

## Low Impact Development Residential Overlay Zoning Ordinance

- I. Purpose
- II. Definitions
- III. Permitted Uses
- IV. Bulk Standards
- V. Flag Lots
- VI. Open Space
- VII. Driveways
- VIII. Severability

### I. Purpose

The purpose of the Low Impact Development Residential Overlay Zoning District is to allow for uses within residential developments designed using a low impact development approach to reduce the amount of storm water runoff generated and increase the amount of storm water runoff infiltrated on site. This ordinance allows for the construction of residential building types that allow for clustering arrangements and for flexibility in lot design to allow for alternative layouts that can help preserve natural resources and allow for creative storm water management solutions.

### II. Definitions

The following terms used in this ordinance shall have the following meanings:

***Deed Restricted Ownership*** means a form of ownership in which permanent easements, covenants, conservation easements, and amendments to a deed are used to meet the requirements of this ordinance.

***Duplex*** means a residential building consisting of two attached dwelling units, each with its own entrance, that are located on the same lot.

***Environmental resource area*** means any river, nonlinear water body, ravine, wooded area, wetland, steep slope, prairie, floodplain and any other natural area that must be documented prior to subdivision development.

***Floodplain*** means the 100 year floodplain as determined by the Federal Emergency Management Agency (FEMA).

***Flag Lot*** means a lot on which the road frontage is less than the Minimum Lot Width at Building Setback Line requirement, therefore assuming a flag-like configuration in which road frontage is provided by a strip of land narrower in width than the Minimum Lot Width at Building Setback Line requirement.

***Gross area*** means the total area of a development site, including environmental resource areas and other areas where development is restricted.

***Nonlinear water body*** means a natural or artificial body of water that retains water year round such as a depressional ponded area, lake, or slough.

**Prairie** means an area with a minimum size of one acre that contains primarily a mixture of native warm season grasses interspersed with native flowering plants that were prevalent prior to European settlement of the region.

**Ravine** means a narrow valley or gorge in the earth's surface worn by running water.

**River** means a natural or artificial watercourse that periodically or continuously contains moving water, or that forms a connecting link between 2 or more bodies of water. A river includes any stream, creek, brook, branch, and drainage channel.

**Steep slope** means land with a slope which equals or exceeds a vertical rise of one foot for a horizontal run of four feet for a vertical height of 35 feet or more.

**Twinhouse** means a residential building consisting of two attached dwelling units, each with its own entrance, that are located on separate lots. The common wall between the units creates the plane of the property line that separates the lots.

**Wetland** means land that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal conditions, vegetation adapted for life in saturated soil conditions.

**Wooded area** means an area or stand of trees whose total combined canopy covers an area of 20,000 square feet or more.

### III. Permitted Uses

The following uses are permitted uses in the Low Impact Development Residential Zoning District in accordance with the applicable regulations set forth in this ordinance.

- A. Accessory uses and structures, incidental to and on the same zoning lot as the principal use;
- B. Duplexes;
- C. Single family detached residences;
- D. Twinhouses;
- E. Open Space uses as identified in Section VI below.

### IV. Bulk Standards

- A. Single Family Detached Residences
  - 1. Maximum Impervious Surface Ratio: 0.25

The area of impervious surfaces on an individual zoning lot shall be no more than 0.25 times the area of the lot in order to reduce the amount of impervious surfaces. This requirement may be waived administratively when sufficient proof is provided that sufficient quantity of runoff is infiltrated on site in absence of this requirement.

- 2. Minimum Lot Size: 6,500 square feet

The minimum lot size of 6,500 square feet allows for a variety of lot sizes to be utilized to maximize development potential while preserving environmental resource areas.

3. Minimum Lot Width at Building Setback Line: 50 feet

The minimum lot width of 50 feet allows for a variety of lot sizes to be utilized to maximize development potential while preserving environmental resource areas.

4. Minimum Front Setback: 10 feet from edge of right-of-way

The minimum front setback of 10 feet allows for shorter driveways to be constructed which will reduce the amount of impervious area.

5. Minimum Side Setback: 8 feet

The minimum side setback of 8 feet allows for a variety of lot sizes to be utilized to maximize development potential while preserving environmental resource areas.

6. Minimum Rear Setback: 8 feet

7. Maximum Density: 1 unit per acre of gross area

The maximum density of 1 unit per acre of gross area allows for the development potential of a site to be maximized. The gross area of the development site shall be used to calculate the development yield. The area used as open space shall not be subtracted from the gross area to calculate the development yield.

