



# Article 3

## Single-Family Residential Districts



City of Romulus Zoning Ordinance





## Section 3.01 Statement of Purpose

The RE - Rural Estate, R-1A - Single-Family Residential, R-1B - Single-Family Residential, and RCO - Rural Character Overlay Districts are established as districts in which the principal use of land is for single-family dwellings. In promoting the general purpose of this Ordinance, the specific intent of this Article is to

- (a) Encourage the continued use of the land for single-family dwellings.
- (b) Prohibit incompatible non-residential uses of the land, and to prohibit any other use that would substantially interfere with development or continuation of single-family dwellings.
- (c) Discourage any land use that would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- (d) Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewer service substantially in excess of the requirements and costs if the district were developed solely for single-family dwellings.
- (e) Maintain a balance between a quiet, rural character of the RCO - Rural Character Overlay District and the suburban subdivision development in order to meet the transitional needs of this area.

## Section 3.02 Schedule of Uses

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of [Table 3.02](#) may be used for the purposes denoted by the following abbreviations:

**P: Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

**SLU: Special Land Use:** The use may be permitted by obtaining Special Land Use approval when all applicable standards cited in [Article 18](#) and specific standards of [Section 3.03](#) are met.

**NP: Not Permitted:** The use is not permitted in the district.

**"Other Requirements"** indicates additional requirements or conditions applicable to the use. In addition the standards of Part III may also be applicable, in particular [Article 13](#) General Site Development Requirements, [Article 14](#) Off-Street Parking, Loading, Access and Circulation Requirements, and [Article 17](#) Site Plan Review Requirements and Procedures. Uses permitted in the RCO District shall be based upon the underlying zoning district.

Table 3.02 Schedule of Uses				
Use	RE	R-1A	R-1B	Other Requirements
<b>Residential</b>				
Single-family detached dwellings	P	P	P	<a href="#">11.01(a)</a>
Two-family dwellings (duplexes)	SLU	SLU	SLU	<a href="#">11.01(b)</a>
Senior assisted living		SLU	SLU	<a href="#">11.01(e)</a>
<b>Institutional and Educational</b>				
Cemeteries	SLU	SLU	SLU	<a href="#">11.02(a)</a>



**Table 3.02 Schedule of Uses**

Use	RE	R-1A	R-1B	Other Requirements
Colleges, universities and other institutions of higher learning, public and private, offering courses in general, technical, or religious education	SLU	SLU	SLU	11.02(b)
Places of worship	SLU	SLU	SLU	11.02(c)
Municipal buildings and uses	P	P	P	
Schools, elementary, middle and high schools, public, parochial and private	SLU	SLU	SLU	
<b>Human Care and Medical</b>				
Adult foster care family home (6 or fewer adults)	P	P	P	
Adult foster care small group home (7 to 12 adults)	SLU	SLU	SLU	11.03(a)
Foster family home (1-4 children 24 hours per day)	P	P	P	
Foster family group home (5-6 children 24 hours per day)	P	P	P	
Child day care, family home (6 or fewer children less than 24 hours per day)	P	P	P	
Child day care, group home (7 to 12 children less than 24 hours per day)	SLU	SLU	SLU	11.03(b)
Child day care centers, nursery schools and day nurseries (more than 12 children less than 24 hours per day)	SLU	SLU	SLU	11.03(c)
Nursing and convalescence homes	SLU	SLU	SLU	11.03(f)
<b>Animal/Agricultural</b>				
Agricultural activity as an accessory use	P	P	P	11.15(a)
Farms or farm operations	P	P	P	11.15(a)
Keeping of animals	P	P	P	11.15(b)
Keeping of Bees	SLU	RCO-SLU	RCO-SLU	11.15(b)
Kennels, commercial	SLU	SLU	SLU	11.15(c)
Kennels, private	P	P	P	11.15(c)
Stables, boarding	SLU	SLU	SLU	11.15(e)
<b>Recreation/Leisure/Entertainment</b>				
Golf courses	SLU	SLU	SLU	11.08(c)
Private noncommercial recreational areas and buildings, institutional recreation centers, neighborhood recreational clubhouses, non-profit swimming pool clubs	SLU	SLU	SLU	11.08(e)
Private open space and neighborhood parks	P	P	P	
Publicly owned and operated parks and recreational facilities	P	P	P	
<b>Utilities</b>				
Utility distribution facilities such as water mains, sewer mains, electrical, gas, distribution lines, and associated structures that are designed to serve the immediate vicinity	P	P	P	





Table 3.02 Schedule of Uses				
Use	RE	R-1A	R-1B	Other Requirements
Utility buildings, substations, including pump stations and transformer substations that are necessary to serve the immediate vicinity	SLU	SLU	SLU	11.13(a)
<b>Accessory</b>				
Accessory buildings and uses customarily incidental to any of the above permitted uses	P	P	P	
Home occupations	P	P	P	11.17(c)

### Section 3.03 Requirements Applicable to Specific Uses

Where noted in [Table 3.02](#), uses shall be required to meet the use regulations of [Article 11](#).

