

COUNCIL ACTION FORM

SUBJECT: CONSERVATION SUBDIVISION ORDINANCE

BACKGROUND:

Since the early 2000's, community members and the City have shown interest in an approach to residential development that more fully respects and protects the natural environment. In 2006 the City Council held an educational workshop on this subject that was attended by the Planning and Zoning Commission and many other community members. The City's stormwater consultant, Pat Sauer of the Iowa Association of Municipal Utilities, and landscape architect Doug Adams, who has previously designed several conservation subdivisions, presented principles and examples of low impact development and conservation subdivisions. The Ada Hayden Park watershed was recognized as one area that would particularly benefit under this approach.

Soon thereafter, Story County Land LLC made the first of several proposals to develop a subdivision immediately west of the park within the Hayden Lake watershed. Although their Rose Prairie proposal followed many conservation subdivision principles, the City Council ultimately chose not to approve the subdivision, either within or outside the City limits. Story County Land appealed the Council's decision in court, and also recorded a "declaration of horizontal property regime," which allows the developer to proceed with construction of the residences as condominium units. Council then directed staff to initiate negotiations with the Rose Prairie developers in an attempt to reach a settlement in the case.

In order to accomplish that settlement, several steps were needed. The first step has already been accomplished, as the LUPP has been changed to Urban Residential for the Rose Prairie area. The next step is to annex the property to bring it into the City. The property will then need to be rezoned and a subdivision plat approved. An agreement for installation of infrastructure must also be completed. Negotiations on these last steps are currently nearing completion.

With residential development imminent within the Hayden Lake watershed, staff has worked over the last several months to draft a conservation subdivision ordinance for the City. Pat Sauer has provided invaluable technical expertise in this effort to create a development mechanism that protects the water quality of Ada Hayden Lake.

Several strategies have been identified to accomplish this goal, most of which involve protection of the watershed surrounding the lake. Experts have indicated that the best control of the watershed would come through the imposition of City development standards on the area. These standards include storm water runoff quality controls and sanitary sewer collection and treatment standards. In addition, education on fertilizer

use and – as other communities have learned – limitations through homeowners' associations or restrictive covenants on some types of fertilizers have also protected or improved surface and ground water quality. Finally, conservation subdivision regulations can also require the implementation of "best management practices" on the layout design and the infrastructure built to serve residential development within the watershed.

As staff developed a draft ordinance over the past several months, input was needed from the developers who control land in the north growth area. Staff desired to identify an appropriate balance between governmental regulation and the private sector's economic ability to develop their land. This was done through meetings with the developers to discuss the language and intent of the draft ordinance. These discussions included the Rose Prairie developers, as well as the owners of developable land to the south (Hunziker) and the east (Friedrich/Johansen) of Rose Prairie.

To facilitate this analysis, the developers to the south and east had an engineering draft subdivision lay-outs for their properties to show how they would comply with the draft ordinance. After discussing those proposals, City staff used those drawings as a base to modify the lay-outs to show City staff's interpretation of the draft code. Those drawings were then used as a discussion point to better understand the impacts of the draft ordinance. At the final meeting, it was agreed that key issues would be laid before the Commission and the City Council for consideration before a final ordinance is adopted.

The Council is now being asked to review the attached draft Conservation Subdivision Ordinance. Possible alternatives are also presented in two key areas.

Conservation Subdivision

The purpose of a conservation subdivision is to strike a balance between well-designed residential development, meaningful open space conservation, and natural resource protection. With the close proximity and important resource that Ada Hayden Lake is to the City, it was determined that the best way to not only protect but to enhance this area is through adoption of a Conservation Subdivision Ordinance. **While this ordinance might later be considered for application anywhere in the community, the immediate intent is to require compliance with this ordinance only for future residential subdivision development in the undeveloped areas of Ada Hayden Watershed north of Bloomington Road.**

The statement of intent contained in the proposed ordinance is as follows:

The intent of Conservation Design Development is to preserve the existing natural features of the site, to preserve the natural drainage features and hydrologic characteristics of the landscape, and to reduce the impacts of development on the landscape; and

1. To maintain and protect in perpetuity Ames area natural character by preserving these important landscape elements including but not limited to those areas containing unique and environmentally sensitive natural features as prairie, woodlands, stream buffers and corridors, drainageways, wetlands, floodplains, ridgetops, steep slopes, critical species habitat, and by setting them aside from development;
2. To promote interconnected greenways and environmental corridors throughout Ames;
3. To provide commonly-owned open space and conservation areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
4. To permit various means for owning conservation areas, preserved landscape elements, and to protect such areas from development in perpetuity;
5. To provide greater flexibility in site dwellings and other development features than would be permitted by the application of standard use regulations in order to minimize the disturbance of natural landscape elements and sensitive areas, scenic quality, and overall aesthetic value of the landscape;
6. To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing soils, vegetation, and maintain environmental corridors; and
7. To preserve significant archaeological sites, historic buildings and their settings.

In reviewing the draft ordinance with developers, issues were identified which require direction from the Council prior to finalizing an ordinance. These issues pertain to a) open space and b) lots adjacent to open space.

Open Space

Appropriate amounts and uses for open space is a key component of a conservation subdivision. Natural areas such as prairie land, creeks, and wooded areas should be preserved as open space. Land reserved for the natural treatment of stormwater is another vital component of open space.

