

CHAPTER 1136
Residential Cluster (RC) District

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CROSS REFERENCES

Cluster development defined - see P. & Z. 1115.02(14)
Conditional use standards - see P. & Z. 1118.02

1136.01 INTENT.

In order to allow greater flexibility and utilization of space than is possible through the strict application of minimum requirements of the standard one and two family residential districts and to provide a reasonable variation in dwelling unit types and density, dwellings may be clustered in accordance with the provisions of this Chapter on land zoned in a Residential Cluster District in order to:

- (a) Encourage the conservation of any natural amenities on a site, including, but not limited to, steep slopes, wooded areas, floodplains and wetlands;
- (b) Increase the available housing choices within the City by providing for a variety of dwelling unit types on smaller sized lots than in conventional subdivisions;
- (c) Provide a more flexible and attractive residential development that will allow for a clustering of buildings in order to allow a greater utilization of open space; and
- (d) Allow for a reasonable increase in residential density for areas well served by transportation and other community facilities.
- (e) Provide for rezoning consistent with the adopted Master Plan.
(Ord. 2007-5. Passed 4-17-07.)

1136.02 DEFINITIONS.

(a) "Buildable area" means the land area that is available for construction after all zoning and other municipal requirements have been fulfilled. Buildable area would exclude required setbacks and preservation areas.

(b) "Development area" means the minimum area of land to be developed by a single owner or a group of owners in accordance with the provisions of this Zoning Code.

(c) "Open space area" means land in a residential cluster development area not occupied by dwellings, streets, parking areas, driveways or other structures, with the exception of recreation facilities, nor land area within required yards, setbacks and buffers, and which is intended for use and enjoyment by the occupants of dwellings in the development area or for storm water cleansing and control.

(d) "Preservation area" means any area on which construction activities may be prohibited, such as floodplains, wetlands and riparian setbacks.

(e) "Single family attached dwelling" means a building consisting of separate independent dwellings connected by independent, fire rated walls or floor/ceiling assemblies to at least one other dwelling unit with each unit having at least two separate entrances.

(f) "Single family detached dwelling" means a building consisting of a single dwelling unit having at least two separate entrances.

(g) "Two family dwelling" means a building consisting of two dwelling units which may be either attached side by side or one above the other, separated from each other by tenant walls, floors and/or ceilings, of concrete, masonry or the equivalent, and each unit having either a separate or combined entrance or entrances.
(Ord. 2007-5. Passed 4-17-07.)

1136.03 PERMITTED USES.

Buildings and land shall be used and buildings shall be erected, altered, moved and maintained in a Residential Cluster District only in accordance with the following:

(a) Principal Uses.

- (1) Single-family detached dwellings
- (2) Two-family dwellings
- (3) Single-family attached dwellings that include not more than three dwelling units in a grouping
- (4) Open space areas

(b) Accessory Uses.

- (1) Private garages attached to or located in a dwelling
- (2) Open parking areas
- (3) Landscape features, private gardens, patios, walls and fences
- (4) Recreation and community facilities on private and common land
- (5) Home occupations

(Ord. 2007-5. Passed 4-17-07.)

1136.04 DEVELOPMENT STANDARDS.

(a) Site Design. Residential cluster developments shall be designed to complement the topography of the land in order to utilize natural contours, economize in the construction of utilities, reduce required grading and maximize the conservation of trees, watercourses and other natural features. Natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of dwellings, open space areas and accessory uses.

(b) Building Design. In order to enhance privacy and encourage attractive building arrangements, the alignment of buildings should be varied and the façades of adjoining dwelling units shall be offset. Attractive variations in such elements as façade, width, color, exterior materials and roof lines are desirable.

(c) Landscaping. All development and open space areas shall be landscaped according to an overall coordinated plan, utilizing a variety of trees, including evergreen type to maximize screening potential year-round. Existing trees and significant vegetation shall be retained wherever feasible and desirable. Plantings, walls, fencing and screens shall be so designed and located as to optimize privacy and aesthetic quality without encroaching upon required automobile sight distances.

