building lots is required to be left undeveloped, and must serve the purpose of effective buffering, passive recreation, protection of significant vegetation, significant historic preservation or scenic qualities;

The intent of permitting Open Space Residential Subdivisions within the Subdivision and Zoning Regulations is to preserve open space in Boone County while allowing the developer to reduce site improvement costs. Flexibility in street and right-of-way width and sidewalk requirements for genuine Open Space Residential Subdivisions are addressed in the Boone County Subdivision Regulations, while lot dimension and building setback requirements are addressed in this Article;

Instead of the conventional subdivision design process where an engineer is hired by the developer to prepare a plat and then meet with Planning Commission staff, a joint design process occurs where staff and the applicant work collaboratively to prepare an Open Space Subdivision design. This is achieved through a six-step process which includes meetings between the applicant and Planning Commission staff. The Open Space Subdivision design process is not required in any zoning district and is purely voluntary on the part of the property owner and/or developer. Certain design standards specified below are required for the subdivision to be approved as an Open Space Subdivision. If these standards cannot be met, the proposed lots within the subdivision must meet minimum conventional lot sizes and other dimensional standards of the applicable zoning district(s) and be reviewed as a conventional subdivision.

OPEN SPACE RESIDENTIAL SUBDIVISIONS***

ZONING DISTRICT	MAXIMUM INTENSITY OF TOTAL SITE	MINIMUM GREEN SPACE AREA	MINIMUM SIZE OF DISTRICT	MINIMUM LOT SIZE	MINIMUM FRONTAGE	MAXIMUM HEIGHT	MINIMUM FRONT YARD SETBACKS	MINIMUM REAR YARD SETBACKS	MINIMUM SIDE YARD SETBACKS
A-1	1d.u. or farmstead per five (5) acres	40%	30 acres	20,000	90	45	30	25	10
A-2	1d.u. per two (2) acres	40%	20 acres	20,000	90	45	30	25	10
RSE	1 d.u./acre	30%	5 acres	12,000	70	45	20	25	5 min - 20 total
RS	3 d.u./acre	20%	5 acres	5,000	50	45	10	25	5 min-20 total
SR-1	4 d.u./acre	10%	5 acres	detached s.f.	4,000	50	10	25	0 min - 10 total
				duplex	8,000	75			
SR-2	8 d.u./acre	10%	5 acres	detached s.f.	4,000	50	10	25	0 min- 10 total
				duplex	8,000	75			
SR-3	8 d.u./acre	10%	5 acres	detached s.f.	4,000	50	10	25	0 min- 10 total
				duplex	8,000	75			
UR-1	12 d.u./acre	10%	N.A.	detached s.f.	4,000	50	5	25	0 min- 10 total
				duplex	8,000	60			
UR-2	20 d.u./acre	10%	N.A.	detached s.f.	4,000	50	5	25	0 min- 10 total
				duplex	8,000	60			
UR-3	30 d.u./acre	10%	N.A.	detached s.f.	4,000	50	5	25	0 min 10 total
				duplex	8,000	60			

Abbreviations: d.u. = dwelling unit; s.f. = single-family; N.A. = not applicable; GFA = gross floor area.

***Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Open Space Subdivision criteria of Article 3 of the Boone County Subdivision Regulations.

- NOTES: * When adjoining any of the following zoning districts: A-1, A-2, R, CONS, RSE, RS, SR-1, SR-2, SR-3 UR-1, UR-2, UR-3, MHP & RIF.
 ** When parking is located in the front yard area, a minimum 15 foot landscaped buffer shall be planted and maintained between the right-of-way and the parking area (see article 31).
 + Denotes apartments, condominiums, landominiums and townhomes
 # Applicable to the City of Florence only.
 ^ When a non-residential uses adjoins an existing residential use.
 = 5 Foot minimum side yard setback where a patio house adjoins a conventional single family dwelling.

The six-step design approach described below is to be used for Open Space Subdivision applications:

Step One - Identifying Primary Conservation Areas

This step consists of identifying the land that should be permanently protected. The developer performs a detailed site analysis in order to precisely locate features to be conserved. The developer first identifies all the constrained lands (wet, flood prone, and steep), called Primary Conservation Areas (see Figure 31.1). These include any areas within the Developmentally Sensitive Future Land Use Classification as described in the Boone County Comprehensive Plan text (existing slope of twenty percent or greater for a height of 20 meters or more). The extent of the Developmentally Sensitive area is determined by site analysis and not on the general Future Land Use map.