### Section 3.04 Accessory Buildings and Structures

(a) **Accessory Buildings.** Residential accessory building and structures shall be subject to the following regulations, except as otherwise permitted in this Ordinance:

- (1) **Principal Building Required.** An accessory building may only be located on a lot that is occupied by a principal building.
- (2) **Attached Accessory Buildings.** An accessory building that is structurally attached to the principal building shall be subject to all regulations of this Ordinance applicable to principal buildings.
- (3) **Detached Accessory Building Size.** The size of detached accessory building shall meet all of the following:
  - a. The total area of all detached accessory buildings shall not cover more than twenty five (25%) of the rear yard and forty (40%) of the required rear yard setback.
  - b. The total area of all detached accessory buildings on a lot shall not exceed the following floor area shall not exceed the following height:

Parcel Size	Max. Square Footage	Max. Height
Up to 12,000 sq. ft.	750 sq. ft.	14 ft.
12,000 to 43,559 sq. ft.	1,500 sq. ft.	17 ft.
43,560 to 87,119 sq. ft. (1 to 2 acres)	1,750 sq. ft.	17 ft.
87,120 sq. ft. or more (2 + acres)	2,400 sq. ft.	17 ft.

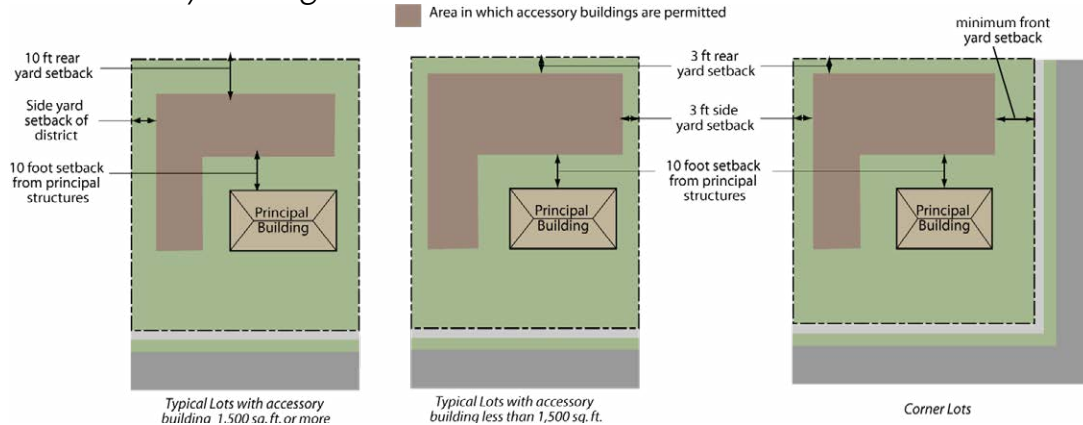
- (4) **Detached Accessory Building Setbacks.** Detached accessory buildings shall be at least ten (10) feet from a principal building and shall meet the following setback requirements (see [Figure 3.1](#)):
  - a. Detached accessory buildings with a floor area of less than one thousand five hundred (1,500) square feet shall be at least three (3) feet from any side or



rear lot line.

- b. Detached accessory buildings with a floor area of one thousand five hundred (1,500) square feet or more shall be at least ten (10) feet from the rear lot line and shall meet the side yard setback requirements applicable to principal buildings.

Figure 3.1 Accessory Buildings



- (5) **Front Yard.** Detached accessory buildings shall not be located in any front yard on lots of one (1) acre or less. Accessory buildings on lots over one (1) acre may be located in the front yard; provided that the setbacks for principal buildings are met. Front yard setbacks shall be maintained from each street on corner lots (see [Figure 3.1](#)).

- (b) **Accessory Apartments and Basement Apartments Prohibited.** Accessory apartments, whether in the principal building, basement, or any accessory building shall be prohibited.

