



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
MARCH 28, 2013
IMMEDIATELY FOLLOWING EXECUTIVE SESSION**

**COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE**

AGENDA

- 1) CALL TO ORDER
- 2) PRAYER AND PLEDGE OF ALLEGIANCE
- 3) ATTENDANCE
- 4) COUNCIL CHAMBERS ROOF
 1. **ORDINANCE 76-2012-13** (Second Reading) Amending the FY13 Municipal Properties Budget for Council Chambers roof repair
- 5) CLUSTER OPTION DEVELOPMENTS
 1. **RESOLUTION 41-2012-13** Authorizing the Regional Planning Commission to initiate amendments to the City of Clarksville Zoning Ordinance and City Code relative to approval of cluster option developments (*Councilwoman McLaughlin*)
- 6) ADJOURNMENT

ORDINANCE 76-2012-13

AN ORDINANCE AMENDING THE 2012-13 OPERATING BUDGET (ORDINANCE 100-2011-12) AUTHORIZING THE CITY OF CLARKSVILLE MUNICIPAL PROPERTIES DEPARTMENT TO INCREASE FUNDING IN THE AMOUNT OF \$35,000.

WHEREAS, the roof at 104 and 106 Public Square were damaged during a storm in October 2012; and

WHEREAS, the roof is now leaking and is causing damage inside the building; and

WHEREAS, the interior repairs and roof replacement cost are estimated at \$35,000.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the following Budget Amendments be made:

Municipal Properties Department Expenditures:

Construction Services	10419703-4450	Increase:	\$35,000
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BE IT FURTHER ORDAINED that the source of funding for this \$35,000 shall be from the fund balance of the General Fund.

FIRST READING: March 7, 2013

SECOND READING:

EFFECTIVE DATE:

RESOLUTION 41-2012-13

A RESOLUTION AUTHORIZING THE REGIONAL PLANNING COMMISSION TO INITIATE AMENDMENTS TO THE CLARKSVILLE ZONING ORDINANCE AND CITY CODE RELATIVE TO APPROVAL OF CLUSTER OPTION DEVELOPMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Clarksville City Council hereby requests the Regional Planning Commission Staff to review and consider proposed amendments to the City of Clarksville Zoning Ordinance and City Code relative to approval of cluster option developments, attached hereto as Exhibit A.

ADOPTED:

ORDINANCE ??-2012-13

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE AND THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE RELATIVE TO CLUSTER OPTION DEVELOPMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE THAT THE FOLLOWING AMENDMENTS ARE HEREBY MADE TO THE CLARKSVILLE CITY ZONING ORDINANCE:

Under Chapter 5 "Land use Development Standards and Procedures", Section 9 "Standards and Procedures For Residential Cluster Developments" (to be retitled "Standards and Procedures For Residential Cluster Development Overlays"), is hereby amended by deleting the section in its entirety and by substituting instead the following:

1. Overview and Purpose: A perspective on the approval process and the intent of the Residential Cluster Development Overlay are as follows:

- A.** The Residential Cluster Development provisions constitute an overlay of the existing underlying residential zoning districts. The overlay limits the uses found in the Land Use Tables of Section 3.4 to single-family detached dwelling units (with accessory uses) and public recreation uses; and varies the standard District Bulk Regulations of Chapter 4 relative to minimum lot size, lot width and yard setback requirements. The underlying residential zoning districts establish the balance of the requirements found in the District Bulk Regulations of Chapter 4; and, in particular, cap the dwelling unit density by limiting the maximum number of lots for residential dwellings for the subject tract after subtraction of a minimum of fifteen percent (15%) of the subject tract area for common open space maintained by a homeowner's association (under Subsection 5.9.4.L). The underlying residential zoning district may only be amended through a separate zoning map amendment.
- B.** Consistent with the amendment of the Clarksville Zoning Ordinance per Subsection 11.4.1, the application for a Residential Cluster Development Overlay begins with the submission of a Preliminary Development Plan demonstrating compliance with the Residential Cluster Development provisions set forth in Section 5.9. (The applicant may simultaneously apply for a change in the underlying zoning district through a separate zoning map amendment.) The Regional Planning Commission then holds a public hearing on the proposed Preliminary Development Plan, and recommends approval, approval with conditions or denial of the Plan to the City Council. As a discretionary action, the City Council approves or denies by Ordinance the Preliminary Development Plan and application of the Residential Cluster Development Overlay to a specific geographic area (normally the subject tract). Through its discretionary authority, the City Council may also refer the Preliminary Cluster Development Plan back to the Regional Planning Commission for amendment subject to another public hearing before the Planning Commission and Planning Commission recommendation of action to the City Council. Through discretionary action, the City Council may approve or deny the Cluster Development request. City Council failure to act upon the request within one hundred (100) days of the latest public hearing before the City Council constitutes denial per Subsection 11.4.3. Further, if the City Council disapproves the application or the application is withdrawn at any time, Section 11.11 shall apply.