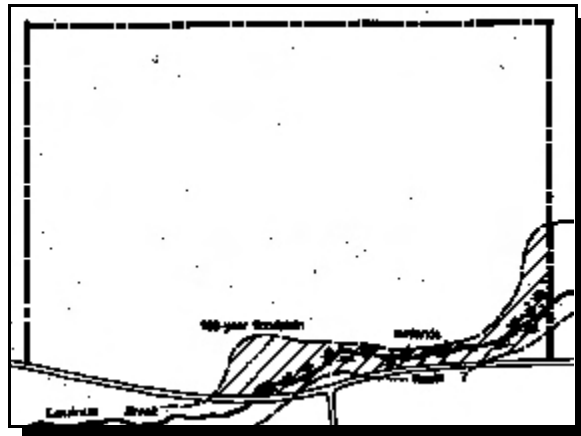


Fig. 31.1 - Primary Conservation Areas

Step Two - Identifying Secondary Conservation Areas

The developer then identifies Secondary Conservation Areas (Figure 31.2) which comprise noteworthy, amenity-forming features of the property; mature woodlands, greenways, trails, river and stream corridors, prime farmland, hedgerows and individual free-standing trees or tree groups, wildlife habitats and travel corridors, historic sites and structures, scenic viewsheds, etc.

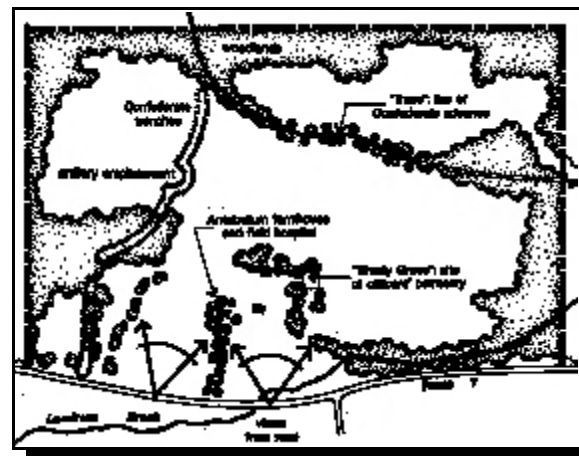


Fig. 31.2 - Secondary Conservation Areas

Step Three - Identifying Potential Development Areas

After "greenlining" these conservation elements, the remaining part of the property becomes the Potential Development Area (Figure 31.3).

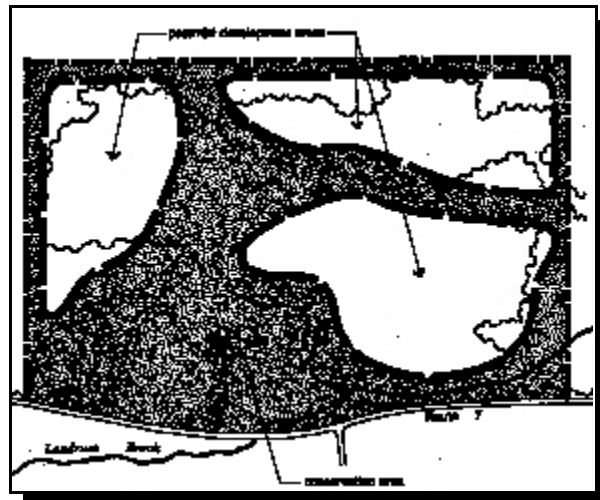


Fig. 31.3 - Potential Development Areas

Step Four - Locating Housing Sites

This step involves locating sites of individual houses within the Potential Development Area so that their views of the open space are maximized (Figure 31.4). The number of houses permitted is calculated by the gross site density permitted within the zoning districts for the entire site.

Step Five - Drawing In Streets

This step simply involves “connecting the dots” with streets and trail system (Figure 31.5).

Step Six - Drawing In Lot Lines

The final step consists of drawing in the lot lines (Figure 31.6).