Open space is currently defined in City Code under Section 29.201(129), as follows: "Open Space means useable open space designed and intended for the use of all residents of a residential development, including space dedicated to the public."

In the attached Conservation Subdivision Ordinance, open space is further expanded by adding "conservation area." **Conservation area** is defined as "Land within a conservation subdivision that has been dedicated through conservation easement, reserved, and restricted in perpetuity from further development and is set aside for protecting environmentally sensitive areas and/or for providing a means for managing stormwater. It shall be substantially free of structures, but may contain historic

structures and archaeological sites as indicated on the approved development plan. This area may include recreational areas such as shared use paths, play fields, or community gardens.” It is important to note that conservation areas as defined can be counted towards meeting the open space requirement in the ordinance.

In considering the amount of open space needed to accomplish the purposes of a conservation subdivision, staff has identified the following three options:

1. Open Space Option #1 – **Minimum 25% required open space:** This option for open space would require a minimum of 25% open space be provided within the overall subdivision. This would include conservation areas, but would not include rights-of-way.(Staff and Planning & Zoning Commission Recommendations)
2. Open Space Option #2 – **Alternative percentage of open space:** This option would require that some percentage of open space less than or greater than 25% be provided within the overall subdivision. Again, this would include conservation area, but would not include rights-of-way.
3. Open Space Option #3 – **No specified minimum open space requirement:** This option would not specify a minimum amount of open space. Rather, the applicant would need to demonstrate that the proposed subdivision contained sufficient open space to meet the stated intent and performance criteria within the ordinance.

Lots Abutting Open Space

In the intent statement of the attached Conservation Subdivision Ordinance, it is stated that one purpose of the ordinance is to promote interconnected greenways and environmental corridors throughout Ames. An additional benefit to abutting open space is the fact that it creates the illusion of large lots while creating conservation areas. In considering the amount of required lots abutting open space in a conservation subdivision, staff has identified the following three options:

1. Lots Abutting Open Space Option #1 – **Required percentage:** This option would set the number of lots that must abut open space at 80%. This means that 80% of the lots in the subdivisions would need to have open space abutting the property. The ordinance does allow for the abutment to include open space that is across a roadway to fulfill the requirement. (Staff and Planning & Zoning Commission Recommendations)
2. Lots Abutting Open Space Option #2 – **All lots:** This option would require all lots to abut open space. Again, the ordinance allows for the abutment to include open space that is across a road way to fulfill the requirement.
3. Lots Abutting Open Space Option #3 – **No requirement:** This option would not have any requirements for lots to abut open space.

Applicable City laws and policies related to this proposal, along with possible findings of fact and a possible Conclusion, are identified in Attachment A.

- **Recommendation of the Planning & Zoning Commission.** At its meeting of June 16, 2010, with a vote of 7-0, the Planning and Zoning Commission recommended that the City Council adopt the attached Conservation Subdivision Ordinance and incorporate the recommendations regarding the 25% minimum open space and 80% minimum lots abutting open space, as shown above.

At this meeting the Commission received the following public input:

Erv Klaas spoke in favor of the proposed ordinance.

Catherine Scott spoke and suggested that the ordinance not require a minimum percentage for open space and let the site determine what the minimum should be. She also suggested that staff think about considering if there should be a maximum.

Kurt Friedrich said he is supportive of where the ordinance is heading, but would like flexibility with the open space requirement. He also asked the Commission to consider a recommendation to allow flexibility with regard to urban density requirement as it relates to specific pieces of land. The proposed ordinance still has the urban density requirement of 3.75 units per acre, which he thinks is a conflict within this area and within a conservation development with providing a variety of housing choices, which is one of the goals of the LUPP.

Roger Hamblin said this ordinance has been coming together for a number of years and agrees with the direction for where it is going. He spoke in agreement with the City's concern about the density with the Friedrich's property because it isn't conducive to try to get the density as high as you can for this area if we are trying to conserve and protect the natural areas. He spoke in appreciation for staff showing maps of the proposed conservation subdivision developments, which gave the audience a better visualization for what may happen in these areas and showing how the developments can affect the surrounding properties and the water run-off.

ALTERNATIVES:

1. The City Council can adopt the proposed ordinance incorporating the 25% minimum open space requirement, and the requirement that 80% of lots must abut open space, based upon the staff's findings and recommended conclusions.
2. The City Council can direct staff to revise the ordinance to incorporating one of the alternative open space target options and one of the open space abutment options as described in this report.

3. The City Council can choose to not adopt the proposed ordinance.
4. The City Council can refer this back to staff for additional information.

MANAGER'S RECOMMENDED ACTION:

Staff believes that the proposed ordinance strikes an appropriate balance between meeting projected population needs and meeting other environmental, aesthetic and recreational goals of the Land Use Policy Plan.

Therefore, staff recommends that the Council act in accordance with Alternative 1, which is to adopt the proposed ordinance incorporating the 25% minimum open space requirement, and the requirement that 80% of lots must abut open space.

The Council should understand that, because of the need for open space and conservation areas, a Conservation Subdivision could require more gross acres to develop than a standard subdivision. Therefore, the more conservation subdivisions are developed, the greater the area that will be needed to accommodate our future population growth target. However, in order to protect valuable natural resources such as the Hayden Lake watershed, the goal of environmental protection should take precedence over the goal of efficient development within this watershed. The potential impacts of conservation subdivisions on land capacity is correlated to the densities realized in conservation subdivisions, as further explained in Attachment B.