C. Upon approval of the Preliminary Development Plan and application of the Residential Cluster Development Overlay to the geographic area of the subject tract, the applicant may submit a Final Development Plan and/or Preliminary Subdivision Plat consistent with the Preliminary Development Plan approved by the City Council, thereby, initiating the subdivision approval process under the Clarksville-Montgomery County Subdivision Regulations administered solely by Regional Planning Commission. If the Final Development Plan and/or Preliminary Subdivision Plat deviate substantially from the Preliminary Development Plan approved by the City Council, the Regional Planning Commission may refer the revised Preliminary Development Plan back to the City Council for approval. The Regional Planning Commission shall refer the Final Development Plan back to the City Council for approval if any landscape buffer is removed or altered for more than two lots, or the proposed minimum lot sizes and widths for perimeter or interior lots are reduced by more than ten percent (10%) (even if they meet the minimum requirements of the Cluster provisions), or the proposed recreational uses of the common open space are substantially altered, or the total number lots for residential dwellings is increased by more than ten percent (10%) (even though the number of lots remains at or below the maximum permitted).

D. The intent of this Section is (a) to facilitate the development of tracts with environmental constraints at densities comparable to tracts without environmental limitations, and/or (b) to permit greater flexibility for creative design and/or (c) to achieve superior scenic quality and recreational opportunities close to home, by providing for residential subdivisions which incorporate permanent local open space accessible to all residential lots within the subject tract. It is the intent of this Section to allow the use of cluster development techniques in the AG, E-1, E-1A, R-1, R-1A, R-2 and R-2A single family residential zoning classifications. These provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of homes on a portion of a tract while the balance of the tract is preserved as open space. This is in contrast to a conventional subdivision where homes are more or less evenly spaced throughout a site and there is no reserved open space.

E. The minimum number of lots for the application of this Residential Cluster Development ~~option overlay~~ shall be ten (10) lots for any preliminary or final plat.

12. Initial Sketch and Consultation Preliminary Development Plan. ~~Before preparing a formal proposal for a residential cluster development~~Initiating the request for the Residential Cluster Development Overlay, the applicant shall submit a sketch of the proposed development Preliminary Development Plan to the Regional Planning Commission demonstrating compliance with the Residential Cluster Development provisions, staff as a basis for reaching general agreement on major aspects of the project. The Preliminary Development Plan will be subject to a public hearing before the Regional Planning Commission which will recommend approval, approval with conditions or denial to the City Council. The City Council will approve or deny the Preliminary Development Plan and application of the Residential Cluster Development Overlay to the subject tract by Ordinance after their public hearing. The Plansketch shall indicate, at a scale no smaller than one (1) inch = one hundred (100) feet, the following:

A. Boundaries and acreage of the site;

- B. Number of proposed dwelling units and the maximum number of lots permitted for residential dwellings;
- C. Acreage ~~proposed~~available for common open space and prospective ~~uses of~~ open space uses (walkways, bikeways or trails; swimming pools; clubhouses, pavilions or gazebos; playgrounds, play-courts or playfields; storage sheds or garages for equipment serving and maintaining the common open space; and other recreational uses);
- D. Significant environmental features including, but not limited to, steep slopes (topographic contours at least at five-foot elevations); any FEMA designated floodplains and other floodplain area; rivers, creeks and bodies of water; wetlands; karst features such as sinkholes, injection wells, springs, caves and depressions; woods and significant wildlife habitats; historic buildings, structures and archeological sites; rock outcroppings; scenic vistas;
- E. Location and width of all landscape buffers;
- F. Access points to common open space and landscape buffers;
- G. General ~~A~~arrangement of streets, structures, and perimeter versus interior lots (While the layout of streets and lots may be provided similar to a preliminary subdivision plat, the layout of streets and lots shall not be subject to the approval of the City Council as such is within the purview of the Subdivision Regulations administered by the Regional Planning Commission.);
- ~~D.~~H. General ~~A~~access to existing streets and surrounding undeveloped properties (While connections to existing streets and future development may be provided similar to a preliminary subdivision plat, the street connections shall not be subject to the approval of the City Council as such is within the purview of the Subdivision Regulations administered by the Regional Planning Commission.);
- ~~E.~~I. ~~Show any proposed improvements to the open space; G. State intended~~ Show the proposed minimum lot size and width for perimeter lots and interior lots. (The minimum lot area and width for perimeter and interior lots may exceed the minimum established by the Residential Cluster Development provisions; however, if these minimum lot areas and widths are decreased by ten percent (10%) or more in the Final Development Plan, the City Council must again approve the Preliminary Development Plan, even if the reduced lot sizes and widths meet the minimums of the Cluster provisions.)

23. Final Development Plan and Preliminary and Final Subdivision Plat Approval Procedure. Proposals for cluster residential developments shall be subject to the Clarksville/Montgomery County Subdivision Regulations, and shall be prepared and

reviewed under the plat approval requirements of the regulations, and shall be in accordance with the provisions of this Section.

A. The Final Development Plan will be consistent with the Preliminary Development Plan approved by the City Council, and the Preliminary Subdivision Plat will be consistent with the Preliminary and Final Development Plan. A Preliminary Subdivision Plat may serve as the Final Development Plan. While minor deviation between the Final Development Plan and/or Preliminary Subdivision Plat from the approved Preliminary Development Plan may be allowed by the Regional Planning Commission, any significant deviation will require approval by the City Council as set forth in Subsection 5.9.1.B above.

A.B. The preliminary plat shall indicate that the clustering is proposed and display the layout and area of all lots and common areas and all phasing boundaries. Within a preliminary plan of subdivision, large contiguous areas may be proposed for development of single-family lots that contain less land area than normally required by the base zone classification of the subject tract.

B.C. A master plan (Final Development Plan) for the entire tract shall be required for preliminary plat approval. (A preliminary subdivision plat may serve as a Final Development Plan.) If an approved cluster development is abandoned before completion, no new preliminary plat for the tract will be approved until the minimum required open space for the completed portion of the cluster subdivision is dedicated.

C.D. The developer shall submit a written and/or graphic documentation that describes how the required open space will be dedicated and maintained; such statement will be adopted with the preliminary plat and shall be enforced by the Regional Planning Commission.

D.E. Draft copies of restrictive covenants and a Homeowners Association agreement shall be submitted prior to preliminary plat approval.

34. Development Requirements.

A. Uses. Only single-family residential detached structures (and accessory structures) and recreation uses of the common open space (including, but not limited to, garages and storage sheds for equipment serving and maintaining the common open space, clubhouses, pavilions, swimming pools, walkways, trails, bikeways, playgrounds, play-courts, playfields, and other recreation facilities for the enjoyment of the residents) may be constructed in a cluster development.

B. Interior Lots. Minimum lot size requirements, ~~including perimeter lots in a cluster development meeting the landscaping requirements of Subsection 5.9.3.J but~~ excluding perimeter lots ~~in a cluster development under Subsection 5.9.3.H lacking with or without~~ a landscape buffer:

- I. AG (Agricultural District): Thirty Thousand (30,000) square feet.
- II. E- I (Estates District): Twenty-Five Thousand (25,000) square feet.
- III. E-IA (Single Family Estates District): Twenty Thousand (20,000) square feet.
- IV. R-1 (Single Family Residential District): Five Thousand (5,000) square feet.

- V. R-1A (Single Family Residential District): Five Thousand (5,000) square feet.
- VI. R-2 (Single Family Residential District): Five Thousand (5,000) square feet.
- VII. R-2A (Single Family Residential District): Five Thousand (5,000) square feet.