2. Conventional Yield Plan: The product of the six-step process is greatly different than the conventional residential subdivision design for the same site (Figure 31.7);
3. Gross Density: Any residential subdivision shall be developed within the maximum permitted intensity of total dwelling units per total acreage as regulated in Table 31.1 of this Article for the affected zoning district(s). Open Space subdivision design may allow a developer to attain the full permitted density on a site under the existing zoning whereas normal site constraints and infrastructure needs

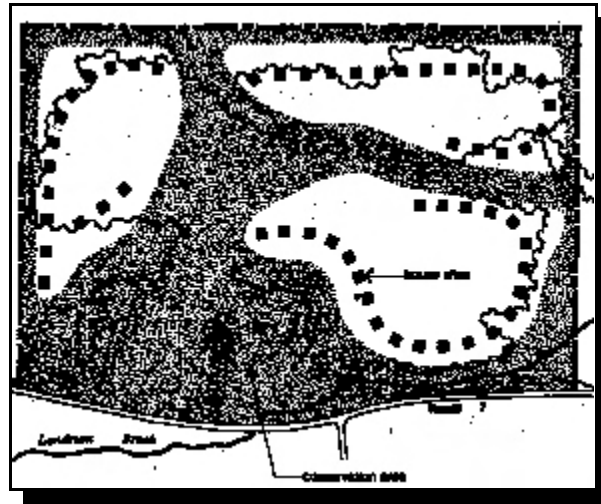


Fig. 31.4 - Locating Housing Sites

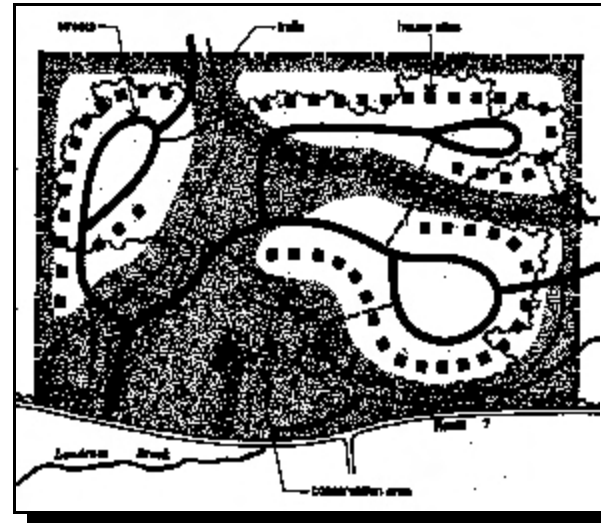


Fig. 31.5 - Drawing In Streets

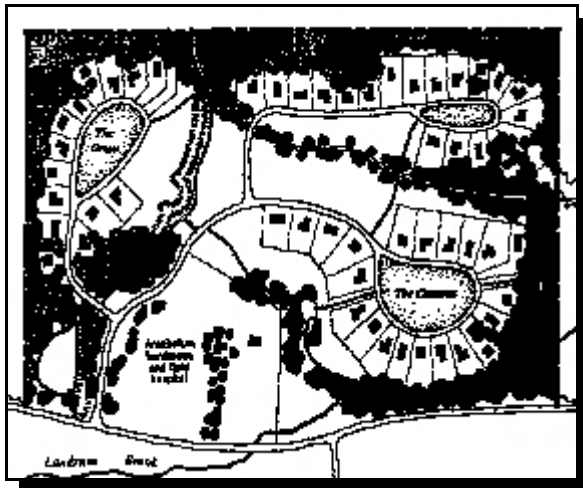


Fig. 31.6 - Drawing In Lot Lines

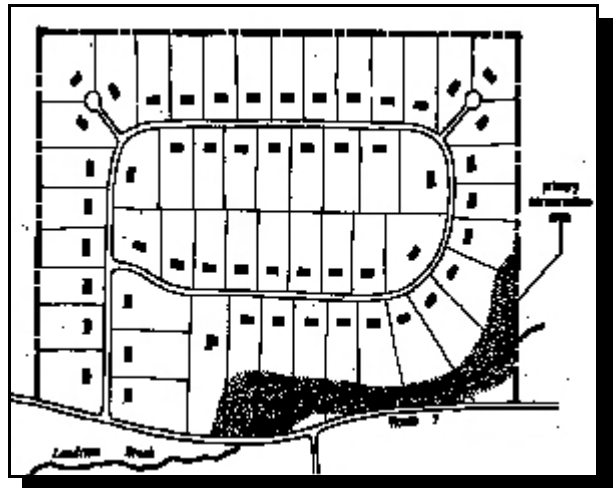


Fig. 31.7 - Conventional Zoning Yield Plan

*Illustrations from Conservation Design For Subdivisions
by Randall Arendt (1996)*

typically result in a lower gross density potential for a conventional subdivision design;