- (c) **Pools and Hot Tubs.** Accessory outdoor pools and hot tubs shall comply with all applicable ordinances, Building Codes, and the following conditions:

- (1) Pools and hot tubs shall only be located in a rear yard or non-required side yard. Pools and hot tubs shall not be located in a front yard or required side yard setback. Pools and hot tubs shall be at least ten (10) feet from the rear lot line and meet the side yard setbacks of the district.
- (2) There shall be at least six (6) feet between the outside pool wall and any building located on the same lot. Hot tubs may be adjacent to the dwelling.
- (3) Outdoor pools shall be fenced in accordance with the requirements of the Building Code and [Section 3.05](#).

- (d) **Decks and Porches**

- (1) Attached or unattached decks and unenclosed porches without a solid enclosure may project no more than ten (10) feet into the required front or required rear yard setback and no more than three (3) feet into the required side yard setback.
- (2) Decks and porches with roofs shall be considered to be part of the principal building for purposes of determining setbacks.
- (2) For condominiums, the placement of decks shall be stipulated in the Condominium Master Deed and Exhibit B Site Plan, in conformance with the regulations of this section.



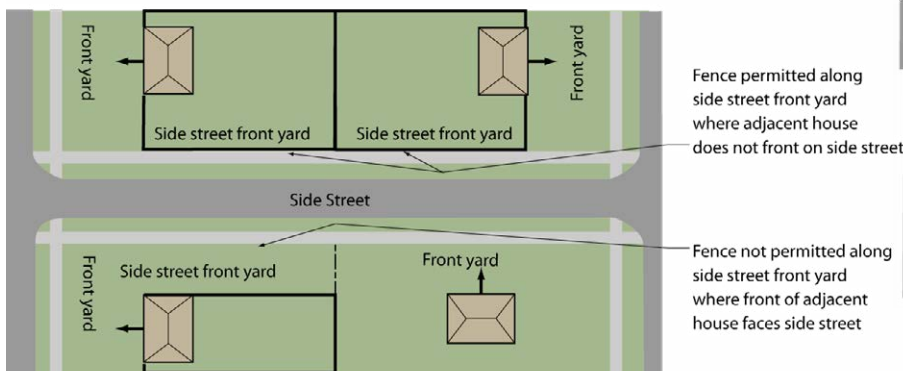
- (e) **Satellite Dish, Television and Radio Antennas.** Satellite dish antennas and other television and radio antennas/receivers, may be permitted as accessory structures. Any antenna, satellite dish or similar aerial reception device may exceed the height limitation of the district within which it is located, as per the requirements of Section 12.03, provided that the requirements of the Building Code are met with respect to the installation and anchoring of the device to ensure public safety.

### Section 3.05 Fences

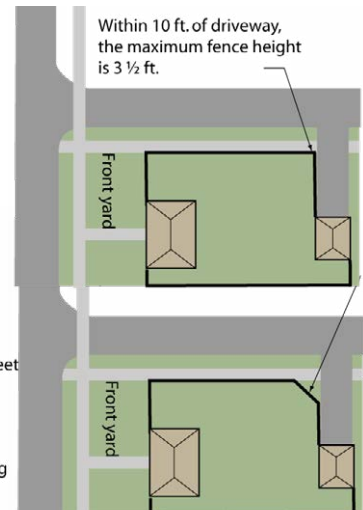
- (a) **Location and Height.** Fences for residential uses in residential zoning districts shall conform to the following requirements (See [Section 13.03](#) for non-residential fences):
- (1) Fences shall be permitted in the side and rear yard. Side or rear yard fences shall not exceed six (6) feet in height.
  - (2) Fences shall not be located in the front yard, except on corner lots. On corner lots, a fence up to six (6) feet in height is permitted within a front yard of a side street only if the dwelling on the adjacent lot does not front towards the same side street. The fence shall not extend beyond the front building line into the front yard of the street that the front of the dwelling faces. (See [Figure 3.2](#).)
  - (3) On all lots, fences or walls over three and a half (3½) feet tall are not allowed within ten (10) feet of the intersection of a driveway and road right-of-way. (See [Figure 3.3](#).) This also applies to driveways located on adjoining lots. On corner lots, fences and walls located within a front yard shall maintain the roadway clear vision area requirement of [Section 12.07](#).
- (b) **Materials**
- (1) Fences shall be constructed of durable quality material such as wrought iron; decorative aluminum; painted, stained and/or pressure treated wood; chain link; brick; or stone.
  - (2) The finished side of any fence shall face adjacent properties or roadways.
  - (3) Barbed wire, razor wire, spikes, nails, or any other sharp point or instrument of any kind on the top or sides of any fence, or fences that carry an electric current or charge that could cause injury, are prohibited on residential lots. This provision does not apply to security fences for utility structures or towers, which shall meet the requirements of [13.03](#).

