**4-130   RESIDENTIAL CLUSTER DEVELOPMENT AND OPEN SPACE CONSERVATION DESIGN OVERLAY PROVISION**

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the placement of buildings and in the location of open spaces associated therewith.  These provisions are intended to provide variations in lot size and open space requirements within the residential districts.  The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted.

A.         General Provisions

            The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites.  As such, the provisions do not constitute a use, but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings.  It is necessary, however, that the purposes and intent of this ordinance be assured and that proper light, air, and privacy be made available for each dwelling unit.

            A site development plan as provided for in this section is required not only as an accurate statement of the development, but as an enforceable legal instrument whereby the Planning Commission may be assured that the general purposes, standards, etc., contained in this section are being met.

            In addition to the Site Master Development Plan, the procedures for plat approval under Section 2-101 of the Pleasant View Subdivision Regulations, shall apply to all subdivisions under the provisions of this ordinance.

B.         Site Development Plan Required

            1.         Contents

                        A site master development plan shall be prepared and submitted to the Planning Commission for its review and approval.  The site master development plan shall be submitted at a scale no smaller than 1' = 100' and contain the following information:

                        a.         The actual shape, location and dimensions of the lot.

                        b.         The shape, size, and location of all existing buildings.

                        c.         The existing and intended use of the property and proposed location of structures other than single-family dwellings.

                        d.         Topographic features (contours not greater than five (5) foot intervals.

                        e.         Except for single-family dwellings, location of all driveways and entrances.

                        f.          Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities.

                        g.         Location, calculations and intended use of open space.

                        h.         Building setbacks and other yard requirements.

                              i.          Location of any fences and walls.

                        j.          Location of any required screening.

                        k.         Proposed means of surface drainage.

                        l.          Location and calculations of all easements and rights-of-way.

                        m.        Location and availability to servicing utilities.

                        n.         Location and calculation of areas subject to flooding.

                        o.         Location and calculation of slopes twenty (20) percent or greater.

                        p.         Location of tree masses and any environmental limitations.

            2.         Coordinated Review

                        Upon receipt of a site master development plan and preliminary plat containing information as required above, the Planning Commission may:

                        a.         Concurrently review the site development plan and preliminary plat;

                        b.       Jointly approve, approve with modification, or disapprove these documents; and

                        c.         In the instance of approval, or approval with modification, transfer the site development plan to the Building Commissioner for enforcement.

            3.         Enforcement

                        Upon approval of a site master development plan, the Building Commissioner shall become responsible for enforcement of the plan.  Except for single-family dwellings, only minimal adjustments involving the placement of any structure in common open space will be permitted once a site development plan has been approved.  Any other change shall require submission of a proposed amendment to the approved site master development plan by official action of the planning commission.

C.        Development Standards

            The following standards and requirements shall apply to all alternative density developments.

            1.         General Standards for Development

                        In the interest of promoting the most appropriate economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

                             The protection of the characters, property values, privacy and other characteristics of the surrounding neighborhood;

                        The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control. Habitable structures shall not be located in flood plains or areas prone to flooding.

                        The preservation and protection of existing trees, ground cover, topsoil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

            2.         Availability of Public Utilities

                        All public utilities, specifically including water, public sewer or a central sewage collection and treatment system, as defined by this ordinance and approved by the State of Tennessee shall be available. With central onsite sewer collection a means of perpetual maintenance of the system shall be included in the Home Owners Association Covenants.

            3.         Permitted Density

                        The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space.  The maximum number single-family dwelling units permitted shall be computed as follows:

                        a.         From the gross acreage available within the development shall be subtracted:  (1)  Any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner, because of restrictions thereon;  (2)  Fifty (50) percent of any portion of the site which lies within a floodway;  (3)  Fifty (50) percent of all areas with slopes exceeding twenty (20) percent.

                        b.         The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located.  For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district.  No developmental density may be transferred across zoning district boundaries.

            4.         Minimum Lot Area and Lot Width

                        Any development choosing to use standards established in this section shall have a minimum of fifteen (15) acres in the development.

                        No lot of record may be created within the district indicated which has less area than required for a single-family dwelling.

                              No dedicated building lot shall include areas recognized as floodway/flood plain or with slopes exceeding twenty (20) percent.

               The following dimensional requirements shall be maintained in all alternative density developments:

**AR              R-1             R-2         R-3**

## Minimum Lot Size                                                15,000     15,000       8,500      7,500

**Lot Width at Building Line                                        85                85             70              65**

**Front Yard Setback                                                    25                25               20              15**

**Rear Yard Setback                                                       15                15               10               10**

# Side Yard Setback                                                10              10             7.5              5

**The Planning Commission may allow a ~~10%~~ reduction in all minimum lot areas, widths, and setback requirements in cases where innovative design is proposed, except that the R-3 side setback shall not be reduced.**

            5.         Yard Requirements

                        Within any development approved under the provisions of this section, the following yard requirements shall apply:

                        a.         For units located along the periphery of the site, the basic yard provisions established for the Base zone district within which the development is located shall apply along all portions of such lots as may about the periphery, With the exception of Agricultural zones which may reduce yard requirements by up to twenty-five (25) percent.

            6.         Lot Coverage

                        Individual dwellings may exceed the maximum lot coverage provisions established for the district, but in no case shall the dwellings and accessory buildings exceed seventy (70) percent of the total area of such individual site. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within it.  No transfer of bulk is permitted among zoning districts.

            7.         Access to Dwellings

                        Access to each lot shall be in compliance with Section 3.030, of the zoning ordinance.

            8.         Pedestrian Circulation

                        All dwelling units will be served by sidewalks along the public right-of-way.  Any improved open space will be designed to meet all ADA requirements for access.

D.        Open Space Requirements

            Any common open space provided within a development this type shall:

            1.         Quality Use and Improvement of Common Open Space

                        a.         Common open space must be for amenity or recreational purposes.  Subject to approval by the Planning Commission, the open space shall consist of either improved or unimproved land.  The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors. A minimum of fifteen (15)percent of Development shall be devoted to open space. These area shall be well planned contiguous open space that shall not be of a size less than the minimum lot and must be clearly accessible from a street. Storm water control structures or ponds shall not cover over fifty(50) percent of any open space.

                        b.         No common open space may be put to any use not specified in the approved site master development plan, unless such plan has been amended and approved by the Planning Commission.  However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

                        c.         Environmental open space shall be in contiguous tracts and protected from improvement or development and of a size adequate to preserve the natural state of the land.

                        d.         In all developments providing improved open space, a recreation plan shall be developed and presented with the Site Master Development Plan.  Any development aimed at a certain demographic shall supply additional information.

2.         Mandatory Provisions Governing Organization and Operation of Maintenance Association

                        In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association.  This document is to be submitted with the application for final approval of the development plan.  The provisions shall included but not be limited to, the following:

                        a.       The maintenance organization must be established and operational before any homes are sold.

                        b.        Membership must be mandatory for each homebuyer and must run with the land so that any successive purchaser will automatically become a member.

                              c.       The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.

                        d.         The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

                        e.         Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.

                        f.          The association must be able to adjust the assessment of fees to meet changing needs.

                        g.         Any storm water control structures not dedicated to the Town and located in open space shall be maintained by the homeowners association.

                        h.         Any are reserved for environmental open space shall be preserved in its

Natural state and measures taken to ensure that open space is reserved

i. in the case of onsite central sewage disposal system provisions shall be

made for the perpetual operation and maintenance of system.