At least one of the developers staff communicated with during the development of this ordinance feels a strong need for lower or no density requirements to achieve their development objectives. Staff believes that a discussion to change density requirements is a broader land use planning issue and, therefore, should be considered outside the context of the Conservation Subdivision Ordinance. In fact, the Planning & Zoning Commission made a separate motion on June 16th requesting that the Council separately address the density issue as soon as possible.

ATTACHMENT A

Applicable Laws and Policies With Possible Findings and Conclusion

Applicable laws, goals and policies applicable to this proposal include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Ames Municipal Code.

Chapter 23 of the *Municipal Code* contains the subdivision standards for the City of Ames.

Division IV of the Subdivision code specify Design and Improvement Standards applicable to all subdivisions (i.e., site design, landscaping standards, street design, water supply, sanitary sewer requirements, electrical distribution & street lighting improvements, storm water management, soil erosion & sedimentation control, and improvement guarantees.)

SUDAS Standards have been adopted by reference and are also applicable to subdivisions.

The Definition section of the Subdivision code is contained in Section 23.201.

Land Use Policy Plan (LUPP)

Goal No. 1 states, “*Recognizing that additional population and economic growth is likely, it is the goal of Ames to plan for and manage growth within the context of the community’s capacity and preferences. It is the further goal of the community to manage its growth so that it is more sustainable, predictable and assures quality of life.*”

- Objective 1C. *Ames seeks to manage a population and employment base that can be supported by the community’s capacity for growth. A population base of 60,000 – 62,000 and an employment base of up to 34,000 is targeted within the City. Additionally, it is estimated that the population in the combined City and unincorporated Planning Area could be as much as 67,000 and the employment base could be as much as 38,000 by the year 2030.*

Goal No. 2 states, “*In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location and compatibility of growth with the area’s natural resources and rural areas.*”

- Objective 2A. *Ames seeks to provide between 3,000 and 3,500 acres of additional developable land within the present City and Planning Area by the year 2030. Since the potential demand exceeds the supply within the current corporate limits,*

alternate sources shall be sought by the community through limited intensification of existing areas while concentrating on the annexation and development of new areas. The use of existing and new areas should be selective rather than general.

- Objective 2B. *Ames seeks to assure the availability of sufficient suitable land resources to accommodate the range of land uses that are planned to meet growth. Sufficient land resources shall be sought to eliminate market constraints.*
- Objective 2C. *Ames seeks a development process that achieves greater compatibility among new and existing development.*
- Objective 2D. *Ames seeks a development process that that achieves greater conservation of natural resources and compatibility between development and the environment.*

Goal No. 3 states, *“It is the goal of Ames to assure that it is an “environmentally-friendly” community and that all goals and objectives are integrated with this common goal. In continuing to serve as a concentrated area for human habitat and economic activity, Ames seeks to be compatible with its ecological systems in creating an environmentally sustainable community.”*

- Objective 3A. *Ames seeks to provide a biodiversity through the inclusion of plant and animal habitats. Their inclusion shall be provided through such methods as conservation management, protection, replacement, etc.*
- Objective 3B. *Ames seeks to maintain and enhance the value of its stream corridors as drainageways and flood management areas, plant and animal habitats, recreational and scenic areas, and pathways for linking the overall community.*

Page 32 of the LUPP addresses environmentally sensitive areas, as follows:

Environmentally Sensitive Areas. *The designation involves floodprone areas, wetlands, waterbodies and designated natural resources that should be protected from detrimental use. Included are areas previously identified as “Floodway” and “Floodplain”; plus selective natural resources from the “Natural Resources Inventory”. Areas designated “Environmentally Sensitive Areas” may or may not be suitable for development. In the event that development is determined to be appropriate, special requirements may be necessary to ensure environmental compatibility.*

Ames Urban Fringe Plan

Page 28-29 of the Ames Urban Fringe Plan addresses the following applicable land use designations

Priority Transition Residential (PTR)

PTR Policy 1: This land use designation includes all single-family residential land uses/developments that involve minimum average net densities of 3.75 units per acre.

Rural Transitional Residential (RTR)

RTR Policy 1: This land use designation includes all single-family and two-family residential land uses/developments that involve average net densities between one unit per acre and 3.75 units per acre. (Relates to RUTA Goal 3.2)

Staff has determined that the following findings support adoption of this conservation subdivision ordinance:

1. The City of Ames has adopted policies pertaining to projected populations, and seeks to ensure sufficient land areas to serve projected populations. Accordingly, the City has specified minimum density targets in suburban residential zones and in the Ames Urban Fringe.
2. The average gross density achievable under a conservation subdivision has been shown in some cases to be less than the average gross density in standard subdivisions already built in the City.
3. The City has adopted policies pertaining to the protection of the environment, to maintain and enhance the value of stream corridors as drainageways and flood management and as areas for plant and animal habitats, recreational and scenic areas, and pathways for link the overall community, and to otherwise assure compatibility with ecological systems in creating an environmentally sustainable community.
4. The proposed ordinance includes measures for conservation of natural features intended, in part, to enhance stream corridors and drainage ways as natural areas for flood management, to provide access to open areas, to restore environmentally sensitive areas and biodiversity, to promote interconnected greenways and environmental corridors throughout the City of Ames.