(d) Vehicular Circulation. The circulation system and parking facilities shall be designed to fully accommodate the automobile and emergency vehicles with safety and efficiency. Any driveway to arterial and collector streets shall be placed at locations where the traffic can be controlled and operated effectively with the minimum interference with the capacity and flow of the existing streets.

(e) Pedestrian Circulation. Each residential cluster development shall be served by a comprehensive walkway system adequately separated from vehicular circulation connecting residential buildings to parking and open space areas.

(Ord. 2007-5. Passed 4-17-07.)

1136.05 AREA AND DENSITY REGULATIONS.

The following minimum requirements are established to guide and control the planning, development, and use of land in a Residential Cluster District.

(a) Development Area. The minimum area to qualify for a Residential Cluster District development shall be five contiguous acres, provided that an individual project may be less than five acres when it is contiguous to and designed in connection with an existing residential cluster district or development.

(b) Development Area Density. The residential density of the entire development area shall follow the schedule below, and in no case exceed 5.25 units per acre.

Open Space Preserved ¹	Permitted Density (based on total development area)
20% of buildable area	4.25 units/acre
25% of buildable area	4.75 units/acre
30% of buildable area	5.25 units/acre

¹ Open space is regulated in Section 1136.08.

- (c) Floor Area. The minimum livable floor area of any dwelling unit in a Residential Cluster District shall be 1,200 square feet.
(Ord. 2007-5. Passed 4-17-07.)

1136.06 HEIGHT REGULATIONS.

In a Residential Cluster District structures shall be developed and maintained in accordance with the following height regulations:

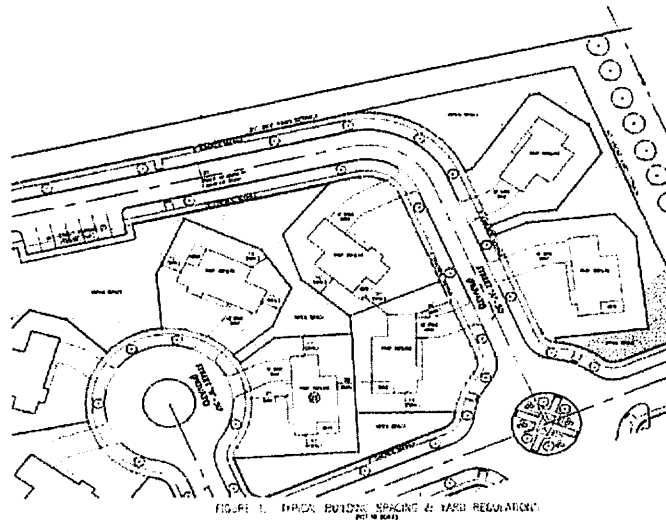
- (a) Buildings. The height of any dwelling in a residential cluster development shall not exceed thirty-five (35) feet. The Planning and Design Commission may, however, allow a greater height where topographic or other conditions warrant such height.
- (b) Accessory Structures. The height of any accessory structure shall not exceed twenty (20) feet in height at the highest point of the roof line, nor more than one story. The height of fences, walls and other accessory structures which are not buildings shall not exceed six (6) feet.
- (c) Exceptions to Height Limit. Chimneys and antennas located on a main building may exceed the height limit established for buildings but are limited to a maximum height of ten (10) feet above the roof line. Approved street lighting is exempt from the height limitations of subsection (b) hereof.
(Ord. 2007-5. Passed 4-17-07.)

