

**ARTICLE 7.15 – SCHEDULE OF REGULATIONS**

**A. SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICTS:**

Zoning District	Min. Zoning Lot Size Per Unit		Max. Height of Structures In Feet	Minimum Yard Setback (Per Lot in Feet) Side				Min. Floor Area Per Unit (Sq. Ft.)	Max. % of Lot Area Covered (By All Bldgs)
	Area in Sq. Ft.	Width In Ft		Front	Least One	Total of Two	Rear		
<b>R-1 One-Family Res.</b>	6,000 (a)	50	25 feet	25 (s)	4(b,c)	12(b,c)	35	850	30%
<b>R-2 One-Family Res.</b>	7,200(a)	60(a)	25 feet	25	4(b,c)	12(b,c)	35	850	30%
<b>R-3 One-Family Res.</b>	8,400(a)	70(a)	25 feet	25	5(b,c)	15(b,c)	35	1,000	30%
<b>R-4 One-Family Res.</b>	9,600(a)	80(a)	25 feet	25	5(b,c)	15(b,c)	35	1,000	30%
<b>RT Two-Family Res.</b>	3,500	35	25 feet	25	5(b,c)	10(b,c)	35	400	30%
<b>RM Multiple Family</b>	(d)	(d)	25 feet	30(f)	10(f)	20(f)	35(f)	(e)	35%
<b>RM-1 Multiple Family</b>	(d)	(d)	25 feet	30(f)	10(f,g)	20(f,g)	35(f)	(e)	35%
<b>RM-2 Multiple Family</b>	(d)	(d)	---	30(f)	10(f,h)	20(f,h)	35(f,h)	(e)	---
<b>MHP Mobile Home Park</b>	5,500(r)	50(r)	(r)	(r)	(r)	(r)	(r)	---	---
<b>OS-1 Office Service</b>	---	---	35 feet	30(i,m)	(k,m)	(k,m)	(l,m)	---	---
<b>B-1 Neighborhood Business</b>	---	---	25 feet	10	(k,m)	(k,m)	(l,m)	---	---
<b>CBD-1 Central Business</b>	---	---	(j)	---	(k)	(k)	(l)	---	---
<b>CBD-2 Central Business</b>	---	---	25 feet	10	(k,m)	(k,m)	(l,m)	---	---
<b>B-2 General Business</b>	---	---	35 feet	(m)	(k,m)	(k,m)	(l,m)	---	---
<b>I-1 Industrial</b>	---	---	---	40(m,o,p)	10(m,n,p)	20(m,n,p)	10(l,m,p)	---	---
<b>I-2 Planned Industrial</b>	---	---	40 feet	50(m,n,p)	10(m,n,p)	20(m,n,p)	10(l,m,p,q)	---	---
<b>R-5 One-Family Res. Effective 6-12-91</b>	12,000(a)	90(a)	25 feet	30	10(b,c)	25(b,c)	40	1,000	30%
<b>R-6 One-Family Res.</b>	20,000(a)	100	3 stories/35 ft.	40	15(b,c)	35(b,c)	50	1,600 * inc. basement	30%
<b>R-7 One-Family Res.</b>	1 acre	150	3 stories/35 ft.	40	20(b,c)	40(b,c)	50	1,800 ** inc. basement	25%