Based upon these findings, the proposed ordinance will likely reduce achievable gross densities of some subdivisions, which may eventually require review of, and possible amendments to, the City's targeted growth and/or density strategies. However, goals pertaining to population and density must be balanced against other adopted goals pertaining to sustainability and the environment. The proposed conservation subdivision standards are consistent with and further the stated environmental goals and policies of the City's Land Use Policy Plan.

ATTACHMENT B

Density Issues

The City currently regulates the net density of residential subdivisions in both the zoning code and the Ames Urban Fringe Plan. Attachment A includes pertinent goal and policy statements from the Land Use Policy Plan and the Fringe Plan pertaining to population and density. It is evident from that language that the City intended to achieve targeted densities in specified areas of the City and in its fringe in order to accommodate its targeted populations (as well as to ensure efficiencies in land use and delivery of urban services). It is noteworthy that the stated densities are net densities rather than gross densities, which means that the Plan anticipated that certain land features were expected to be excluded from the targeted residential areas and that targeted population could still be accommodated in the balance of those areas.

At the time the plan was developed, however, it is unlikely that we expected to net out of the calculation as much land area as would be required for a conservation subdivision. Indeed, the gross density achieved under standard subdivisions is approximately 2.57 units per acre, whereas the gross density for the proposed Rose Prairie subdivision is about 1.7 units per acre. In other words, while the targeted net densities would be the same for both standard and conservation subdivisions, the actual number of units achieved on the total land area (i.e., the gross density) could be significantly less for conservation subdivisions. **In effect, conservation subdivisions could require more land to meet projected population housing needs than standard subdivisions.**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 23.201 FOR THE PURPOSE OF INCORPORATING DEFINITIONS INTO THE DEFINITION SECTION AND ENACTING A NEW DIVISION VI, SECTIONS 23.600, 23.601, 23.602, 23.603, 23.604, 23.605 THEREOF, FOR THE PURPOSE OF PRESERVING EXISTING NATURAL FEATURES, PRESERVING NATURAL DRAINAGE FEATURES AND HYDROLOGIC CHARACTERISTICS, AND REDUCING IMPACTS OF DEVELOPMENT ON LANDSCAPE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Section 23.201 and enacting a new Division VI, Sections 23.600, 23.601, 23.602, 23.603, 23.604 and 23.605 as follows:

“Sec. 23.201. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of the Regulations, have the meaning herein indicated.

- (1) Adequate Public Facilities: Facilities determined by the City Council to be capable of supporting and servicing specified levels of service for anticipated infrastructure needs in the physical area and with the designated intensity of a proposed subdivision.
- (2) Alley: A public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.
- (3) Applicant: The owner of land proposed for subdivision or the developer thereof who has written authority to act on behalf of the owner.
- (4) Bikeway: A public way designed to be used for bicycling. "Bikeway" shall include: any Bike Path, which is a public way separated from any highway, street or alley and designed for the use of bicycles; and any Bike Lane, which is a portion of a highway, street, alley or other public way reserved and marked for the exclusive use of bicycles.
- (5) Block: An area of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of the subdivision, shorelines of waterways, or corporate boundaries.
- (6) **BMPs:** Best Management Practices. Those practices most appropriate for land management.
- (7) Bond: Any form of security including a letter of credit, a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council.
- (8) Boundary line Adjustment. An adjustment of lot or parcel lines between owners of contiguous officially platted lots or parcels where no more than the same number of lots or parcels, or fewer numbers of lots or parcels, exist after the adjustment.
- (9) **Buffer:** Buffers are areas vegetated with native prairie and or woodland plants located next to rivers, streams, creeks, wetlands, lakes and reservoirs. They protect these water resources from nonpoint source pollution and provide bank stabilization and aquatic and wildlife habitat. Buffers also minimize development in floodplains and flood fringes.
- (10) Building: Any structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels. Each area of such structure separated by division walls from the ground up without openings shall be deemed a separate building.
- (11) Building Line: A line fixed parallel to the front lot line in front of which lies the front yard and behind which all buildings or structures must be setback under the terms of the Zoning Ordinance.

(12) **Building Official/Zoning Enforcement Officer:** The individual appointed by the City Manager who is responsible for the administration and enforcement of the Zoning Ordinance and Subdivision Regulations of the City.

(13) **Central Sewerage System:** A private sewer system including collection and treatment facilities established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

(14) **Central Water System:** A private water system, including water treatment and distribution facilities, established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

(15) **City:** The City of Ames, Iowa.

(16) **Cluster Groups:** Grouping homes in a development utilizing existing land features to maximize open space, minimize mass grading and prevent development in environmentally sensitive areas.

(17) **Conservation Area:** Land within a conservation subdivision that has been dedicated through conservation easement, reserved, and restricted in perpetuity from further development and is set aside for protecting environmentally sensitive areas and/or for providing a means for managing stormwater. It shall be substantially free of structures, but may contain historic structures and archaeological sites as indicated on the approved development plan. They may include recreational areas such as shared use paths, play fields or community gardens.

(18) **Conservation Easement:** The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, restored, scenic, open or wooded state, precluding future or additional development.

(19) **Conservation Subdivision:** A housing development which is characterized by compact and cluster lots, and dedicated conservation areas where the natural and/or restored features of the land are maintained.

(20) **Conveyance Parcel:** Any parcel created by the division of land through a deed or contract conveyance, or any boundary line adjustment of land established through a deed or contract conveyance, initially created or established without the benefit of City review and approval, which has been assigned a tax parcel number prior to August 4, 2009, and which is not a legalized lot as defined in this Chapter.

(21) **Dedication:** A grant to the City of title to land, without compensation.

(22) **Development Envelopes:** Areas within which grading, lawns, pavement, buildings and structures will be located.

(23) **Division:** An apportionment of an area of land into two or more parts, any of which is less than 40 acres, except apportionments of an area of land that are made for purposes of lease or rental.

(24) **Driveway Approach:** A vehicle access from private property to a public street or alley.

(25) **Easement:** The perpetual right to use the land of another for a specified purpose.

(26) **Environmentally Sensitive Areas:** Areas of land containing prairie, wetlands and/or riparian corridors and associated protective buffers, floodways, unstable soils, habitat for threatened or endangered species, aquifer recharge areas, or identified watershed protection areas.

(27) **For-Profit Organization:** Any corporation or association the purposes or powers of which include retaining or protecting the natural, scenic or conservation area values of real property, assuring the availability of real property for prairie, woodland, recreational or conservation areas use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

(28) **Gross Acreage:** The total area of a lot, tract, parcel, or other defined area of land, including the area of perimeter street rights-of-way to the center line of the street.

(29) **Highway:** A public way designated as a highway by an appropriate, state or federal agency.

(30) **Homeowners Association:** A community association incorporated or not incorporated, combining individual homeownership with shared use or ownership of common property or facilities.

(31) **Improvement Agreement:** A written agreement signed by an Applicant and authorized agents of the City whereby the Applicant agrees to undertake performance of those obligations imposed by the Regulations, or agrees to undertake additional public facility improvements in exchange for such consideration of development rights as may be contained in the agreement and as authorized by the City, and containing such other terms and provisions and in such form as shall be acceptable to the City. Specifically, an Improvement Agreement is to be entered into after approval of the Preliminary Plat in the event that improvements set forth therein will not be completed before submission of the Final

Plat.

- (32) **Improvement Guarantee:** Any surety provided in accordance with Section 23.409 of the Regulations.
- (33) **Land Use Policy Plan:** The comprehensive plan for the City of Ames, Iowa, as adopted August 26, 1997, and as subsequently amended.
- (34) **Legalized Lot:** Any lot or parcel approved pursuant to the provisions of this Chapter, or as otherwise legalized under the provisions of Code of Iowa Sections 592.2, 592.3 and/or 592.4.
- (35) **Lot:** An area of land designated by number or letter in a plat of subdivision recorded pursuant to the Regulations, or otherwise recorded with the office of the County Recorder.
- (36) **Major Subdivision:** Any division that is not classified as a Minor Subdivision, Boundary line Adjustment or conveyance division.
- (37) **Minor Subdivision:** Any subdivision that plats no more than three lots fronting on an existing public way and does not require construction or extension of any public ways, utilities or other improvements, as set out in Section 23.301 of the Regulations.
- (38) **Net Acreage:** Gross acreage less all land areas comprising any of the following: public or private right-of-way; common open space owned by the City of Ames or by a homeowners' association or similar private entity; severe slopes where the topography exceeds 10% as determined by the Story County Soil Survey; areas containing natural resources as identified in the Natural Areas Inventory of the City of Ames dated 1994; areas reserved as outlots or easements to the City as woodlands, prairies, wetlands, or other native plant communities; stormwater detention areas and stormwater retention ponds; and areas reserved as outlots or easements to the City to protect natural archaeological or historic features.
- (39) **Net Density:** Total number of dwelling units divided by net acreage.
- (40) **Non-profit Conservation Organization:** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or conservation area values of real property, assuring the availability of real property for prairie, woodland, recreational or conservation areas use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.
- (41) **Outlot:** an unbuildable area of land, due to its, size, shape, topography or general location within the phasing of a subdivision.
- (42) **Parcel:** A part of, an aliquot part of a section, a lot within an official plat, or a government lot. In this context, the term "parcel" does not mean, and should not be confused with, tax parcels.
- (43) **Plat of Survey, Official.** The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared and signed by a registered land surveyor in compliance with Code of Iowa Section 355.7.
- (44) **Plat of Survey, Proposed.** A graphical representation of an existing parcel or tract of land, or of a proposed division or reconfiguration of an existing lot, parcel or tract of land, prepared in the same format as an Official Plat of Survey but without the signature of the registered land surveyor.
- (45) **Preliminary Plat:** A plat for a proposed major subdivision prepared and submitted in accordance with Section 23.13 of the Regulations.
- (46) **Public Way:** A right-of-way used for passage by the public. "Public Way" shall include, but not be limited to, any highways, streets or alleys.
- (47) **Retracement Survey.** The process of field locating and marking record title boundaries as described in Code of Iowa Section 355.4.
- (48) **Right-of-way:** A strip of land acquired by reservation, dedication, prescription, or condemnation and used or intended to be used by specific persons or the public for a specific purpose or purposes. "Right-of-Way" shall include but not be limited to, any public ways.
- (49) **Shade Tree:** An overstory tree of approved species and size.
- (50) **Sidewalk:** A public way designed and used for walking and located in public right-of-way or public easements.
- (51) **Sketch Plan:** A plan of land, preparatory to the plat, showing the location of a proposed division of land, including the general location and dimensions of any proposed streets and other improvements and the general layout and arrangement of intended land uses, in relation to the surrounding area.