- (c) **Approval for Fences.** The construction or alteration of any fence, wall or other type of protective barrier shall

*Figure 3.2 Corner Lot Fences*



*Figure 3.3 Fence Clear Vision*







be approved by the Building and Safety Director as to its conformance to the requirements of the zoning district in which it is located and to the requirements of this Section.

### **Section 3.06          Parking and Storage of Recreation Vehicles, Commercial Vehicles, and Automobiles in Residential Districts**

(a) **Recreational Vehicles Less Than Thirty Two (32) Feet Long.** Recreational vehicles, travel trailers, and boats that are no longer than thirty two (32) feet may be stored or parked in any residential district on a lot on which an occupied residence is located subject to the following requirements:

- (1) A maximum of two (2) recreational vehicles may be stored or parked on a residential lot or parcel of land.
- (2) Recreational vehicles may be parked or stored in a garage, the rear yard, or in a non-required side yard (i.e. meeting side yard setback). Recreational vehicles may not be parked or stored in a required side yard setback or in the front yard, except as provided for in (3) below.
- (3) Recreational vehicles may be parked on any part of the lot for not more than forty-eight (48) hours for the purpose of loading and unloading as long as the view of driveways or vehicular and pedestrian traffic of adjoining properties is not obstructed.
- (4) Storage or parking of recreational vehicles shall not create an unsafe or dangerous condition.
- (5) Travel trailers and motor homes, if parked or stored, shall not have a fixed connection to electricCity, water, gas, or sanitary sewer, and shall not be used for living, sleeping, or housekeeping purposes.

(b) **Recreational Vehicles Greater Than Thirty Two (32) Feet Long.** Recreational vehicles, motor homes, travel trailers, converted busses, or boats longer than thirty two (32) feet may not be parked or stored on a lot for more than forty-eight (48) hours, except under the following conditions:

- (1) Recreational vehicles, motor homes, travel trailers, converted busses, or boats longer than thirty two (32) feet may be parked or stored inside an enclosed building.
- (2) On any lot containing an occupied residence, a permit can be issued by the Building Department to store the recreational vehicle outdoors. The permit shall be valid for not more than ten (10) consecutive days in any ninety (90) day period. The permit shall be conspicuously posted in the parked or stored recreational vehicle.
- (3) The Board of Zoning Appeals may issue a permit to an owner or occupant of land on one (1) acre or more in a residential district to park or store not more than two (2) recreational vehicles in excess of thirty two (32) feet upon their property for a longer period than (1) above but not more than twelve (12) continuous months subject to the following conditions:
  - a. The permit approval shall include the location or area in which the unit(s) is to be stored or parked and all conditions set forth by the Board.
  - b. The permit may be renewed by the Building and Safety Director on an annual basis, if, in the Building and Safety Director's determination, the conditions as





originally established to grant the permit are not substantially changed.

- c. The permit shall be conspicuously posted in a parked or stored recreational vehicle.
- d. The additional conditions set forth in [Section 3.06 \(a\)](#) shall be met.

**(c) Commercial Vehicles**

- (1) One (1) commercial vehicle may be parked on a residential lot, where all the following conditions are met:
  - a. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
  - b. The vehicle shall not exceed a gross vehicle weight of ten thousand (10,000) pounds.
  - c. The vehicle shall not have more than four (4) rear wheels.
  - d. No part of the vehicle may exceed ten (10) feet in overall height, measured from grade.
  - e. The vehicle shall not be parked overnight (from 9:00 p.m. – 5:00 a.m) in the front yard; the driveway or any paved surface in the front yard; or in the street right-of-way.
- (2) The following commercial vehicles shall not be parked or stored on a residentially used lot or a residential zoning district or in the adjacent right-of-way at any time:
  - a. Commercial highway trailers with a rated capacity greater than one and one-half (1½) tons.
  - b. A tow-truck, septic tank pumper, or a vehicle that carries flammable or toxic materials or similar utility truck may not be parked on a residentially zoned or used property.
  - c. A utility trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor.
- (3) Construction or maintenance vehicles that are currently doing work on the property in conjunction with a valid building permit or delivery/moving trucks making deliveries are permitted.