\* 1,800 sq. ft. w/o basement

\*\* 2,000 sq. ft. w/basement

See NOTES on following pages

Effective Date: January 12, 1994

**A. NOTES TO SCHEDULE OF REGULATIONS:**

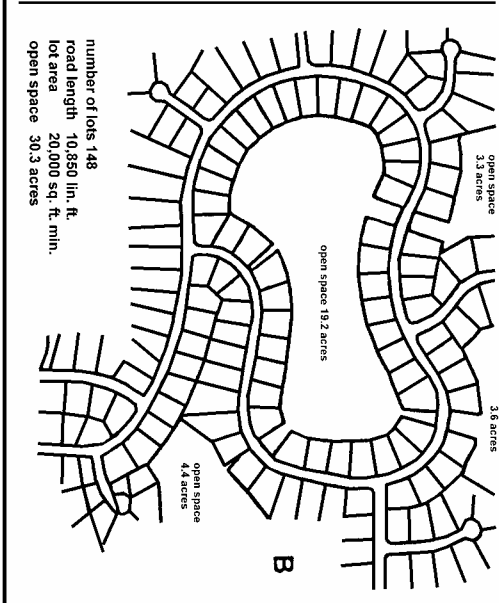
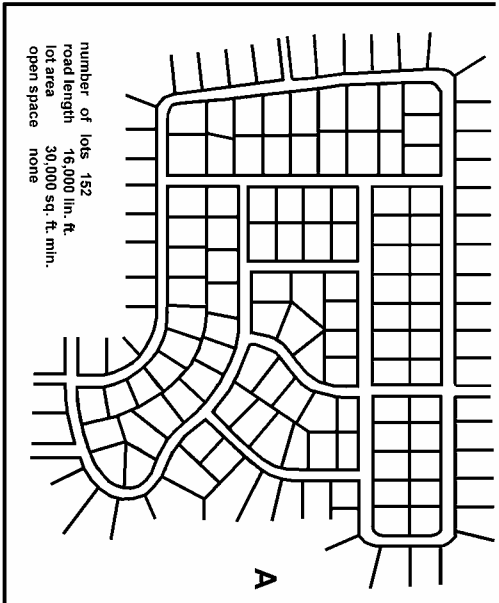
- (a) See B. AVERAGED LOT SIZE and C. SUBDIVISION OPEN SPACE PLAN regarding flexibility allowances. See D. ONE-FAMILY CLUSTERING OPTION. (See illustration)
- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in 7.04, C. or in 7.15 A.
- (c) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply. (See illustration) On corner lots where a lot width of sixty (60) feet or less exists, the side yard may be reduced to the front setback of the home to the rear of such corner lot.
- (d) The total number of rooms in a multiple dwelling structure in RM Districts shall not be more than the area of the parcel in square feet divided by eight hundred (800). The total number of rooms in a multiple dwelling structure in RM-1 Districts shall not be more than the area of the parcel in square feet divided by fourteen hundred (1,400). The total number of rooms in a multiple dwelling structure in RM-2 Districts shall not be more than the area of the parcel, in square feet, divided by five hundred (500). All units shall have at least one (1) living room and (1) bedroom with the exception of those units designed as efficiency apartments. For the purpose of computing rooms, the following shall control:

Efficiency	=	1 room	Plans presented showing 1, 2 or 3 bedroom units and including a “den”, “library” or other extra room shall count such extra room as a bedroom for the purpose of computing density.
One Bedroom	=	2 rooms	
Two Bedroom	=	3 rooms	
Three Bedroom	=	4 rooms	
Four Bedroom	=	5 rooms	

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding road.