C. **Interior Lots.** Minimum lot width requirements, ~~including perimeter lots in a cluster development meeting the landscaping requirements of Subsection 5.9.3.J but~~ excluding perimeter lots ~~in a cluster development under Subsection 5.9.3.H lacking with or without~~ a landscape buffer:

- I. AG (Agricultural District): Seventy-Five (75) feet at the front setback line.
- II. E-1 (Estate District): Seventy-Five (75) feet at the front setback line.
- III. E-1 A (Single Family Estates District): Sixty (60) feet at the front setback line.
- IV. R-1 (Single Family Residential District): Fifty (50) feet at the front setback line. No Minimum.
- V. R-1A (Single Family Residential District): Fifty (50) feet at the front setback line. No Minimum.
- VI. R-2 (Single Family Residential District): Fifty (50) feet at the front setback line. No Minimum.
- VII. R-2A (Single Family Residential District): Fifty (50) feet at the front setback line. No Minimum.

D. **Interior Lots.** With the exception of existing rights-of-way, the minimum front yard setback may be twenty-five (25) feet from the nearest right-of-way, unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement.

E. **Interior Lots.** The minimum side yard setback requirements, for principal uses and unattached buildings of accessory use, ~~including perimeter lots in a cluster development meeting the landscaping requirements of Subsection 5.9.3.J but~~ excluding perimeter lots ~~under Subsection 5.9.3.H lacking with or without~~ a landscape buffer:

- I. AG (Agricultural District): Same as respective districts.
- II. E-1 (Estate District): Same as respective districts.
- III. E-1A (Single Family Estate District): Same as respective districts.
- IV. R-1 (Single Family Residential District): Five-foot minimum on both sides.*
- V. R-1A (Single Family Residential District): Five-foot minimum on both sides.*
- VI. R-2 (Single Family Residential District): Five-foot minimum on both sides.*
- VII. R-2A (Single Family Residential District): Five-foot minimum on both sides.*

*unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement.

- F. **Interior Lots.** Unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement, the minimum rear yard setback requirements ~~(excluding the landscape buffer of any perimeter lot)~~ for principal uses, ~~including perimeter lots in a cluster development meeting the landscaping requirements of Subsection 5.9.3.J but~~ excluding perimeter lots ~~under Subsection 5.9.3.H lacking with or without~~ a landscape buffer:
- I. AG (Agricultural District): Twenty (20) feet minimum.
 - II. E-1 (Estate District): Twenty (20) feet minimum.
 - III. E-IA (Single Family Estates District): Twenty (20) feet minimum.
 - IV. R-1 (Single Family Residential District): Twenty (20) feet minimum.
 - V. R-IA (Single Family Residential District): Twenty (20) feet minimum.
 - VI. R-2 (Single Family Residential District): Twenty (20) feet minimum.
 - VII. R-2A (Single Family Residential District): Twenty (20) feet minimum.
- G. **Perimeter Lots.** Perimeter lots that adjoin an existing street that is maintained by the City Street Department, the County Highway Department, or the Tennessee Department of Transportation shall have driveway access from an internal street only.
- H. **Perimeter Lots.** Perimeter lots may be reduced in size the equivalent of one (1) zoning classification of the subject tract or equal to the adjacent lots whichever is less, unless a landscape buffer is provided in accordance with Subsection 5.9.~~34~~.J such that the minimum lot size may be reduced to that of Subsection 5.9.~~3.B4~~.J.
- ~~4~~I. **Perimeter Lots.** The lot width for perimeter lots may be reduced the equivalent of one (1) zoning classification of the subject tract or equal to the adjacent lots whichever is less unless a landscape buffer is provided in accordance with Subsection 5.9.~~34~~.J such that the minimum lot width may be reduced to that of Subsection 5.9.~~3.C4~~.J. The side and rear yard requirements of the reduced zoning classification shall be observed.
- J. **Perimeter Lots with Landscape Buffer.** Perimeter Lots shall meet the perimeter lot requirements of Subsections 5.9.~~34~~.H and 5.9.~~34~~.~~I4~~, unless the following buffering provisions have been provided, such that the minimum requirements may be reduced to that of Subsections ~~5.9.3.B, 5.9.3.C, 5.9.3.E and 5.9.3.F~~5.9.4.J.IV and 5.9.4.J.V:
- I. A landscape buffer, adjacent to the perimeter boundary of the subject tract, shall have a minimum width of twenty-five (25) feet and a maximum width of thirty-five (35) feet. The existing landscape buffer must consist of a minimum of sixteen (16) trees with a caliper of six (6) inches or greater every one hundred (100) linear feet, or;
 - II. If supplemental plantings are required to meet the minimum density, additional plantings shall consist of the following:

a. A minimum of two (2) inch caliper at the time of planting; Six (6) feet in height at the time of planting;

b. Fifty (50) percent evergreen.