(52) **Stormwater Treatment Train:** A combination of stormwater management practices that are constructed or planted to convey, cleanse, and enhance stormwater quality and address quantity before the remaining water is discharged to receiving waters.

(53) **Stream Order:** A classification rank, used by the United States Geological Survey and other hydrological entities, of the relative sizes of streams draining a watershed based on the nature of their tributaries. The smallest unbranched tributary is first order, the stream receiving the tributary is second order etc.

(54) **Street:** A public way designed and used for passage of vehicles. "Street" shall not include any alleys or highways.

(55) **Street Classification:** All streets shall be classified as one or more of the following, in accordance with the adopted street classification map:

(a) **Street, Arterial:** Those streets, which provide for a rapid movement of concentrated volumes of traffic over relatively long distances, including:

(i) **Freeways and Expressways:** Streets or highways which include the major interstate and interregional traffic corridors and provide the highest mobility level and a high degree of access control.

(ii) **Principal Arterial:** A street intended for the movement of traffic to and from major traffic generators such as the Downtown or Highway Business areas, the University area, major industrial areas, or as a route for traffic between communities and that accommodates a high degree of mobility with a high degree of access control.

(iii) **Minor Arterials:** Streets intended to collect and distribute traffic in a manner that is designed to serve low intensity traffic generating areas such as neighborhood commercial areas, education facilities, churches or designed to carry traffic from collector streets to principal arterials with a high degree of access control.

(b) **Street, Collector:** A street intended to move traffic from local streets to arterial streets. These streets provide for movement at moderate speeds and provide a direct route between activity centers with a lesser degree of access control than arterial streets.

(c) **Street, Local:** A street designed for low speeds and low intensity traffic volumes intended to provide access to private property, and also to move traffic to and from low generating areas to collector and arterial streets.

(i) **Cul-de-Sac:** A local street closed at one end with a turn-around.

(ii) **Dead-end:** A local street with only one vehicular traffic outlet.

(iii) **Frontage Road:** A local street that parallels and is adjacent to an arterial street, that is separated from the through traffic on the arterial street.

(56) **Structure:** Anything designed and constructed for use on, above or below the surface of land or water and located on land or attached to something located on land. "Structure" includes, but is not limited to, any buildings.

(57) **Subdivider:** Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide, land.

(58) **Subdivision:** Any area of land divided or proposed to be divided into two or more lots any of which are less than 40 acres.

(59) **Walkway:** A public way designed to be used for walking.

(Ord. No. 4016, 12-8-09)

DIVISION VI CONSERVATION SUBDIVISIONS

23.600. CONSERVATION DEVELOPMENT FOR SUBDIVISIONS

23.601. APPLICABILITY.

Conservation Design Development is an alternative set of design objectives and standards for residential subdivision development. These objectives and standards can be used as an alternative to common residential subdivision development in Ames. However, they shall apply to all residential subdivision development in the undeveloped areas of Ada Hayden Watershed north of Bloomington Road.

23.602. INTENT.

The intent of Conservation Design Development is to preserve the existing natural features of the site, to preserve the natural drainage features and hydrologic characteristics of the landscape, and to reduce the impacts of development on the landscape; and

- (1) To maintain and protect in perpetuity Ames area natural character by preserving these important landscape elements including but not limited to those areas containing unique and environmentally sensitive natural features as prairie, woodlands, stream buffers and corridors, drainageways, wetlands, floodplains, ridgetops, steep slopes, critical species habitat, and by setting them aside from development;
- (2) To promote interconnected greenways and environmental corridors throughout Ames;
- (3) To provide commonly-owned open space and conservation areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
- (4) To permit various means for owning conservation areas, preserved landscape elements, and to protect such areas from development in perpetuity;
- (5) To provide greater flexibility in site dwellings and other development features than would be permitted by the application of standard use regulations in order to minimize the disturbance of natural landscape elements and sensitive areas, scenic quality, and overall aesthetic value of the landscape;
- (6) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing soils, vegetation, and maintain environmental corridors, and
- (7) To preserve significant archaeological sites, historic buildings and their settings.

23.603. GENERAL REQUIREMENTS.

- (1) Design and Standards for Residential Lot Layout
 - (a) All residential units should be in cluster groups unless the site has been designed to preserve sensitive areas and maintain a stormwater treatment train.
 - (b) All lots shall take access from interior roads.
 - (c) All separation areas for residential lots along existing roads shall be landscaped in accordance with the conservation area landscaping requirements in **Section 23.603(2)(f)**.
 - (d) Eighty percent (80%) of residential lots shall abut a conservation area or open space to the front or rear. Open space and conservation area across a road shall qualify for this requirement.
 - (e) Cluster groups shall be located to avoid or mitigate directly disturbing existing native prairie, woodlands, wetlands and other natural features identified in the site inventory of natural resources.
- (2) Site Requirements
 - (a) Open water areas - A 50-foot native vegetative buffer shall be maintained around open water areas such as ponds and lakes unless a specific common use area is identified.
 - (b) Stream buffers - Stream buffers with native vegetation shall be maintained along stream areas using the following requirements based on stream order:
 - (i) Streams exceeding 3rd order and above, the City requires sketches, maps, studies, engineering reports, tests, profiles, cross-sections, construction plans and specifications to determine adequate buffer widths.
 - (ii) Perennial streams (1st and 2nd order). The total required stream buffer width is one hundred (100) feet on each side perpendicular to the waterway measured from the outer wet edge of the channel during base flows.
 - (iii) Intermittent streams. The total required stream buffer width is fifty (50) feet on each side perpendicular to the water way measured from the centerline of the channel.
 - (iv) Waterways and/or dry channels that have a contributing drainage area of fifty (50) acres or greater. The total required stream buffer width is thirty (30) feet on each side perpendicular to the waterway measured from the centerline of the waterway.
 - (v) Waterways and/or dry channels with a contributing drainage area of less than 50 acres. The total required stream buffer width is twenty (20) feet on each side perpendicular to the waterway measured from the centerline of the waterway.

