

ARTICLE 11. GENERAL DEVELOPMENT STANDARDS

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20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

(a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-Family use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- (1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;
- (2) placement and buffering of trash receptacles;
- (3) location of loading and delivery areas;
- (4) lighting location, intensity, and hours of illumination;
- (5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- (6) additional Landscaping and buffering;
- (7) Height restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;
- (8) preservation of natural lighting and solar Access;
- (9) ventilation and control of odors and fumes; and
- (10) paving or other surface treatment for dust control.

(b) Height Limit on Projects Adjoining Certain Residential Zoning Districts

See Section 20-701(g) for Height limits in the PD district.

(c) Balconies of a multi-Dwelling Unit Building

Balconies above the second Story of a multi-Dwelling Unit Building are prohibited along the exterior of a RM development unless the Building Setback is increased to at least double the

required minimum Setback and Landscaping is enhanced with two or more of the following features: a minimum 4' Berm, a solid Screening fence (6' minimum height) or a masonry wall (6' minimum height). This provision shall apply only to those exterior sides of a Planned Development that are adjacent to RS zoning or to detached Dwelling Units.

(d) ~~Implementation of Sensitive Land Standards~~ **Standards for Environmentally Sensitive Lands**

(1) ~~Applicability of Environmental Design Standards~~ **Generally**

The provisions of this Article regarding environmental protection for sensitive lands shall apply to all construction and development in all RS and RM Districts, **with the exception of individually platted lots for single or duplex dwellings which were platted prior to (the effective date of this Text Amendment).** ~~except as expressly exempted in this paragraph.~~

(2) ~~Applicability of Environmental Design Standards~~ **Effect on Development Type Principal Environmentally Sensitive Lands**

(i) **Protected Areas.**

~~If a significant portion~~ **500 sq ft or more** of a proposed development, as specified ~~in this sub-section (d),~~ consists of lands falling in the following categories, any proposed development may proceed only in accordance with the processes allowed by this sub-paragraph **section.** ~~The lands affected by this section shall include the following lands,~~ **are listed below in a priority order for protection:**

- a. **Regulatory Floodways, based on 100 year storm designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the City GIS Baseline Environmentally Sensitive Areas Map;**
- b. ~~Floodplain outside the Floodway;~~ **Regulatory Floodway Fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on 100 year storm and identified on the City GIS Baseline Environmentally Sensitive Areas Map,**
- c. Jurisdictional Wetlands, **as determined by the Army Corps of Engineers.**
- d. Stream Corridors **as defined in this Code and identified on the City GIS Baseline Environmentally Sensitive Areas Map**
- e. Stands of Mature Trees ~~or Individually Significant Mature Trees as defined in this Code and identified on the City GIS Baseline Environmentally Sensitive Areas Map; and~~
- f. ~~Prominent Geographic Features with Rocky Outcroppings; and~~
- g. Archaeological and Historic Sites **listed on local, state, or federal registers.**

(ii) **Determination of Development Land Area**

In determining whether a portion of a proposed development consists of sensitive lands, all contiguous lands under the same Ownership or control shall be considered. Lands owned or controlled by a partnership, trust or corporation under the same effective control shall be considered, along with lands owned directly by the applicant and lands under option to the applicant or a partnership, trust or corporation under the effective control of the applicant.

(3) ~~Procedures to be Followed~~ **Protection Standards**

~~a. Sensitive Areas Site Plan~~

~~Development on a platted Lot or Parcel including more than 500 square feet of sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(e)], which shall be consolidated with any other required site plan submitted. The development shall be subject to any conditions related to the sensitive lands included in approval of the subdivision or any Planned Development application including the platted Lot(s).~~ **REVISED AND MOVED TO SUBSECTION (b)-BELOW**

(i) **Platted Lots-Amount Required**

The minimum amount of environmentally sensitive lands which are required to be protected in Planned Developments and Cluster Housing Projects are noted in Sections 20-701 and 20-702 respectively. For other types of developments, required protection of environmentally sensitive lands shall be limited ~~protected up to~~ a maximum protection area of 20% of the total land area. The protected environmentally sensitive lands shall be set aside as private Common Open Space or dedicated to the City as parkland or open space. Incentives for protection of environmentally sensitive lands in amounts above 20% of the total land area are included in Section 20-1101(f).