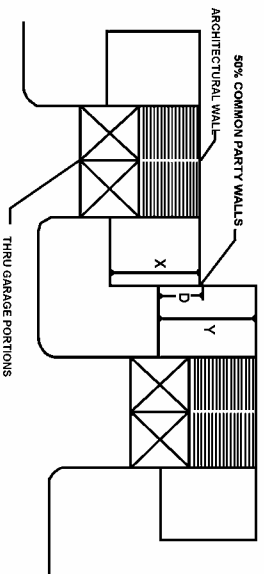
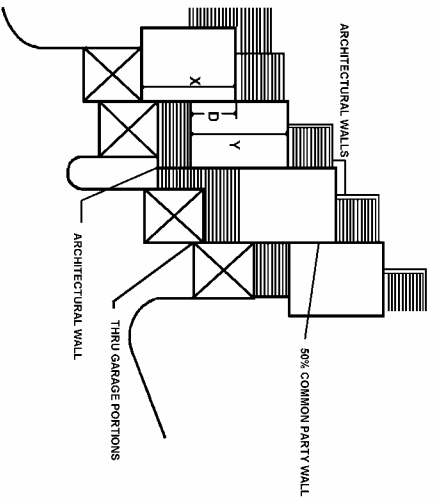
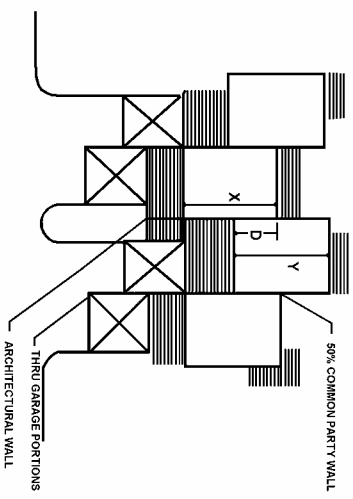
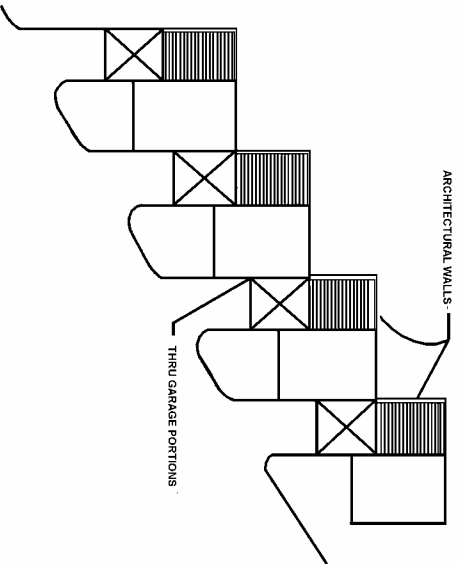
- (e) Minimum floor areas for units shall be as follows:

Efficiency Unit	=	300 sq. ft.
One Bedroom Unit	=	500 sq. ft.
Two Bedroom Unit	=	700 sq. ft.
Three Bedroom Unit	=	900 sq. ft.
Four Bedroom Unit	=	1,100 sq. ft.



CONVENTIONAL

OPEN SPACE



NOTE: 50% common party wall attachment to be determined as follows:  
 $(\frac{X+Y}{2}) \times 50\% = D$   
 (Maximum amount of common wall permitted)

CLUSTER EXAMPLE

**A. NOTES TO SCHEDULE OF REGULATIONS (continued):**

- (f) In all RM Multiple-Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. Parking may be permitted within a required side or rear yard but shall not cover more than thirty (30) percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two buildings in all RM Districts is as follows (see illustration):

$$S = \frac{L A + L B + 2(H A + H B)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L A = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

L B = Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

H A = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H B = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of

the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

**A. NOTES TO SCHEDULE OF REGULATIONS (continued):**

- (g) The side yards of a multiple-family dwelling building or development shall provide side yards of not less than thirty (30) feet on those sides which border on districts other than a multiple-family district.
- (h) In all RM-2 Multiple-Family Residential Districts, buildings in excess of three (3) stories or thirty-five (35) feet in height shall provide front, side and rear yards as herein required and shall provide additional yard setbacks for all yards equal to at least one-half (1/2) the height of the building above the thirty-five (35) foot height level.
- (i) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.
- (j) There shall be no specific height limitation in a CBD District; provided, however, that prior to the issuance of a building permit for any structure over thirty-five (35) feet in height, the Board of Appeals shall make a finding that such a height will not be detrimental to the light, air or privacy of any other structure or use currently existing or approved for construction.
- (k) No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot line contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