- (c) Stormwater management
 - (i) Minimize the use of storm sewer piping and maximize the use of swales.
 - (ii) Use curb cuts in lieu of storm sewer intakes when appropriate to divert street water to a stormwater conveyance or treatment system.
 - (iii) Sump pump discharge can be discharged into a stormwater conveyance or treatment system.
 - (iv) On-site treatment and storage of stormwater generated by the development shall occur in conservation area if it is consistent with the environmental functions of the conservation area. Individual lot on-site stormwater management may also be used in conservation subdivisions in conjunction with open space and conservation area management of stormwater.
 - (v) Include detailed design information for the stormwater management practices following the design information provided in the Iowa Stormwater Management Manual. The stormwater treatment train approach shall be used where appropriate to capture, treat and release stormwater.
- (d) Shared use paths, sidewalks, and driveways
 - (i) An accessible and interconnected shared use path system shall be developed to connect residential areas with open space/conservation areas within or adjacent to the site.
 - (ii) Sidewalks shall only be required on one side of streets; however, all lots shall have direct access to sidewalks or the pathway system.
 - (iii) Typical driveway approach sections, Chapter 7 of SUDAS specifications, shall be used.
- (e) Conservation Area Requirements
 - (i) The conservation area shall be designated as a Conservation Easement as detailed in the definition section of this ordinance.
 - (ii) Applicants must provide an explanation of the conservation area objectives achieved with their proposed development and identify the percentage of the total development area that this area occupies.
 - (iii) All conservation areas shall be part of a larger continuous and integrated system except for conservation areas that are naturally isolated from other conservation areas on or near the site. For the purposes of this section, continuous shall be defined as either physically touching or located across a public right-of-way, for example, on opposite sides of an internal road.
 - (iv) Conservation areas, in accordance with the Conservation Area Management and Ownership outlined in **Section 23.605**, shall protect site features identified in the site natural resources inventory **Section 23.604 (1)** and analysis as having particular value in preserving and/or restoring the natural character and conserving natural resources in compliance with the intent of this ordinance and consistent with the goals and objectives of this ordinance.
 - (v) Healthy natural features such as woodlands, prairie, wetlands, and streambanks shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, the Municipal Engineer may authorize a modification to improve the natural features' appearance or restore the overall condition and natural processes, in compliance with an approved management plan, as described in **Section 23.605**.
 - (vi) All wetlands, floodways, and/or identified wildlife habitat areas shall be contained in conservation areas.
 - (vii) Conservation areas and open space shall be distributed throughout the development and combined shall comprise at least twenty-five (25) percent of the total area of the subdivision. An area comprised of conservation areas and open space greater than twenty-five percent of the total area of the subdivision may be required if necessary to maintain health features such as woodlands, prairie, wetlands and streambanks in their natural condition as provided in 23.603(2)(v).
 - (viii) Safe and convenient pedestrian access and access easements sufficient for maintenance vehicles shall be provided to conservation areas.
- (f) Landscaping for Conservation Subdivisions - A landscaping plan shall be prepared that identifies all proposed landscaping and conforms to the following:
 - (i) The preservation of existing native, non-invasive vegetation as identified in the

natural resources inventory **Section 23.604(1)** as being in good condition and of good quality shall generally be preferred to the installation of new plant material.

(ii) Mass grading of sites shall be minimized in order to preserve the natural features of the site.

(iii) Within all required separation areas between residential lots and external roads and site boundaries, existing woodlands with desirable tree species shall be retained.

(iv) All new landscaping in conservation areas to be installed and existing native vegetation to be preserved shall be protected through conservation easement. Native landscaping shall be installed according to the guidelines provided in the Iowa Stormwater Management Manual Section 2E-6.

(v) Trees of native species as indicated by the Iowa Department of Natural Resources and approved by the City shall be planted along internal roads within cluster groups in a total amount equivalent to the standard subdivision requirements. Trees may be planted, but are not required, along internal roads passing through conservation areas.

(vi) Informal, irregular, or natural arrangement is required for newly planted trees to avoid the urban appearance that regular spacing may evoke.

(vii) Trees shall be located so as not to interfere with the installation and maintenance of utilities, shared use paths, or sidewalks that may parallel the road.

(viii) Within all conservation areas, separation between external roads and residential lots, a vegetated buffer area at least 25 feet in width shall be maintained or established. Where no natural trees and/or shrubs exist, native plant materials shall be planted.

(ix) Conservation areas required to meet **Section 23.603(1)(d)**, shall be planted using native species to enhance privacy and a natural appearance.