(d) **Passenger Vehicles.** The parking of licensed and operable passenger vehicles shall be permitted, subject to the requirements of [Article 14](#). Vehicles may only be parked in a garage, driveway, parking lot or street and may not be parked in lawn areas. The parking or storage of inoperable or unlicensed vehicles shall be prohibited, except within an enclosed building.

### **Section 3.07                      Area, Height, and Placement Requirements**

(a) **Schedule of Regulations.** All lots and buildings shall meet the following dimensional requirements:







## RE Rural Estate and RCO Rural Character Overlay<sup>1,14</sup>

### Lot Size

Minimum Area 20,000 sq. ft.

Minimum Width<sup>2</sup>:

RE 100 ft.

RCO 80 ft.

Minimum Depth<sup>3</sup> 175 ft.

### Setbacks<sup>6,7,8,9</sup>

Min. Front Yard<sup>10,11</sup> 50 ft.

Min. Side Yard:

one side 15 ft.

total both 35 ft.

Rear Yard<sup>12</sup> 45 ft.

### Building Height

Maximum Stories 2

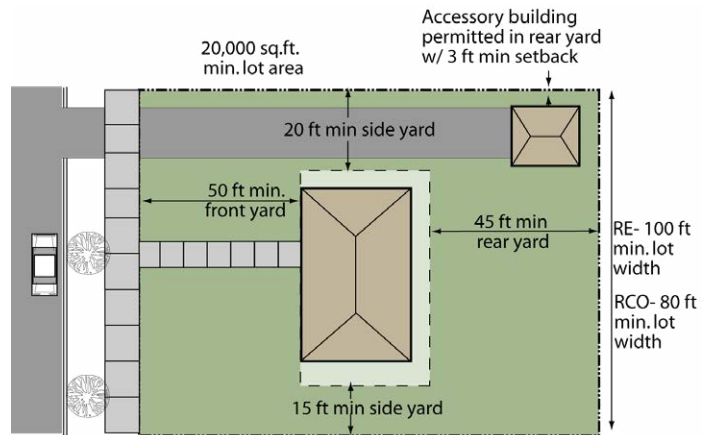
Maximum Height<sup>4</sup> 30 ft.

### Lot Coverage<sup>5</sup>

Maximum 30%

### Floor Area<sup>13</sup>

Minimum per dwelling unit 1,500 sq. ft.



## R1-A Single-Family<sup>1</sup>

### Lot Size

Minimum Area 9,600 sq. ft.

Minimum Width<sup>2</sup>: 80 ft.

Minimum Depth<sup>3</sup> 120 ft.

### Setbacks<sup>6,7,8,9</sup>

Min. Front Yard<sup>10,11</sup> 25 ft.

Min. Side Yard:

one side 7 ft.

total both 20 ft.

Rear Yard<sup>12</sup> 35 ft.

### Building Height

Maximum Stories 2

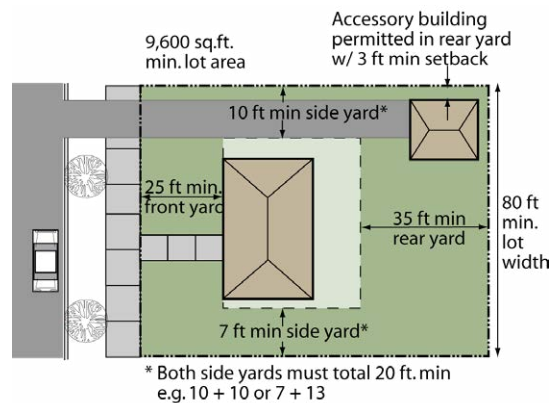
Maximum Height<sup>4</sup> 30 ft.

### Lot Coverage<sup>5</sup>

Maximum 30%

### Floor Area<sup>13</sup>

Minimum per dwelling unit 1,300 sq. ft.