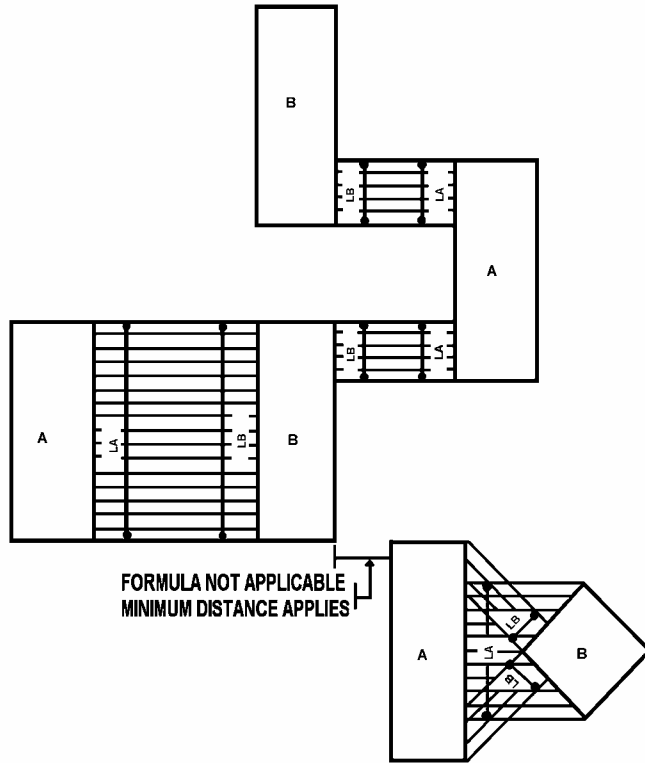
Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten (10) feet on the side bordering the residential district or street.

- (l) Loading space shall be provided in the rear yard or in an interior side yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of OS-1 Districts loading space shall be provided in the ratio of five (5) square feet per front foot of building and may be provided in an interior side yard or rear yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley. Loading space for I Districts shall be provided in accordance with Article 7.17, Section G.

**A. NOTES TO SCHEDULE OF REGULATIONS (continued):**

- (m) A four (4) foot, six (6) inch high obscuring wall or fence or a twenty (20) foot wide greenbelt or a four (4) foot, six (6) inch high berm with a 3:1 slope and landscaped in accordance with Section 7.17 M shall be provided on those sides of property abutting land zoned for residential use. The transition plan shall be reviewed and approved by the Planning Commission in accordance with the requirements of this ordinance. In no instance shall an obscuring wall be located in the front yard of an industrial site.  
(EFFECTIVE DATE OF AMENDED FOOTNOTE (M): July 24, 1991)
- (n) Off-street parking shall be permitted in a required side yard setback.
- (o) Off-street parking for visitors, over and above the number of spaces required under 7.17 E may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (p) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
- (q) A rear building setback of not less than eighty (80) feet shall be provided where a I-2 District abuts a residential area.
- (r) See ARTICLE 7.07, Section E and F for modifications allowed and additional requirements.
- (s) The required front yard setback may be reduced to an average of the existing front yard setbacks of residences immediately adjacent on the same street. If no adjacent residences exist, then the front yard setback may be reduced to an average of the nearest two residences on the same street.

