

CHAPTER 1134
Cluster Residential Development Regulations

<p>1134.01 Purpose.</p> <p>1134.02 Approval of Cluster Residential Developments.</p> <p>1133.03 Minimum project area.</p> <p>1134.04 Dwelling types. requirements.</p> <p>1134.05 Density and open space regulations.</p> <p>1134.06 Open space requirements.</p>	<p>1134.07 Development and site planning standards.</p> <p>1134.08 Street, drive and walkway requirements.</p> <p>1134.09 Supplemental requirements.</p> <p>1134.10 Homeowners Associations.</p> <p>1134.11 Phased development.</p> <p>1134.12 Plan approval.</p>
---	---

1134.01 PURPOSE.

Cluster Residential Developments (CRD) shall be permitted in the R-1 and R-2 Districts to encourage and accommodate creative and imaginative CRDs that provide alternative housing types and the preservation of open space in a unified project. In compliance with the following regulations, it is intended that CRDs will utilize innovations in the technology of land development that are in the best interests of the City. These regulations are designed to achieve, among others, the following objectives:

- (a) To promote economical and efficient use of land and reduce infrastructure costs through unified development.
- (b) To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting residential areas.
- (c) To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets.
- (d) To ensure that Cluster Residential Developments are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations.
- (e) In the R-1 and R-2 District, Cluster Residential Developments shall be designed and developed to provide alternative housing types and the preservation of open space through the flexible arrangement of buildings in a unified development.

(Ord. 2006-49. Passed 5-21-07.)

1134.02 APPROVAL OF CLUSTER RESIDENTIAL DEVELOPMENTS.

In addition to the general review procedures for development plans, the Planning Commission shall review a proposed CRD to ensure that:

- (a) The proposed buildings and uses are located so as to reduce any substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
 - (b) Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas;
 - (c) The bulk and height of buildings within the proposed development are compatible with the surrounding development;
 - (d) Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion;
 - (e) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development and to minimize alteration of the natural site features to be preserved, such as, but not limited to, ravines, stream beds, lakes, significant stands of trees, individual trees of significant size, and rock outcroppings.
 - (f) The proposed development will be constructed, arranged and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations.
 - (g) Irreplaceable, significant natural features located in the project area, such as but not limited to ravines, stream beds, lakes, significant stands of trees, individual trees of significant size and rock outcroppings
 - (h) That common open space intended for a recreation or public use will be easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly.
 - (i) The proposed cluster development will be served adequately by spaces, police and fire protection, drainage structures, refuse disposal, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (Ord. 2006-49. Passed 5-21-07.)

1134.03 MINIMUM PROJECT AREA.

The area proposed to be developed as a CRD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed CRD boundaries. The gross area of a tract of land in a CRD shall be:

- (a) 15 acres in an R-1 District.
- (b) 10 acres in an R-2 District.

(Ord. 2006-49. Passed 5-21-07.)

1134.04 DWELLING TYPES.

The types of dwelling units that may be included as part of a CRD are listed below in Table 1134.04, for the district in which the CRD is located.

Table 1134.04 Dwelling Types			
	R-1	R-2	R-T
(a) Single-family detached dwellings on subdivided lots	P	P	NA
(b) Cluster single-family detached dwellings	P	P	NA
(c) Single-family attached; with not more than 3 units attached	-	C	NA
P = Permitted Use C = Conditional Use NA = Not Applicable			

(Ord. 2006-49. Passed 5-21-07.)

1134.05 DENSITY AND OPEN SPACE REGULATIONS.

The number of dwelling units permitted and the amount of restricted open space provided as part of a CRD shall comply with the following:

- (a) Maximum Density. The gross density of a CRD shall not exceed the maximum number of dwelling units per acre set forth below in Table 1134.05 for the district in which the CRD is located. The maximum number of dwelling units permitted for a particular site shall be calculated by:
 - (1) Deducting the following from the total project area:
 - A. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - B. The area of land that is within a floodway, designated wetland or existing water body that exceeds the minimum acreage required for restricted open space as set forth in Table 1134.05. Where floodways, wetlands, and/or water bodies overlap, they shall be counted only once.
 - (2) Multiplying the result of subsection (1) by the maximum number of dwelling units set forth in Table 1134.05.
- (b) Minimum Restricted Open Space. In the R-1 and R-2 Districts, a portion of the total project area shall be devoted to restricted open space in compliance with the minimum requirement set forth below in Table 1134.05 for the district in which the CRD is located.
- (c) Table 1134.05. Density and Open Space Regulations:

	R-1	R-2	R-T
1. Maximum dwelling units per acre	3.4	4.4	NA
2. Minimum restricted open space	20%	20%	NA

(Ord. 2006-49. Passed 5-21-07.)

1134.06 OPEN SPACE REQUIREMENTS.

The open space shall comply with the following:

(a) General Standards.

- (1) The restricted open space shall be located and designed to the satisfaction of the Planning Commission and shall:
 - A. Be sufficiently aggregated to create large areas of planned open space;
 - B. Conserve significant topographic and landscape natural features to the extent practicable;
 - C. Be easily accessible to residents of the CRD;
 - D. Be not less than 50 feet in width at any point;
 - E. Be interconnected with open space areas on abutting parcels wherever possible, by open space corridors.
- (2) Land area devoted to the following shall not be included as meeting the restricted open space requirement:
 - A. Public rights-of-way;
 - B. Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Planning Commission when providing access to the restricted open space;
 - C. Required setbacks for buildings and parking areas from the project boundaries, and public streets, unless the required setback is contiguous to and part of a larger area of restricted open space;
 - D. Required spacing between buildings and between buildings and parking areas;
 - E. Private yards within subdivided lots;
 - F. A minimum of 15 feet between buildings and restricted open space.
- (3) Areas designated for restricted open space purposes may be:
 - A. Preserved in their natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation oriented area;
 - B. Used for outdoor active or passive recreation for the use and/or enjoyment of the residents of the proposed development. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access; or
 - C. Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
- (4) Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be

landscaped with vegetation that is compatible with the natural characteristics of the site.

- (5) Such restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.
- (b) Prohibition of Further Subdivision of Restricted Open Space. Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Wooster Law Director and duly recorded in the Office of the Recorder of Deeds of Wayne County.
- (c) Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above, restricted open space may be owned by an association, the City, a land trust or other conservation organization recognized by the City.
(Ord. 2006-49. Passed 5-21-07.)

1134.07 DEVELOPMENT AND SITE PLANNING STANDARDS.

The following specific development standards shall be adhered to in the design and layout of any CRD.

- (a) Minimum Setbacks. All buildings, structures and parking areas shall comply with the minimum setbacks set forth in Table 1134.07 below.
- (b) Minimum Spacing Between Buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth in Table 1134.07. These distances may be reduced when the Planning Commission finds that adequate landscaping and screening is provided to ensure privacy between units.
- (c) Table 1134.07. Minimum Setback and Spacing Requirements.

	R-1	R-2	R-T
1. Setback from existing public street right-of-way ^(b)	25 ft.	25 ft.	NA
2. Setback from project boundary, other than a public street ^(b)	30 ft.	25 ft.	NA
3. Setback from interior street ^(b)			
• Public right-of-way	25 ft.	20 ft.	NA
• Private street pavement	20 ft.	20 ft.	NA
4. Spacing between buildings			
• Side to side	10 ft.	10 ft.	NA
• Side to rear	25 ft.	25 ft.	NA
• Rear to rear	40 ft. ^(a)	35 ft. ^(a)	NA
(a) When the rear wall of one dwelling is adjacent to the rear wall of a second dwelling, the minimum separation shall be the distance set forth in this Table or equal to the length of the adjacency, whichever is greater.			
(b) See Section 1125.02 for permitted obstructions within required setbacks and other related open space			

(Ord. 2012-24. Passed 8-20-12.)