(ii) ~~Land not Previously Subdivided~~ **Development Process**

~~Development on land not previously subdivided and including~~ ***which contains*** more than 500 square feet of ***environmentally*** sensitive lands shall ***require submission of a Sensitive Areas Site Plan [see Section 20-1101(f)], and may proceed through one of the following processes:***

- a. ***Site Planning.*** Development on ***properties*** ~~a platted Lot or Parcel including~~ ***containing*** more than 500 square feet of ***environmentally*** sensitive lands shall require submission of a Sensitive Areas Site Plan [see Section 20-1101(f)], which shall ***may*** be consolidated with any other required site plan submitted, ***but will be, in any event, required prior to approval of a development proposal.*** The development shall be subject to any conditions related to the sensitive lands included in approval of the subdivision or any Planned Development application including the platted Lot(s). ***The plan shall clearly delineate the environmentally sensitive lands to be protected and shall include information regarding protection measures and maintenance.***
- b. ***Platting.*** ***Environmentally sensitive lands to be protected shall be located within tracts and/or easements. Information regarding ownership and maintenance responsibility of the tract or***

easement, as well as protection measures, shall be included on the preliminary and final plat.

- c. Planned Development. Development standards in Section 20-701 apply. Environmentally sensitive lands to be protected shall be included within the Common Open Space.***
 - d. Cluster Housing Project. Development standards in Section 20-702 apply. Environmentally sensitive lands to be protected shall be included within the Common Open Space.***
- ~~1. If less than five percent (5%) of the land area consists of sensitive lands, the property may be developed through a conventional subdivision, a cluster subdivision or Planned Development;~~
 - ~~2. If five percent (5%) or more of the land area but less than 15% of the land area consists of sensitive lands, the property may be developed through a cluster subdivision or Planned Development, but may not be otherwise subdivided or developed;~~
 - ~~3. If 15% or more of the land area consists of sensitive lands, the property may be developed only through as a Planned Development.~~

~~(3) Applicability of Environmental Design Standards – Effect on Development Plan for Sensitive Lands~~

~~(iii) Dedication~~

~~Where the following types of lands are included in a proposed development, such lands shall be included in any land dedicated to the City as part of any required Open Space dedication, in the priority order set forth in this paragraph, up to the required land dedication for the development.~~

- ~~a. Floodways, based on 100 year storm;~~
- ~~b. Floodplain outside the Floodway, based on 100 year storm;~~
- ~~c. Jurisdictional Wetlands;~~
- ~~d. Stream Corridors;~~
- ~~e. Stand of Mature Trees or individually significant mature trees;~~
- ~~f. Prominent Geographic Features with Rocky Outcroppings; and~~
- ~~g. Archaeological and Historic Sites.~~

~~(iv) Private Open Space~~

~~Where the following types of lands are included in a proposed development and will not be dedicated to the City, such lands shall be included in required Open Space for the development, in the priority order set forth in this paragraph up to one-half the required Open Space for the development, with the remaining one-half of the Open Space to be suitable for active recreation:~~

- ~~a. Floodways;~~

- b. ~~Floodplains outside the Floodway, based on 100 year storm;~~
- c. ~~Jurisdictional Wetlands;~~
- d. ~~Stream Corridors;~~
- e. ~~Stand of Mature Trees or Individually Significant Mature Trees;~~
- f. ~~Prominent Geographic Features with Rocky Outcroppings; and~~
- g. ~~Archaeological and Historic Sites.~~

(v) Other

~~Where the following types of lands are included in a proposed development and will not be dedicated to the City or included in private Open Space, the development plan shall be arranged so that every proposed Lot has a Building Envelope meeting the other design standards of this Code without encroaching on the designated sensitive lands:~~

- a. ~~Floodways;~~
- b. ~~Floodplain outside the Floodway, based on 100 year storm;~~
- c. ~~Jurisdictional Wetlands;~~
- d. ~~Stream Corridors;~~
- e. ~~Stand of Mature Trees or Individually Significant Mature Trees;~~
- f. ~~Prominent Geographic Features with Rocky Outcroppings; and~~
- g. ~~Archaeological and Historic Sites.~~