4. Net Density: The maximum density of a portion of a Conventional or Open Space Residential Subdivision shall be governed by the minimum lot sizes permitted in the zoning district as described in Table 31.1 of this Article 17;
5. Minimum Size of Open Space Residential Subdivision: Open Space subdivisions shall incorporate a minimum of six contiguous lots which is consistent with the definition of a major division of land within the Boone County Subdivision Regulations.

The following standards must be met by an Open Space Subdivision design:

- Individual building lot frontage must be on the interior road network.
 - Each residential dwelling unit shall have a view of functional open space from the front or rear of the unit.
 - The development shall contain central, visible, and accessible open space.
 - Open space must be connected throughout the development by sidewalk or path.
 - Maintain view of open space from the existing main road into the site. The design shall buffer views of the dwelling units, particularly rear elevations, from the existing thoroughfare.
 - Provide entry treatment, including natural vegetation buffering as preferable to berming, along the property frontage.
 - Adjacent to existing single family residential units, Open Space Subdivision building setbacks from the development boundary must mirror the required minimum setbacks of the existing adjacent zoning district.
 - Wet stormwater retention areas may qualify for open space for the purposes of density calculation if properly designed to accommodate public recreation.
 - To avoid developing mobile home parks in A-1 zoning districts where they are not permitted, mobile home lot sizes shall meet the existing minimum lot size of 5 acres.
 - Sidewalks are required on one side of any street with residential lots fronting on it in both A-1 and A-2 zoning districts. In any other zone, a sidewalk is required on the side of the street where residential lots front onto it. Proper pedestrian crossings must be provided where sidewalks switch sides of a street. A path or trail can be substituted for a sidewalk requirement if demonstrated to serve the same function. Trails and paths must meet all disabilities requirements and standards.
 - Undevelopable or undesirable areas shall not constitute green space areas for an Open Space Subdivision if they do not serve such a function. It is the responsibility of the developer to prove that the green space areas can serve one of the required uses, and is not just an attempt to increase density by accounting for undevelopable or undesirable land.
7. Green Space Areas: All subdivisions are encouraged to provide non-development areas for the purpose of preserving open space. Open Space Subdivisions are required to provide a combination of Primary and Secondary green space that totals at least the minimum specified for the zoning district in Table 31.1. Sites that contain more than one zoning district shall provide the total percentage of green space based on the pro-rated acreage in each zoning district, however, the physical location of the green space may be concentrated on any of the affected zoning districts. The proposed green space areas shall be treated as permanent open space, and can not be developed in the future. Green space areas shall be functional in terms of providing realistic areas that provide for passive recreation, scenic views, protection of significant vegetation, significant historic preservation, private cemeteries, or

effective buffering. These areas can be used for pasture land, crops, and tree production. Related recreation structures and agricultural outbuildings are permitted in the green space area. They also can serve the septic leach area needs of an Open Space Subdivision upon review and approval of the appropriate regulating agency. Utility easements are permitted to be located within Secondary Conservation Areas, but not in Primary Conservation Areas. It is particularly important during Step 2 of the design process to make sure green space suits this objective and does not result in inaccessible, invisible perimeter strips that create maintenance issues. If the proposed development cannot meet the minimum percentage green space requirement in table 31.1 for Primary and Secondary green space, pocket parks or stormwater retention/detention areas can qualify when designed as suitable public or HOA recreation space. At a minimum, pedestrian access to the green space areas, either private or public, shall be provided.

The green space portions of any subdivision shall be clearly designated during subdivision review, and referenced in a Certificate of Land Use Restriction filed at the Boone County Clerk's office. These areas cannot be developed when the site's maximum gross density is reached. They shall be protected from development by an appropriate restrictive covenant, scenic or conservation easement, or homeowner's agreement. The ownership and responsibility for continued maintenance of the open space areas is also required. These documents shall be submitted at the Final Plat review.