1136.07 BUILDING SPACING AND YARD REGULATIONS.

Dwelling units in a Residential Cluster District may be arranged in various groups, courts, or clusters with open spaces organized and related to the dwellings so as to form a unified composition of buildings and space, and in accordance with the following provisions:

- (a) Building Spacing. In order to ensure adequate privacy for each dwelling unit, the minimum spacing between buildings shall be determined by the types of walls facing each other and shall be distances required below:
- (1) When neither of the two walls facing each other contains windows, patios or decks, or the windows are in non-living areas, two dwellings shall be separated by a minimum of 10 feet.
 - (2) When one or both of the walls facing each other contain windows, other than primary windows of living areas, the two dwellings shall be separated by a minimum of 15 feet.
 - (3) When one or both of the walls facing each other contain primary windows of living areas or patios or decks, the two dwellings shall be separated by a minimum of 20 feet.
 - (4) For the purposes of this section, the following definitions shall apply: "living areas" shall include living rooms, family rooms, great rooms, bedrooms, dining rooms and kitchens; "primary window" means any window in a living space having a sill height of 60 inches or less above the floor.
- (b) Attached Units. Attached dwellings may be attached side by side or one above the other.
- (c) Yard Regulations.
- (1) Yards not less than forty (40) feet in width shall be required along any public street line bordering the development area. Yards not less than twenty (20) feet in width shall be required along any other property line.

- (2) No dwelling shall be closer than twenty (20) feet from the nearest edge of the street or sidewalk pavement and no dwelling shall be less than twenty (20) feet from a parking area other than a driveway directly serving a dwelling.
- (3) No dwelling shall be closer than fifteen (15) feet from the nearest edge of an open space area or required yard.
- (d) Flexible Design. With respect particularly to properties of irregular shape, unusual topography or limited size, the Planning and Design Commission may modify requirements regarding yards and spacing between uses if compliance with these requirements is either infeasible or in conflict with the development standards of this chapter. Modifications made by the Planning and Design Commission must receive the approval of Council.



(Ord. 2007-5. Passed 4-17-07.)

1136.08 OPEN SPACE REGULATIONS.

Open space, wherever possible, shall consist of interconnected areas throughout the development and be adjacent to, or accessible to, the maximum number of dwelling units practicable. Highest priority shall be given to including those areas of the site which best preserve the natural landscape and/or unique natural features. Other open space areas shall be large enough to be suitable for the intended purposes of the area and shall otherwise comply with the following:

- (a) The open space required in Section 1136.05 shall be permanently preserved as common land.
- (b) In determining if the proposed open space is in compliance with this section and Section 1136.05, the Planning and Design Commission shall consider the following criteria:
 - (1) A portion of the open space should be visible from adjacent public streets so that the benefits of the open space extend beyond the project boundaries.
 - (2) The open space should not solely include land areas merely because they have a shape or natural characteristics which make them unsuitable for conventional development.
 - (3) The open space shall include recreation buildings and areas exclusive of parking.
 - (4) The open space shall include retention or detention basins or ponds so long as they are designed in a manner which contributes to and complements the open space characteristics of the project.
 - (5) The open space shall not include required yards, street rights-of-way, private drives, parking areas, or minimum spacing between buildings.
- (c) Open Space Credit. A portion of any land which is designated as preservation area, which is not considered buildable area, may be counted towards required open space based upon the following formula:

$$\begin{array}{l} \text{Maximum percentage of preservation} \\ \text{land area counted toward open space} \\ \text{credit} \end{array} = \begin{array}{l} \text{Percentage of total dwelling units} \\ \text{immediately adjacent to and benefiting} \\ \text{from the preservation area} \end{array}$$

(Ord. 2007-5. Passed 4-17-07.)

1136.09 PARKING AND CIRCULATION.

(a) Resident Parking. Two (2) enclosed off-street parking spaces shall be provided for each dwelling unit in a residential cluster development.

(b) Visitor Parking. Additional off-street parking areas shall be required by the Planning and Design Commission for any recreation facilities serving the cluster development. Also, additional guest parking shall be required if the Commission determines that such additional parking is necessary to adequately serve the needs of the development.