~~F Applicability of Environmental Design Standards~~

(4). Effect of Protection Standards on Development ~~Intensity or Density~~

~~Where the following types of lands~~ ***listed in Section 20-1101(d)(2)(i)*** are included in a proposed development, that land, ~~or a portion of that land,~~ may be included in determining the allowable Density or intensity of development ***and the allowable density, calculated on the total land area, may be transferred to other developable portions of the property.***

~~in accordance with the following table. The percentage appearing in a cell at the intersection of a type of sensitive land and its proposed disposition shall be multiplied by the land area of that site to determine the land area which may be considered in the computation of the allowed Density or intensity of development:~~

Sensitive Land Features	Proposed for Dedication of Open Space	Percentage for Density Calculation
Floodways	100%	50%
Floodplains outside the Floodway, based on 100 year storm	50%	10%
Stream Corridors beyond Floodways	100%	50%
Jurisdictional Wetland	50%	10%
Stand of Mature Trees	100%	100%
Prominent Geographic Features and Rocky Outcroppings	50%	10%
Archaeological and Historic Sites	100%	50%

(e) *Density Bonus Incentives for Protection of Additional Lands*

Density bonuses are available to encourage the protection of environmentally sensitive lands in a greater amount than required.

(1). Applicability

*A development shall qualify for a density bonus if environmentally sensitive ~~areas~~ **lands** noted in this Section are committed for preservation either through designation as a tract, through a conservation or landscape easement, or dedication to the City in addition to the area required in Section 20-1101(d)(3)(a) **with the following exceptions or additions:***

- (i) **The density bonus incentives do not apply to the protection of regulatory floodway above the amount required in this Section.***
- (ii) ~~Native prairie remnants and/or~~ Slopes of 25% or greater ~~can~~ **may** be included in the ~~protected~~ environmentally sensitive ~~areas~~ **lands** for ~~this~~ **the density bonus** incentives, provided the required area being protected with features listed in Section 20-1101(d)(2)(i) equals or exceeds 20% of the total developable area.*
- (iii) **Native prairie remnants may be included in the environmentally sensitive lands for the purpose of these incentives. The protection of any amount of native prairie remnant qualifies for the density bonus incentives, regardless of what amounts of other environmentally sensitive lands have been protected. If native prairie remnants are protected, the density bonus is calculated per Table 1 and 2 in Section 20-1101(e) as if the 20% of developable area has been protected.***

(1) Approval Criteria

- (i) In addition to these regulations, development on properties with certain environmentally sensitive lands, such as **jurisdictional wetlands** ~~the regulatory floodway~~, may be restricted by state or federal regulations.*
- (ii) In order for a density bonus to be approved, City planning staff must determine that utilities and infrastructure are available to serve the additional density proposed and the design of the development does not negatively impact adjacent properties.*
- (iii) Land offered for dedication shall be subject to approval by the Governing Body.*

(2) Density Bonus -- Increase in Number of Dwelling Units.

- (i) **Determination of Base Density.**
The Base Density, the number of dwelling units which can be developed on a property, will be determined from a 'concept plat' or sketch plan provided by the applicant which shows the basic street layout and rights-of-way, the areas necessary for stormwater detention (based on an approved conceptual drainage study), the 20% of the site which is*

being protected with environmentally sensitive lands, and proposed lot layout in conformance with density and dimensional standards in Section 20-601.

(ii) Determination of Density Bonus.

If the density bonus meets the criteria noted in Section 20-1101(e)(1), the density bonus to be applied to the base density shall be calculated using the proportions in Table 1.

- a. The density may exceed the Density Cap in multi-dwelling districts.*
- b. The density may equal but may not exceed the Density Cap for single-family and duplex districts.*
- c. Density Caps set by the Comprehensive Plan are noted in Table 2.*

20-1101(e) TABLE 1			
Density Bonus—Increase in number of dwelling units			
% of property that is protected	% increase in Dwelling Units	% of property that is protected	% increase in Dwelling Units
21	1	31	11
22	2	32	12
23	3	33	13
24	4	34	14
25	5	35	15
26	6	36	16
27	7	37	17
28	8	38	18
29	9	39	19
30	10	40	20