- (4) **Building Height.** Exceptions to building height shall be as provided for in [Section 12.03](#).
- (5) **Lot Coverage.** Maximum lot coverage shall be the maximum percent of the lot area that can be covered by buildings or above ground accessory structures such as decks and above ground pools. No more than thirty percent (30%) of the front yard area of any residentially zoned lot shall be paved.
- (6) **Projections into Yards.** Certain structures shall be permitted to project into required yard setbacks as provided for in [Section 12.05](#).
- (7) **Natural Features Setback.** All structures shall be set back at least twenty five (25) feet from all regulated wetlands, natural ponds, lakes and streams.
- (8) **Non-residential Setbacks.** Setbacks for non-residential uses shall be in accordance with the requirements applicable to the specific use or as required by [Section 3.07 \(a\)](#), except side yard setback shall be a minimum of 20 feet.
- (9) **Corner Lot Setbacks.** Corner lots or lots with dual frontage shall meet front setback requirements along all street frontages.
- (10) **Accessory Buildings.** See [3.04\(a\)\(4\)](#) for accessory building setbacks.
- (11) **Detention Ponds.** Detention/retention ponds shall be prohibited in the required front yard setback (i.e. must meet front yard setback), unless the City Engineer determines there is no reasonable alternative due to existing topography and natural drainage problems. This restriction shall not apply to rain gardens, bio-retention swales, irrigation trench planters and other similar stormwater management alternatives to retention or detention ponds.
- (12) **Railroad Setback.** Principal residential structures shall be setback from any railroad right-of-way a distance equal to or greater than the minimum rear yard setback of the zoning district.
- (13) **Floor Area.** The required dwelling unit floor area does not include basements, utility rooms, breezeways, porches, or attached garages.
- (14) **Rural Character Overlay.** Areas that are zoned, Rural Character Overlay (RCO) Zoning District shall be regulated as follows:
  - a. Existing Lots of Record. Any lot of record in the RCO District created prior to being rezoned to RCO District shall be required to comply with the lot area and width requirements of the underlying zoning district.
  - b. Existing Buildings. Any building in the RCO District that was in existence prior to being rezoned to RCO District shall be required to comply with the setback requirements of the underlying zoning district, including additions or renovations thereto.
  - c. Creation of New Lots. Any new lot created in the RCO District or any division to an existing lot shall be required to comply with the lot area and width requirements of the RCO District.
  - d. New Buildings. Any new buildings constructed in the RCO shall be required to comply with the lot area and width requirements of the RCO District.

## Section 3.08 Open Space Preservation (Cluster) Development

- (a) **Intent.** This section permits, by special land use approval, residential development which, through innovative design, will encourage creative development benefiting





the total community by preserving desirable open space in the form of woodlands, wetlands and other natural assets, or providing usable open space as an integral part of the residential living environment. This development option is also intended to be applied to infill parcels or sites exhibiting unusual characteristics or land use relationships. These provisions are not intended to result in an increase in density, but rather to allow for a more creative distribution of the permitted number of dwelling units on designated portions of the site.

(b) **Qualification of Parcel.** At least one (1) of the following qualifications must be demonstrated to approve an open space preservation (cluster) development:

- (1) The parcel contains natural assets, supported by documented evidence, that will be preserved as an integral part of the design. These assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, steep topography, bodies of water (i.e. streams, rivers), or other natural features that should be preserved.
- (2) The parcel contains floodplain or wetlands that would be preserved as undeveloped common open space. A floodplain and wetlands map, certifiable by the appropriate Federal, State or County agency, indicating the extent of the wetlands and floodplain area, shall be submitted as evidence.
- (3) At least twenty percent (20%) of the site will be set aside as open space for conservation or active recreational purposes.
- (4) Unusual physical characteristics, such as size or shape of the parcel, are present that reasonably prevent using conventional development.
- (5) Conventional development would result in a substantial number of the lots abutting a major or minor arterial and be subjected to disturbance by vehicular traffic, noise, and lights.
- (6) The adjoining or adjacent land uses warrant a creative development alternative to facilitate a suitable transition between uses.

(c) **Density.** The number of dwelling units allowable within an open space preservation development shall be determined through preparation of a parallel plan. The parallel plan shall show how the site would be developed with a conventional subdivision based upon the existing zoning district. The parallel plan is intended only to illustrate the allowable density for a site based upon the existing zoning district and is not an approved development plan.

- (1) The applicant shall present to the Planning Commission for review, a parallel plan for the project that is consistent with State, County, and City requirements and design criteria for a tentative preliminary plat. The parallel plan shall include sufficient right-of-way for roadways, common park area, and contain sufficient area for storm water detention.
- (2) The parallel plan shall provide lots meeting all dimensional standards of the zoning district. Lots may include wetlands or other un-buildable land provided that a buildable area for each lot is available.
- (3) Once the allowed density is determined, then the same number of units shall be used for the open space preservation development.