(x) Required buffers around wetlands, all water bodies and drainageways must be naturally vegetated or planted with native plant species appropriate to the surrounding landscape.

(xi) Buffers consisting of an informal, irregular or natural arrangement of native plant species, combined with infrequent or prescriptive mowing are required to create a low-maintenance, naturalized landscape.

(xii) In addition to the above, land management practices minimizing the impact of nutrients shall be used and demonstrated in Ada Hayden Watershed; minimal fertilization of lawns including the use of phosphorus-free fertilizers is recommended.

23.604. APPLICATION PROCEDURE.

In addition to the standard subdivision application requirements, an inventory and mapping of natural resources shall be conducted prior to the initial submittal.

(1) **Inventory and Mapping of Natural Resources.** An inventory of natural resources of the proposed development site shall be conducted by experts in the field such as biologists, ecologists, soil scientists, hydrologists, geologists or those credentialed in a manner acceptable to the Municipal Engineer and must be submitted with the conservation subdivision application. The inventory must include, but is not limited to the following information mapped at a scale of no less than one inch equals 50 feet:

(a) Topographic contours at 2-foot intervals.

(b) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as percolation rates, suitability for infiltration-based stormwater management practices, hydric soils, depth to water table, and suitability for wastewater disposal systems if applicable.

(c) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and slopes 10% or greater.

(d) Land cover on the site including but not limited to prairie, woodland, forest, wetland and general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than [24] inches measured four feet off the ground. The inventory shall include comments on the health and condition of the natural resources.

(e) Known critical habitat areas for rare, threatened or endangered species using existing documented inventories.

(f) Cultural resources shall be identified by a brief description of historic character of buildings and structures, historically important landscapes, and archeological features using a review of existing, documented inventories.

(2) Education and Outreach Plan for the Development. An educational plan shall be developed and distributed to all perspective lot owners that describes the characteristics of the conservation subdivision including the development concept, conservation areas management practices that will be used to manage these areas, and benefits of the natural features. They shall also include information on lawn care strategies that reduce nutrient and pesticide inputs and pollution to local water bodies. Lot owners shall be made aware of the wildlife aspects of a conservation subdivision. Deer, birds, and other animals and insects will be attracted to the natural areas.

23.605. CONSERVATION AREA MANAGEMENT AND OWNERSHIP.

(1) Conservation Area Management Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the conservation areas and open space areas in perpetuity through a conservation easement for conservation areas or common ownership for open space areas and evidence of the long-term means to properly manage and maintain all common facilities, including any stormwater facilities. The plan shall be approved by the Municipal Engineer prior to plat approval.

(a) A conservation area management plan shall be submitted with the following components during the following approval stages:

(2) Preliminary Plat:

(a) Include a conservation area management plan specifically focusing on the long-term management of conservation areas. The conservation area management plan shall include a narrative, based on the site analysis required in **Section 23.604(1)**, describing:

(i) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.

(ii) The proposed completed condition for each conservation area; and the measures proposed for achieving the end state.

(iii) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion, and measures for restoring habitats, ecosystems, and historic features.

(3) Final Plat:

(a) The conservation area management plan shall include the following items for final plat approval:

(i) Provide a copy of the conservation easement.

(ii) Designate the ownership of the conservation area and common facilities.

(iii) Establish necessary regular and periodic operation and maintenance responsibilities.

(iv) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.

(v) The operations needed for maintaining the stability of the resources, including: mowing schedules; native vegetation burns; weed control; planting schedules; clearing and cleanup; the applicant shall be required to provide financial security in a form acceptable to the city for the maintenance and operation costs of conservation areas for a two-year period of time at time of the plat.

(b) In the event that the organization established to own and maintain the conservation areas, or any successor organization, fails to maintain all or any portion of the conservation areas in reasonable order and condition, such notice shall set forth by the Municipal Engineer listing the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this ordinance. In such case the security, if any, may be forfeited, and any permits may be revoked or suspended. The city may enter the premises and take corrective action.

(i) The costs of corrective action by the City that exceeds the security shall be assessed against the properties that have the right of benefit of the conservation areas and shall become a lien on said properties.

(c) Management plans can be amended by the owner identified under **Section 23.605(6)** with the approval of the Municipal Engineer.

(4) Ownership Alternatives. The designated conservation areas shall be placed in Conservation Easement and may be owned and managed by one or a combination of the following:

(a) A homeowners association shall be established if the conservation area is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

(b) A non-profit or for-profit conservation organization that specializes in Iowa native plant management.

(c) Other entity as approved by City Council.

(5) Ownership & Maintenance Responsibilities. The bylaws, guaranteeing continuing maintenance of the conservation area and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the City of Ames as part of the information required for the final plat. The bylaws or the declaration of covenants, conditions and restrictions of the homeowner's association shall contain the following information:

(a) The legal description of the conservation area;

(b) The restrictions placed upon the use and enjoyment of the conservation areas or facilities;

(c) The homeowners association or third party assigned by the homeowners association entitled to enforce the restrictions;

(d) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance;

(e) The conditions and timing of the transfer of ownership and control of land facilities to the association.

(6) A For-Profit or Non-profit Conservation Organization. If the conservation area is to be held by a for-profit or non-profit conservation organization, the organization must be acceptable to the City. The conveyance to the non-profit or for-profit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance."

Section Two. Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk
O01223

Ann H. Campbell, Mayor