20-1101(e) TABLE 2			
Density Cap per Zoning District			
Comprehensive Plan Designation	Density Cap Horizon 2020 (du/acre)	Zoning District	Max. Density per Code (du/acre)
Very-low density: single dwelling	1	RS40	1.09
Low-density: single dwelling	2-6	RS20	2.18
		RS10	4.26
		RS7	6.22
Medium density:	7-15	RS5	8.7

single dwelling		RS3	14.52
		RSO	14.52
Medium density: multi dwelling	7-15	RM12,	12
		RM12D,	12
		RM15	15
High-density: multi-dwelling	16-21 du / acre	RM24,	24 du / acre
		RM32	32 du / acre

(iii) Standards Adjustment

a. In single-dwelling and duplex-dwelling zoning districts, it may be necessary to reduce the lot area and/or lot width requirements to permit the allowable density. These modifications may be made to the minimum degree necessary to accommodate the allowable density.

b. In multi-dwelling districts, it may be necessary to increase the height limitation, in addition to adjustments to the lot area and/or lot width requirements, to permit the allowable density. These modifications may be made to the minimum degree necessary to accommodate the allowable density.

(3). Density Bonus -- Increase in Developable Square Footage.

This bonus permits the construction of larger structures, and/or the addition of more impervious surface on a lot, rather than an increase in the number of dwelling units. The proportions listed in Table 3 apply to the increase in developable square footage. Each 1% of protected environmentally sensitive lands protected above that required by Code results in a 1% increase in the building or impervious surface coverage up to a maximum of 40%. (In no case shall the building coverage or impervious surface coverage exceed 90% of the lot).

20-1101(e)-TABLE 3
Density Bonus — Increase in Developable Area

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Zoning District	Maximum Building Coverage (%)	Maximum Impervious Coverage (%)	Min Outdoor Area per Dwelling (sq ft)	Int Side Setback (ft)	Front Setback (ft)	Rear setback (ft) Single frontage / double frontage
RS40	15	25	--	20	25	30/35
RS20	30	50	--	20	25	30/35
RS10	40	70	--	10	25	30/25
RS7	45	70	--	5	25	30/25
RS5	50	75	240	5	20	20/25
RS3	50	75	150	5	15	20/25
RSO	50	75	--	5	25	20/25
RM12D	50	75	50	5	25	20/25
RM12	50	75	50	5	25	20/25
RMO	50	75	50	5	25	20/25
RM15	50	75	50	5	25	25/25
RM24	50	75	50	5	25	20/25
RM32	60	80	50	5	25	20/25
*	1% increase	1% increase	1% decrease	Adjusted as needed --not less than 5	Adjust as needed—not less than 15	Adjust as needed—not less than 15

* for each 1% protection above the required 20% (to maximum of 40%)

(iv) Standards Adjustment

In some cases the minimum outdoor area or setbacks may need to be reduced to accommodate the additional building or impervious surface coverage. This reduction may be made to the minimum degree necessary to accommodate the additional building or impervious surface coverage.

(f) Sensitive Areas Site Plan Required-Process

Prior to development on ~~tracts or portions of tracts of land where~~ **containing more than 500 square feet of environmentally sensitive lands** ~~features listed in Section 20-1101(d)(2)(i) specified above exist,~~ a Sensitive Areas Site Plan shall first be submitted to and approved by the City in accordance with the requirements of Site Plan Review Section 20-1305 **including the public notice procedures of Section 20-1305(g).** ~~This application process may occur as part of a Planned Development overlay zoning and/or subdivision review.~~

(1) Sensitive Areas Site Plan Contents

The Sensitive Areas Site Plan must be prepared in accordance with the requirements in Section 20-1305(f) with the exception that a Sensitive Areas Site Plan is not required to be completed by an engineer, architect or other qualified professional. In addition to the contents noted in Section 20-1305(f), the site plan shall:

(i) Clearly delineate the property boundaries.

- (ii) Clearly delineate the boundaries of the environmentally sensitive lands listed in Section 20-1101(d)(2)(i).*
- (iii) Designate protected lands per the priority order in Section 20-1101(d)(2)(i).*
- (iv) Provide information on the ownership and maintenance responsibility for the protected lands.*
- (v) Provide information on the methods to be used to protect environmentally sensitive lands, both during construction and after.*

[Followed by remainder of Article 11.]