(c) Driveways. Individual driveways to garages serving each dwelling unit shall have a minimum width of sixteen (16) feet. The front of the garage shall be set back a minimum of twenty (20) feet from the nearest edge of the street or sidewalk pavement.

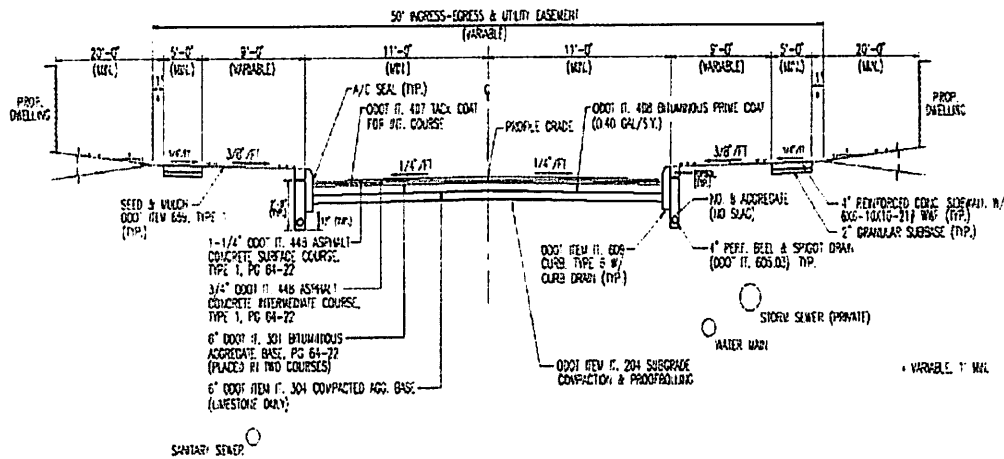


FIGURE 3. TYPICAL PRIVATE DRIVE SECTION (ALTERNATE - ASPHALT W/ CURB)
(NOT TO SCALE)

(b) Utilities.

- (1) All utility improvements shall be installed underground.
- (2) Utility improvements need not be installed in a street right of way if their location is approved by the City Engineer and permanent easements providing access to the utilities are granted to the City and the utility companies in a form satisfactory to the City Engineer and the Law Department.
- (3) All existing ditches are to remain open except at street crossings. Culverted street crossings are to be designed for the 10-year flood frequency. A diagram showing the proposed 100-year culvert headwater pool shall be provided. (Ord. 2007-5. Passed 4-17-07.)

1136.11 DEVELOPMENT PLANS REQUIRED.

Preliminary and final site development plans shall be prepared by the developer for all proposed development in a Residential Cluster District in accordance with the procedures described in Chapter 1126 and the requirements of this Chapter. All development plans or parts thereof shall be prepared and submitted by a State licensed/registered professional such as an engineer, surveyor, architect or landscape architect. The development plans shall include all of the following items, unless waived by the Director of Planning and Building Official:

- (a) Site plan of the development area including:
 - (1) The boundaries of the property or properties involved and the existing conditions including structures, rights-of-way, easements, trees and landscape features, and the gross area of the development area in acres and square feet;
 - (2) Location of all structures in the development area to be removed and all structures lying outside of the boundaries of the development within 200 feet;

- (3) Topography at one-foot contour intervals;
 - (4) Number, location and arrangement of all proposed dwelling units;
 - (5) Location and dimensions of building and setback lines;
 - (6) Proposed circulation system including public and private streets, parking areas, driveways, and pedestrian access ways;
 - (7) Location of open space and recreation areas;
 - (8) Location of all site utilities, easements, service areas, and storm water management areas including shape and size of proposed basins; and
 - (9) Location of any required wetland or riparian setbacks.
- (b) Landscape plan, including tree preservation/removal, as well as any fences, walls and other site features;
 - (c) Building plans for each type of structure proposed, including floor plans and exterior elevations;
 - (d) Deed restrictions, declarations, protective covenants and other legal instruments to be used to control the use, development and maintenance of the land and improvements, including those areas to be owned in common and so maintained such as land, walls and driveways;
 - (e) Preliminary storm water management calculations that meet standards of the Streets, Utilities and Public Services Code Section 927.06; and
 - (f) Such other information as may be required to evaluate the proposal.
(Ord. 2007-5. Passed 4-17-07.)