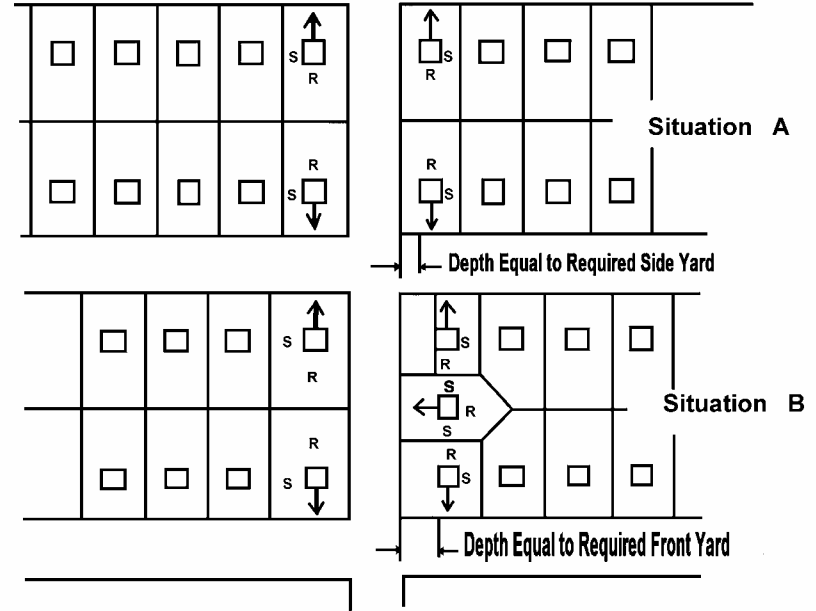
EFFECTIVE DATE OF AMENDMENT: March 17, 2003



MIN. DISTANCE BETWEEN BUILDINGS

$$\frac{L_A + L_B + 2(H_A + H_B)}{6}$$

**DISTANCE SPACING FOR MULTIPLE DWELLINGS**



- REQUIRED SETBACKS - CORNER LOT
- FRONT YARD
- R REAR YARD
- S SIDE YARD

**SIDE YARDS ABUTTING A STREET**

**B. AVERAGED LOT SIZE:**

The intent of this Section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in ARTICLE 7.15, SCHEDULE OF REGULATIONS for each One-Family Residential District. If this option is selected, the following conditions shall be met:

1. In meeting the average minimum lot size, the subdivision shall be so designed that lot areas and widths shall not be reduced by more than ten (10) percent below that area or width required in the SCHEDULE OF REGULATIONS and shall not create an attendant increase in the number of lots.
2. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
3. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

**C. SUBDIVISION OPEN SPACE PLAN (PLANNED UNIT DEVELOPMENT):**

1. The intent of the Subdivision Open Space Plan is to promote the following objectives:
  - a. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
  - b. Encourage developers to use a more creative approach in the development of residential areas.
  - c. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.
  - d. Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
2. Modification to the standards outlined in ARTICLE 7.15 SCHEDULE OF REGULATIONS may be made in the One-Family Residential Districts when the following conditions are met:
  - a. The lot area in R-2, R-3 and R-4 One-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to twenty (20) percent. In the R-2 District, this reduction may be accomplished in part by reducing lot widths up to five (5) feet. In the R-3 and R-4 Districts, this reduction may be accomplished in part by reducing lot

widths up to ten (10) feet, These lot area reductions shall be permitted, provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each One-Family District under ARTICLE 7.15 SCHEDULE OF REGULATIONS. All calculations shall be predicated upon the One-Family Districts having the following gross densities (including roads):

R-2	=	4.5 dwelling units per acre
R-3	=	3.9 dwelling units per acre
R-4	=	3.4 dwelling units per acre

- b. Rear yards may be reduced to thirty (30) feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
- c. Under the provisions of item (a) above of this Section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in ARTICLE 7.15 SCHEDULE OF REGULATIONS, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the Municipality.
- d. The area to be dedicated for subdivision open space purposes shall in no instance be less than three (3) acres and shall be in a location and shape approved by the Planning Commission.
- e. The land area necessary to meet the minimum requirements of this Section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.
- f. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body and the subdivider or developer.
- g. This plan for reduced lot sizes shall be started within six (6) months after having received approval of the final plat and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
- h. Under this subdivision open space approach, the proprietor shall dedicate sufficient park area for the common use of the lot owners so that each final plat is within maximum density requirements; provided, however, that any entire park within a single block shall be dedicated as a whole.

3. The application for approval of Subdivision Open Space Plan shall contain the following in addition to the information required by the Land Division Ordinance:
  - a. A complete description of the land proposed to be dedicated to the City or to the common use of lot owners (herein called open land) including the following at a minimum:
    - 1) Legal description of open land.
    - 2) Topographical survey of open land.
    - 3) Type of soil in open land.
    - 4) Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc).
    - 5) Other relevant factors.
  - b. The proposed plan of development of the open land shall be contained in the application and shall include the following at a minimum:
    - 1) The proposed manner in which the title to land and facilities is to be held by the owners of land in the subdivision.
    - 2) The proposed manner of collection of maintenance costs, financing costs or assessments so that non-payment will constitute a lien on the property, thus avoiding municipal responsibility in the future.
    - 3) The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to the property owners and cause for enforcement by the City.
    - 4) The proposed method of notifying the City when any change is contemplated in plans that would affect the original specifications approved by the City.
    - 5) The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.

6) The proposed use of open land and the proposed improvements which are to be constructed by the proprietor.

c. The application shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the City by approval of the proposed Subdivision Open Space Plan with particular reference to the objectives stated in this Ordinance.

**EFFECTIVE DATE OF AMENDMENT: October 15, 2003**

4. Subdivision Open Space Plans shall follow the review and approval procedures for subdivisions, including all public hearing requirements, as set forth in the Land Division Ordinance.

a. If the Planning Commission is satisfied that the proposed Subdivision Open Space Plan is in compliance with this Ordinance and should be approved, it shall recommend such approval to the City Commission with the conditions upon which such approval should be based. Thereafter, the City Commission shall take action upon such application in accordance with the procedures for subdivisions set forth in the Land Division Ordinance.

b. If the Planning Commission is not satisfied that the proposed Subdivision Open Space Plan is in compliance with this Ordinance or finds that the approval of said Subdivision Open Space Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the City Commission with the reasons therefor. The proprietor shall be entitled to a hearing upon said proposal before the City Commission upon written request filed with the Clerk.

c. If the City Commission gives approval to the proposed Subdivision Open Space Plan, it shall instruct its attorney to prepare a contract setting forth the conditions on which such approval is based, which contract, after approval by the City Commission, shall be entered into between the City and the proprietor prior to the approval of a preliminary plat.”

**EFFECTIVE DATE OF AMENDMENT: October 15, 2003**

**D. ONE-FAMILY CLUSTERING OPTION:**

1. Intent:

- a. The intent of this Section is to permit the development of one family residential patterns which, through design innovation, will provide for an alternative means for development of single-family areas. To accomplish this, modifications to the One-Family Residential standards, as outlined in the SCHEDULE OF REGULATIONS, shall be permitted in the R-2, R-3 and R-4 Districts.
- b. In R-2, R-3 and R-4 One-Family Residential Districts, the requirements of ARTICLE 7.15 - SCHEDULE OF REGULATIONS may be waived and the attaching of one-family dwelling units may be permitted subject to the standards of this Section.

2. Conditions for Qualification:

- a. The Planning Commission may approve of the clustering or attaching of buildings on parcels of land under single ownership and control which, in the opinion of the Planning Commission, have characteristics which would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because the site is located in a transitional use area or the site has natural characteristics which are worth preserving or which make platting difficult. In approving an area for cluster development, the Planning Commission shall find at least one of the following conditions to exist:
  - (1) The parcel to be developed has frontage on a major or secondary thorofare and is generally parallel to said thorofare and is of shallow depth as measured from the thorofare.
  - (2) The parcel has frontage on a major or secondary thorofare and is of a narrow width, as measured along the thorofare, which makes platting difficult.
  - (3) The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve and the parcel has frontage on a major or secondary thorofare.
  - (4) A substantial portion of the parcels perimeter is bordered by a major thorofare which would result in a substantial proportion of the lots of the development abutting the major thorofare.
  - (5) A substantial portion of the parcels perimeter is bordered by land that is located in other than an R One-Family Residential District or is developed for a use other than single-family detached homes.