8. Maximum Height: 35 feet

9. Minimum Road Frontage: 50 feet

B. Twinhouses:

The permitting of twinhouses allows for dwellings to be clustered at appropriate locations, enabling environmental resource areas to be protected.

1. Maximum Impervious Surface Ratio: 0.30

The area of impervious surfaces on an individual zoning lot shall be no more than 0.30 times the area of the lot in order to reduce the amount of impervious surfaces. This requirement may be waived administratively

when sufficient proof is provided that sufficient quantity of runoff is infiltrated on site in absence of this requirement.

2. Minimum Lot Size: 4,000 square feet
3. Minimum Lot Width at Building Setback Line: 40 feet
4. Minimum Front Setback: 10 feet from edge of right-of-way
5. Minimum Interior Side Setback: 0 feet

The minimum interior side setback of 0 feet allows for 2 (two) dwellings to be attached, an advantageous arrangement for natural resource protection when environmental resource areas are scattered throughout a development site.

6. Minimum Exterior Side Setback: 10 feet
7. Minimum Rear Setback: 20 feet
8. Maximum Density: 1.25 units per acre of gross area

The gross area of the development site shall be used to calculate the development yield. The area used as open space shall not be subtracted from the gross area to calculate the development yield.

9. Maximum Height: 35 feet
10. Minimum Road Frontage: 40 feet

C. Duplexes:

1. Maximum Impervious Surface Ratio: 0.25

The area of impervious surfaces on an individual zoning lot shall be no more than 0.25 times the area of the lot in order to reduce the amount of impervious surfaces. This requirement may be waived administratively when sufficient proof is provided that sufficient quantity of runoff is infiltrated on site in absence of this requirement.

2. Minimum Lot Size: 6,500 square feet
3. Minimum Lot Width at Building Setback Line: 50 feet
4. Minimum Front Setback: 10 feet from edge of right-of-way

5. Minimum Side Setback: 10 feet
6. Minimum Rear Setback: 20 feet
7. Maximum Density: 1.5 units per acre of gross area

The gross area of the development site shall be used to calculate the development yield. The area used as open space shall not be subtracted from the gross area to calculate the development yield.

8. Maximum Height: 35 feet
9. Minimum Road Frontage: 50 feet

## **V. Flag Lots**

A flag lot may be permitted only if all of the following requirements are met:

- A. The lot contains suitable access to a public road;
- B. The portion of the lot that provides access to the public road is no less than 15 feet in width at any point;
- C. The reason for the flag lot is either to preserve an environmental resource area, allow for a feature that is integral to the storm water management system of the site, or eliminate access to collector or arterial roads.

## **VI. Open Space**

- A. Use

Open space shall be used for the following purposes only:

1. Environmental resource areas, as described in Section VI of the Low Impact Development Subdivision Ordinance;
2. Restoration areas, to include land to be used for the creation, enhancement, or restoration of environmental areas such as wetlands, wooded areas, prairies, or savannas;
3. Recreational areas, to include playing fields, playgrounds, and playing courts, whether owned and operated by a public park district, a nonprofit agency for public use, or a property owners' association;

4. Greenway areas, to include trails, bikeways, gardens, landscaped areas, natural areas that connect larger open space areas, and passive recreational uses;
5. Agricultural and horticultural areas, to include the raising of crops, flowers, and other plants, including community garden plots, but excluding livestock feeding operations;
6. Storm water detention or retention areas that consist of wetlands or wet bottom basins with native vegetation, whether natural or constructed.

## **VII. Driveways**

### **A. Maximum Width**

The maximum width of a single, non-shared driveway serving a single family dwelling, duplex, or twinhouse shall be 15 (fifteen) feet.

### **B. Provision for Shared Driveways**

Shared driveways may be used to reduce impervious surfaces. The minimum width of the shared driveway shall be 15 (fifteen) feet.

### **C. Storm Water Runoff**

The impervious area of the driveway shall be disconnected from the road in order to prevent storm water runoff from flowing into the roadway. Storm water runoff from the driveway shall be discharged into a bioretention area or infiltrated on site by some other means. If storm water runoff from the driveway cannot be prevented from flowing into the roadway, the applicant must submit a written statement explaining why runoff must flow into the roadway and the effect the runoff will have on the roadway and the local government's storm water management system. The Local Government Engineer will make the final determination on whether driveway runoff will be allowed to flow into the roadway.

## **VIII. Severability**

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.