- (d) Minimum Setback for Interior Streets. Interior streets shall be located a minimum of 20 feet from a CRD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.
- (e) Lot Requirements.
 - (1) Dwelling units are not required to be on individual lots. However, when lots for standard detached single-family dwelling units or sublots for single-family cluster or attached dwelling units are included as part of a CRD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.
 - (2) The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building location will be in compliance with the spacing requirements of this Section.
- (f) Required Buffer. When attached single-family units are proposed in the R-1 and R-2 Districts, a buffer area with a minimum width of twenty (20) feet shall be located within the required setbacks from the project boundary specified in Table 1134.07 and shall be landscaped in accordance with Chapter 1165, Landscaping and Land Use Buffers.
- (g) Stormwater Detention/Retention Facilities. Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.
(Ord. 2006-49. Passed 5-21-07; Ord. 2012-24. Passed 8-20-12.)

1134.08 STREET, DRIVE AND WALKWAY REQUIREMENTS.

- (a) General Street Design Criteria.
 - (1) The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
 - (2) Street alignments should follow natural contours and be designed to conserve natural features.
- (b) Street Requirements.
 - (1) A street shall be required to be a public, dedicated street when such street:
 - A. Provides access to detached single-family dwellings on subdivided lots.
 - B. Is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries, or is expected to

accommodate pass-through traffic going to and from adjacent developments.

- C. Otherwise required by Chapter 1181, Vehicular and Pedestrian Circulation, to be a public street.
- (2) Streets that are not otherwise required to be public streets pursuant to subsection (1) above may be approved as private streets. The Planning Commission may approve private streets when all of the following requirements are met:
- A. A private street shall not be planned or be expected to extend to serve property outside the Cluster Residential Development.
 - B. Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.
 - C. The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments.
- (3) All elements of a private street that are to be provided in a CRD shall be constructed in accordance with the standards set forth for public streets in Chapter 1181, Vehicular and Pedestrian Circulation and Chapter 1183, Utility Regulations. However, when the Planning Commission determines that certain elements of a public street do not or should not specifically apply to a private street due to the circumstances of a particular project or portion of a project, the Commission may waive or permit a modification to the installation of any such element(s) to the extent deemed just and proper provided such relief may be granted without detriment to the public good and is consistent with the Purpose of this Chapter. This provision also applies to waiving the requirement for curbs and storm sewers when the applicant demonstrates to the satisfaction of the City Engineer and the Planning Commission that, based on the topography of the site, open space, density and other environmental considerations, the proposed open natural drainage system will equally satisfy the drainage requirements.
- (c) Common Drives. Common drives shall be permitted in compliance with the following requirements:
- (1) A common drive shall serve no more than four units.
 - (2) A common drive shall extend from a public street and shall not connect to any other existing or planned public street.
 - (3) The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments.
 - (4) Right-of-ways are not required for common drives; however, a utility easement may be required along the length of the common drive.

- (5) All common drives shall be paved and have a minimum width of 12 feet.
- (6) Whenever a common drive is included in a Cluster Residential development, deed restrictions shall be required and shall specifically include the following language:
 “The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a nondedicated or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said common drive.”
- (d) Pedestrian Circulation and Walkways. A pedestrian circulation system shall be included in the CRD. The system shall provide convenient pedestrian access throughout the CRD and from the CRD to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Planning Commission.
 (Ord. 2006-49. Passed 5-21-07.)

1134.09 SUPPLEMENTAL REQUIREMENTS.

Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the CRD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed CRD. (Ord. 2006-49. Passed 5-21-07.)

1134.10 HOMEOWNERS ASSOCIATIONS.

As part of a Cluster Residential development, a homeowners association, community association, condominium association or similar legal entity shall be created in compliance with Section 1125.12, Requirements for Owners Association, so that such association is responsible for the maintenance and control of common areas, including the required open space, open space easements, private streets and common drives. (Ord. 2013-44(a). Passed 12-16-13.)

1134.11 PHASED DEVELOPMENT.

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.
 (Ord. 2006-49. Passed 5-21-07.)

1134.12 PLAN APPROVAL.

The applicant for a Cluster Residential Development shall submit development plans in accordance with Chapter 1107, Procedures for Zoning Certificates, Development Review, and Conditional Use Approval. (Ord. 2006-49. Passed 5-21-07.)