- (6) The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
  - (7) The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10) percent between these elevations. These elevation changes and slopes shall appear as the typical feature of the site rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the City could be impossible unless the site were mass graded. The providing of one-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.
  - (8) The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.
- b. In order to qualify a parcel for development under paragraphs (6), (7) or (8) of paragraph 2.a above, the Planning Commission shall determine that the parcel has these characteristics and the request shall be supported by written and/or graphic documentation, prepared by a Landscape Architect, Engineer, Professional Community Planner, Registered Architect or Environmental Design Professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two (2) foot contour interval, inventory of natural assets,
  - c. This option shall not apply to those parcels of land which have been split for the specific purpose of coming within the requirements of this cluster option section.

3. Permitted Densities:

- a. In a cluster development, the densities permitted may be increased to the following maximums (including streets):

- (1) For those areas qualifying under paragraph 2.a. (1), (2), (3), (4) or (5):

R-2 District	-	7	dwelling units/acre
R-3 District	-	6	dwelling units/acre
R-4 District	-	6	dwelling units/acre

(2) For those areas qualifying under paragraph 2.a. (6), (7) or (8):

R-2 District	-	6	dwelling units/acre
R-3 District	-	5	dwelling units/acre
R-4 District	-	5	dwelling units/acre

(3) Water areas within the parcel may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.

(4) In those instances where a parcel qualifies under both paragraphs (1) and (2) above, the densities permitted under (1) may be permitted by the Planning Commission provided that the Commission finds that such density is reasonable in that it does not preclude the application of paragraph (5) of subsection 4.a. and does not result in the destruction or total removal of such natural assets as enumerated under paragraph 2.a. (6), (7) or (8) above.

4. Development Standards and Requirements:

a. In areas meeting the criteria of 2.a. above, the minimum yard setbacks, heights and minimum lot sizes per unit as required by ARTICLE 7.15 - SCHEDULE OF REGULATIONS, may be waived and the attaching of dwelling units may be accomplished subject to the following:

(1) The attaching of one-family dwelling units, one to another, may be permitted when said homes are attached by means of one of the following:

(a) Through a common party wall which does not have over fifty (50) percent of its area in common with an abutting dwelling wall.

(b) By means of an architectural wall detail which does not form interior room space.

(c) Through a common party wall in only the garage portion of adjacent structures.

(d) No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed four (4).

- (2) Yard requirements shall be provided as follows:
  - (a) Spacing between groups of attached buildings or between groups of four (4) unattached buildings shall be equal to at least twenty (20) feet in an R-3 and R-4 District, and fifteen (15) feet in an R-2 District, measured between the nearest points of adjacent buildings.
  - (b) Building setbacks from minor residential streets shall be determined after consideration of potential vehicular traffic volume, site design and pedestrian safety. It is intended that setbacks for each dwelling shall be such that one (1) car length space will be available between the garage or required off-street parking spaces and the street pavement. In determining the setbacks from minor residential streets, the Planning Commission may use the following guidelines:
    - (i) Garages or required off-street parking spaces shall not be located less than twenty (20) feet from the right-of-way of a public street unless such street (or portion thereof) is serving as access to not more than sixteen (16) residential units.
    - (ii) Where streets are private or the Planning Commission does not require the twenty (20) foot setback from a public right-of-way, garages or required off-street parking spaces shall not be located less than twenty (20) feet from the pavement edge of the street or the shoulder of a street.
  - (c) That side of a cluster adjacent to a major or secondary thorofare shall not be nearer to said street than twenty-five (25) feet, except that in those areas where topography meets the topographic conditions set forth in 2.a. (7) above on lands immediately adjacent to said streets having slopes in excess of ten (10) percent, the front yard may be reduced by five (5) feet, but in no instance shall a structure be closer to the road right-of-way line than one-half (2) the front yard setback for the district in which it is located.
  - (d) Any side of a cluster adjacent to a private road shall not be nearer to said road than ten (10) feet.
- (3) In computing the height of any individual dwelling unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of height in the posts shall not be computed. Application of the definition of "Building Height" shall apply over and above this ten (10) feet of post height.
- (4) The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least fifteen (15) percent of the horizontal development area of a one-family cluster development.