III. The landscape buffer shall be in reserved open space dedicated to the Homeowners' Association for preservation and maintenance, and shall not be included in whole or part as part of any perimeter or interior lot under private ownership on which a single-family structure may be built.

IV. Perimeter lots may be reduced in size the equivalent of two (2) zoning classifications of the subject tract or equal to the adjacent lots whichever is less

V. The lot width for perimeter lots with landscape buffers may be reduced the equivalent of two (2) zoning classifications of the subject tract or equal to the adjacent lots whichever is less. The side and rear yard requirements of the reduced zoning classification shall be observed.

K. **Perimeter Lots.** With the exception of existing rights-of-way, the minimum front yard setback may be twenty-five (25) feet from the nearest right-of-way, unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement.

~~K.L.~~ **Total Tract Lot Yield.** The determination of lot yield shall be determined by deducting fifteen (15) percent from the gross land area and dividing the remaining eighty-five (85) percent of the gross land area by the minimum lot area of the base zone classification of the subject tract.

~~L.M.~~ **Required Common Open Space.** Utilization of alternative lot sizes includes a requirement for the creation of common open space. Open space shall be provided at the rate of fifteen (15) percent for the entire master plan. Open space must be for the common use of all residents within a residential cluster development, and shall be for amenity or recreational purposes and may include sidewalks, and walking trails, but shall not include streets and parking areas as part of the fifteen (15) percent for open space.

~~M.N.~~ **Limit on non-FEMA Floodplain Used to Meet Common Open Space Requirement.** No more than fifty (50) percent of the required open space may include areas located within a 100 year floodplain and/or drainage easement created by the development, this excludes FEMA designated floodplains.

~~N.O.~~ **Open Space with Each Phase.** Open space must be provided within each phase of the development, unless the subdivider provides sufficient open space in the first phase to cover all subsequent phases in the tract subject to preliminary subdivision approval. Such open space should be accessible to each phase of development.

~~ØP.~~ **Access to Open Space.** The minimum width of open space including all points of access to the public right-of-way shall not be less than twenty-five (25) feet. Where greater road frontage is required by the subject tract's base zone classification, the greater amount shall apply.

~~P.Q.~~ **Subject Tracts with More than One Underlying Zoning District.** For developments located in more than one (1) zoning district, the density shall be computed separately for that portion of the development lying within each district. No development density may be transferred across zoning district boundaries.

QR. Flag lots are prohibited. A flag lot generally contains a narrow strip of property leading from a right-of-way to the building site which is generally located to the rear of other lot(s) fronting along the same right-of-way.

R.S. No Structures in Side Yards. All meters, HVAC units, and other structures and attachments are prohibited within the side yard drainage/utility easement.

ST. Driveway Materials. All driveways must be constructed of dustless materials.

TU. Setback Compliance. If determination cannot be made concerning setback compliance, the Building and Codes Department may require sufficient evidence from the builder that foundations are in compliance.

UV. Interior and Perimeter Lots. The minimum public road frontage requirements shall be as stated in their respective districts in accordance with Chapter 4.

VW. Sidewalks. Sidewalks shall be required and shall meet all regulations of the City of Clarksville and Americans with Disabilities Act (ADA).

WX. Sidewalks shall be shown and labeled on the construction plans and final recorded plat.

XY. Underground utilities are mandatory.

YZ. Within cluster developments, fire hydrants shall be spaced a maximum of three hundred (300) to eight hundred (800) feet apart. Spacing of fire hydrants shall be determined by the City Fire Marshal, on a case by case basis.

ZAA. The exceptions allowed by Paragraph 4.1.1.2 shall not apply to this section with the exception of Subparagraph (F). Overhanging roof, eaves, gutters, cornices, or other architectural features, shall not exceed eighteen (18) inches.