(d) **Dwelling Unit Type.** Detached and attached single-family units are permitted. The maximum number of attached units permitted in a single building is six (6).

(e) **Placement and Building Requirements for Attached Units.** All attached units shall





observe the following requirements:

- (1) Buildings shall be set back at least twenty-five (25) feet from any off-street parking areas. All principal buildings shall have a front yard setback as required by the district in which the site is located. Where there is no public right-of-way or access easement, the required front yard setback shall be measured from a parallel line thirty feet (30) from the centerline of the road.
- (2) A principal building shall be set back at least thirty-five (35) feet from any abutting property lines. Accessory buildings, common parking areas, and driveways shall not be placed closer than ten (10) feet to any adjoining property line.
- (3) A setback of at least fifteen (15) feet shall be provided between the sides of buildings. There shall be at least forty (40) feet between the fronts or backs of residential buildings.
- (4) The minimum required floor area shall be as required by the applicable district within which the parcel is located.
- (5) No dwelling unit shall exceed a height of twenty-five (25) feet.
- (6) Variety in the design of individual groups of units shall be provided through the use of design details to avoid a continuous or repetitious appearance.
- (7) Greater flexibility in site problem areas is available by grouping dwelling units. However, it is also necessary to provide visual and functional open space between dwelling units. It is, therefore, required that each dwelling unit shall:
  - a. Have no more than seventy-five percent (75%) of the length of any exterior wall of living unit shared with any portion of an adjacent dwelling unit.
  - b. Not have common walls on more than two (2) exterior walls of any one (1) dwelling unit.
  - c. Provide at least a six (6) foot variation in building setback between two (2) adjoining dwellings along any common building facade. This variation may be provided by varying the setbacks of dwellings and garages or other similar means, provided that the six (6) foot variations are maintained.
  - d. Provide each group of dwellings with the same architectural appearance through the utilization of the similar style, roof lines, and brick facing material and trim. The Planning Commission may deviate from these building design requirements for attached buildings provided the proposed design meets the intent of providing individuality, and visual and functional open space for each unit.

**(f) Placement Standards for Detached Units**

- (1) To achieve the minimum open space requirement, lot areas and widths may be reduced below the district requirements; provided that an area equal to or greater than the total net area of lot reduction for the development shall be set aside as common open space.
- (2) The setback requirements of the district may be reduced by up to twenty-five percent (25%). The setbacks may be further reduced by the City Council, after a Planning Commission recommendation, with a specific finding that it will result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of additional natural features.







(3) The maximum building height shall meet the requirements of the district.

(4) The minimum dwelling unit floor area shall meet the requirements of the district.

(g) Open Space

(1) A minimum of twenty percent (20%) of the site shall be set aside as common open space for conservation or recreational purposes. Building sites, parking and roads shall not cover more than eighty percent (80%) of the entire parcel. At least one-half (½) of the required open space shall be usable for active recreation.

(2) The open space preservation development shall meet the design standards required by the City Subdivision Control Ordinance.

(3) The applicant shall make provision in the Master Deed, satisfactory to the City, to assure that designated open space will be irrevocably dedicated for that purpose and prohibiting its use for future development. The City may require that conveyances or other documents be placed in escrow to accomplish this purpose. A performance guarantee, as prescribed in [Section 21.10](#), may be required.

(h) **General Development Requirements**

(1) At least two (2) deciduous or evergreen trees per dwelling unit that meet the size requirements of [Section 13.02](#) shall be planted throughout the development portion of the site.

(2) A type "A" greenbelt that meets the standards in [Section 13.02](#) with a depth of at least thirty five (35) feet shall be provided, in addition to any required rear yard setback, along any part of the property that abuts an arterial road. The greenbelt shall be landscaped with an undulating landscaped berm with grass and slopes gentle enough to avoid erosion. Berm locations shall be designed so that the view of oncoming traffic is not obscured at access points. The Planning Commission may allow preservation of a wooded area of equivalent size as an alternative to a new landscape feature.

(3) Sidewalks are required along all streets in accordance with the City's Subdivision Control Ordinance and Sidewalk Ordinance. A pedestrian circulation plan based on the requirements of [Section 13.04](#) shall be submitted and approved by the City for the lands included in the open space.

(i) **Review Procedures.** Applications for residential open space preservation developments shall observe the following processing requirements.

(1) **Special Land Use and Preliminary Plan Review:**

a. In submitting a Special Land Use application for qualification of a parcel for open space preservation development to the Planning Commission, the petitioner shall include documentation substantiating one (1) or more of the characteristics outlined in [Section 3.08 \(b\)](#), Qualification of Parcel. The qualification approval shall remain valid for a period of one (1) year from the date of the special land use and concept plan approval.

b. The application shall include an aerial photograph depicting the entire site and a concept plan (drawn to scale) showing how the petitioner intends to develop the site. At a minimum the concept plan shall include the following:

1. Outline of the property showing the relationship of abutting properties and/or structures.







2. Placement and basic configuration of buildings.
3. Circulation patterns.
4. Preservation/open space areas.
5. Density calculations and number of units proposed.
6. Buffering/screening techniques to be used.

c. The petitioner shall also submit a tentative preliminary plat or a preliminary condominium site plan with the special land use for concurrent review. Tentative preliminary plat applications shall meet all of the requirements of the City Subdivision Regulation Ordinance. Tentative preliminary condominium plans shall meet all of the requirements of [Article 16](#).

d. Upon receipt of the completed application, the request shall be given to the Planning Commission for placement on an agenda as a special land use as provided in [Article 18](#). Following the public hearing, the Planning Commission shall make a recommendation to the City Council on the special land use and the tentative preliminary plat or condominium, as applicable.

e. Once the City Council approves the open space preservation development special land use and the tentative preliminary plat or condominium, as applicable, the approved plan shall become the basis for the final approval process.

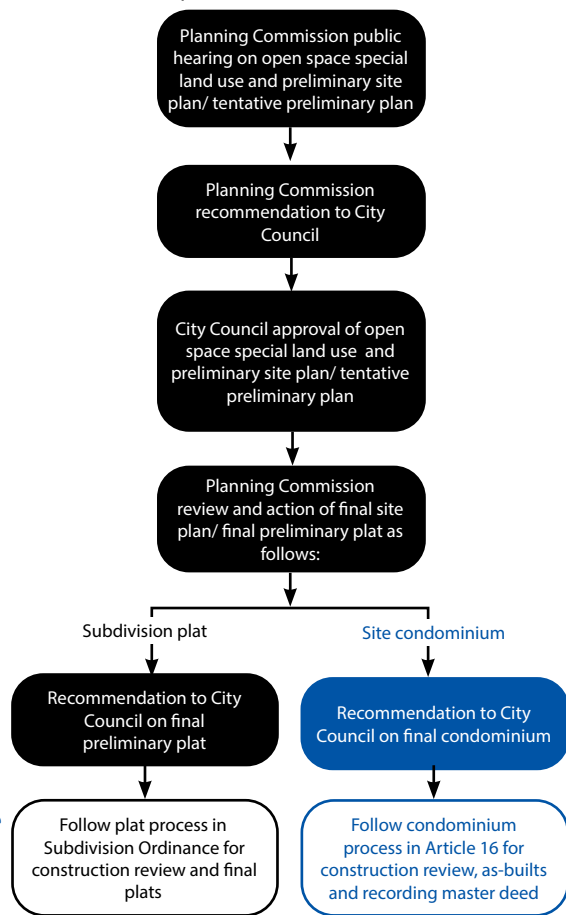
f. Substantial departures from the tentative preliminary plat or condominium shall require a public hearing and approval of a new plan following the process above.

(2) **Final Plan Review.** Following approval of the open space preservation development special land use and tentative preliminary plat approval or site condominium, as applicable, the applicant shall prepare detailed plans for final approval. Final plans shall be submitted for approval of the final preliminary plat or final condominium site plan in accordance with the applicable process under the City Subdivision Regulation Ordinance or, for condominiums, [Article 16](#). All final preliminary plats or condominium plans shall conform with the tentative preliminary plan, all conditions attached to the special land use approval, and the other requirements of this Ordinance.

#### (j) Appeals and Waivers

(1) **Appeals.** The Board of Zoning Appeals shall not have the authority to hear

#### Open Space Preservation Development Review Process





appeals of the City Council's decision to approve or deny a special land use for an open space preservation development, nor to grant variances to the specific standards of this Section or any conditions imposed on preliminary approval. The Board of Zoning Appeals may hear requests for variances to dimension requirements of individual lot owners following approval of the final site plan for the development.

- (2) **Waivers.** The City Council shall have the authority to grant waivers to the specific standards of this Section based upon the overall design of the site plan, compatibility with surrounding land uses and consistency with the intent of this Section. Waivers shall be recommended by the Planning Commission in its recommendation on the preliminary site plan to the City Council.