- (5) In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one family residential district, the Planning Commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development:
- (a) Single-family lots subject to the standards of the SCHEDULE OF REGULATIONS.
  - (b) Detached buildings with setbacks as required by the SCHEDULE OF REGULATIONS for the applicable residential district.
  - (c) Open or recreation space.
  - (d) Changes in topography which provide an effective buffer.
  - (e) A major or secondary thoroughfare.
  - (f) Some other similar means of providing a transition.

5. Procedures:

- a. In making application for approval under this Section, the applicant shall file a sworn statement that the parcel has not been split for the purpose of coming within the requirements of this option, and shall further file a sworn statement indicating the date of acquisition of the parcel by the present owner.
- b. Qualification for Cluster Development:
  - (1) Application to the Planning Commission for qualification of a parcel for cluster development shall include documentation substantiating one or more of the characteristics outlined in paragraph 2. Conditions for Qualification.
  - (2) The Planning Commission shall make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one of the provisions of 2.a. above, based upon the documentation submitted.
  - (3) Preliminary determination by the Planning Commission that a parcel qualifies for cluster development does not assure approval of the site plan and, therefore, does not approve the cluster option. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.

c. Site Plan and Cluster Approval:

- (1) The Planning Commission shall hold a public hearing on the site plan after an initial review of a preliminary plan which shall not require a public hearing.
- (2) In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, all computations relative to acreage and density, a preliminary grading plan, and any other details which will assist in reviewing the proposed plan.
- (3) For those parcels which qualified under the provisions of paragraphs 2.a., (6), (7) or (8), one (1) copy of the site plan superimposed on a recent aerial photograph of at least 1" = 200' scale, shall be submitted for review to show the relationship of the site plan to existing natural features and to adjacent developments.
- (4) Site plans submitted under this option shall be accompanied by information as required in paragraphs (b) and (e), Section 6.2 Subdivision Open Space Plan (Planned Unit Development) of Chapter 6 - Subdivision Regulations of the City Code, provided however, that:
  - (a) Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the sponsor.
  - (b) The open space plan and cost estimate shall be submitted prior to final review or the public hearing.
- (5) The Planning Commission shall give notice of the public hearing in accordance with ARTICLE 7.18, Section 1.
- (6) If the Planning Commission is satisfied that the proposal meets the letter and spirit of the Zoning Ordinance and should be approved, it shall give tentative approval with the conditions upon which such approval should be based. If the Planning Commission is not satisfied that the proposal meets the letter and spirit of the Zoning Ordinance, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefore, in the minutes of the Planning Commission meeting. Notice of approval or disapproval of the proposal together with copies of all layouts and other relevant information shall be forwarded to the City Clerk. If the proposal has been approved by the Planning Commission, the Clerk shall place the matter upon the agenda of the City Commission. If disapproved, the applicant shall be entitled to a hearing before the City Commission, if he requests one in writing within thirty (30) days after action by the Planning Commission.

- (7) The City Commission shall conduct a public hearing on the proposed open space plan and site plan for the Cluster Option and shall give notice in accordance with ARTICLE 7.18, Section I. If the City Commission approves the plans, it shall instruct the City Attorney to prepare a contract, setting forth the conditions upon which such approval is based, which contract, after approval by the City Commission, shall be entered into between the City and the applicant prior to the issuance of a building permit for any construction in accordance with site plans.
- (8) As a condition for the approval of the site plan and open space plan by the City Commission, the applicant shall deposit a cash or irrevocable letter of credit in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the City Commission. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.