1136.12 DEVELOPMENT PLAN REVIEW.

Upon receipt of complete preliminary development plans, the Building Official shall transmit a copy of the plans to the Planning Director, Safety Director and City Engineer for their review, report and recommendation. The Building Official shall also transmit a copy of all covenants, restrictions and easements to be recorded and covenants for maintenance to the Law Director for his review, report and recommendation. The Director of Planning and Building Official shall, within thirty (30) days of the submittal by the applicant, review the plan for general conformance to the development plan requirements of Section 1136.11 and request that the applicant attend a pre-submission conference to preliminarily discuss the application. The applicant shall make, if necessary, corrections, amendments or revisions and resubmit complete final development plans to the Building Department for review by the Planning and Design Commission. (Ord. 2007-5. Passed 4-17-07.)

1136.13 REPORT TO COUNCIL.

(a) Review Period. Within sixty days after complete final development plans been filed with the Building Department, the Planning and Design Commission shall evaluate the plans and any reports provided by City officials and it shall furnish to Council its detailed report and recommendations with respect thereto. The review period shall commence upon the first meeting at which an application is docketed before the Planning and Design Commission. The review period may be stayed by written consent of the applicant or its representative. The Commission shall note any delay in review that is caused by the applicant and, absent consent of the applicant, may request an extension of time from City Council.

(b) Findings and Recommendation. The Commission's recommendation to City Council shall include a finding either that the site plan complies with the regulations, standards, and criteria prescribed by this Zoning Code for residential cluster development, or a finding of any failure of such compliance and a recommendation that the site plan be approved, disapproved or modified. If in any such evaluation, the Commission finds that any regulations, standards or criteria prescribed by this Zoning Code are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend to Council that an exception or adjustment in such regulations, standards or criteria be made, provided, however, such adjustment will not be in conflict with the promotion of the public health, safety and general welfare of the City.

(c) Standard of Review. The Planning and Design Commission shall offer its recommendation in accordance with its duties under the Charter of the City of North Olmsted, which includes review for conformance with the Master Plan. Accordingly, notwithstanding its review pursuant to the standards and criteria in this Chapter, the Planning and Design Commission reserves authority to recommend in favor or against rezoning.
(Ord. 2007-5. Passed 4-17-07.)

1136.14 ACTION BY COUNCIL.

Following receipt of the Planning and Design Commission report, and its own review, Council may, in its legislative discretion, either approve, disapprove or modify the site plan. Council may affirm any report of the Commission by a majority vote of its members. If Council reverses a report of the Commission recommending disapproval of the development plan, it shall only do so by the affirmative vote of not less than two-thirds of its members.

In conducting its review, Council shall exercise sound legislative judgment to decide whether rezoning of the property is reasonable, rationally related to the City's legitimate interest in substantially advancing the public health, safety, morals and general welfare. The legislative determinations of Council may be guided but is not bound by the Master Plan. Likewise the administrative review of Planning and Design Commission pursuant to the criteria in this Chapter may support but shall not control the legislative rezoning determination of Council.

Following approval of the development plan, Council shall proceed with the amendment of the Zoning Map as provided in Chapter 1127 by classifying the development area as a Residential Cluster (RC) zoning district.

Once the development plan and rezoning are approved by a majority of the members of Council, and if the applicant meets all other applicable conditions under local and state law, the Building Official shall issue the applicant a building permit.
(Ord. 2007-5. Passed 4-17-07.)