AAAB. Exterior walls located eight (8) or less feet from the property line will have a water/fire resistant gypsum wall board of a minimum 5/8" Type X (or equivalent) on the outside of the exterior wall. This wall board will serve as an underlayment for the exterior siding material. Homes that have continuous exterior soffit will have the wall board run continuous to the roof deck (or fire blocked) and be sealed against the deck to prevent the movement of air into the attic space.

ABAC. The following information shall be shown on the final recorded plat, but not limited to:

- I. Responsible entity for the maintenance of the open space(s);
- II. Prior to obtaining the signature of the Regional Planning Commission's Secretary, the volume and page number for the covenants and Homeowners Association agreement shall be added to the final recorded plat within the certificate of ownership and dedication block.

45. Legal Requirements for Operation and Maintenance

- A. Open space must be deeded to a Homeowners Association of the development and the developer shall provide the following recorded documentation before final plat approval.

In the event final plat approval is not granted by the Regional Planning Commission, the following recorded documentation will become null and void:

- I. That the Homeowners Association will be responsible for liability insurance, local taxes, and maintenance of recreational, drainage structures, or other facilities pertaining to the open space.
- II. Restrictive covenants shall require mandatory membership in the Homeowners Association, and include as a minimum the following provisions:
 - a. Responsibility for paying a pro-rated share of the cost of the Homeowners Association operation.
 - b. Agreement that the assessment levied by the Association can become a lien on the property if not paid.
 - c. Agreement that the association shall be able to adjust the assessment to meet the changing needs.
 - d. Guarantee of permanent unrestricted right to utilize lands and facilities owned by the Association.
- III. The Homeowners Association shall be incorporated.
- IV. In the event of dissolution of the Homeowners Association for any reason whether administrative or otherwise, responsibility for maintenance of all common areas shall become that of the individual lot owners within the subdivision on a pro-rata basis based on the number of lots within the subdivision, or if the restrictive covenants for the subdivision so provide any one or more lot owners within the subdivision, may re-form the Homeowners Association and assess each lot equally for the amount necessary to maintain said open space. In the event of failure of either of the above remedies the City may, upon giving proper notice to each property owner, bring such open space in compliance, and place a lien on all lot owners within the subdivision for their pro-rata share of the cost, plus any administrative fees. In the event of failure of the association to pay any taxes assessed to the common areas, such taxes shall attach to each lot within the subdivision on a pro-rata basis based on the number of lots within the subdivision.

56. Definitions

- A. *Amenity* means a natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or areas.
- B. *Base Zone Classification* means the underlying residential zoning district or districts of the Residential Cluster Development overlay.
- C. *Environmental Constraints* mean geological, topographic, and built or natural environmental features that place significant constraints on the development of property. These features include, but are not limited to, steep slopes, rock

outcroppings, shallow depth to bedrock, floodplains and bodies of water, wetlands and swamps, shallow water tables, sinkholes and other karst features (springs, caves and depressions), woodlands and forests, significant natural wildlife areas, historic buildings and structures, archeological artifacts and sites, noise from transportation facilities (such as airports, railroads and interstates) and similar significant environmental areas.

~~B.D.~~ *Interior Lot* means the second tier of lots of a Residential Cluster Development separated from the boundary of the subject tract by perimeter lots ignoring any landscape buffer on the boundary of the tract, or lots of a Residential Cluster Development separated from the boundary of the subject tract by more than thirty-five (35) feet.

~~C.E.~~ *Open Space* means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for private use or enjoyment or for the use and enjoyment of owner's, occupants, and their guests of land adjoining or neighboring such open space.

~~D.F.~~ *Perimeter Lot* means the exterior lots of a proposed residential cluster development that adjoin the perimeter boundary of the subject tract or are adjacent to any landscape buffer on the boundary of the subject tract.

~~E.G.~~ *Places Of Assembly:* The use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social, or religious functions, recreation, food or drink consumption, or awaiting transportation.

~~F.H.~~ *Recreation Facility, Private* means a recreational facility for use solely by the residents and guests of a particular residential development and operated by a nonprofit organization.

PUBLIC HEARING:

FIRST READING

SECOND READING:

EFFECTIVE DATE:

