

## **Sec. 146-141. Residential Development Design Requirements.**

- (a) *Purpose.* The purpose of this section is to set minimum standards for the appearance and design of single family residential developments, which is recognized as enhancing property values and are in the interest of the general welfare of the City.
- (b) *Applicability.* The regulations contained in this section shall apply to any single family residential (attached and detached) development for which a plat is submitted for review and approval on or after the effective date of the ordinance from which this section is derived (October 8, 2012), unless otherwise stated by this Chapter or a valid “PD” – Planned Development District. The term “plat” as used herein means and includes a preliminary-final plat, preliminary-final replat, minor plat, and a minor replat.
- (c) *Standards for approval.* All single family (attached and detached) residential developments shall satisfy all of the following requirements:
1. Large residential developments outside of the “REC” – Regional Employment Center Overlay District must be segmented into smaller, more distinct neighborhoods and villages through the use of common areas and useable open spaces, screening and buffering improvements, street layout, and lot orientation. These smaller neighborhoods shall be no larger than 50 acres or 175 lots in size, whichever measure is smaller. An increase in the area or number of lots by up to an additional 10 percent may be permitted by the Director of Planning provided the intent of this section is satisfied.
  2. For neighborhoods outside of the “REC” – Regional Employment Center Overlay District that exceed 50 lots, at least one of the entrances to the neighborhood shall feature a divided entrance containing a landscaped median separating the traffic entering the neighborhood from the traffic exiting the neighborhood. The required median shall be provided within a common area that is owned and maintained by the homeowners’ association and shall feature all of the following:
    - i. The dividing median shall be at least 10 feet wide and at least 50 feet long (measured from back of curb to back of curb). The median and its plantings shall not be permitted to interfere with necessary sight visibility lines;
    - ii. At least one canopy tree for every 50 linear feet that the median extends (in length);
    - iii. At least two ornamental trees for every 50 linear feet that the median extends (in length); and

- iv. The required median shall be completely covered with living plant materials and shall be provided with an automatic underground irrigation system as specified in Section 146-135(e)(2) of the Zoning Ordinance.
3. For each single family residential unit located outside of the “REC” – Regional Employment Center Overlay District but within a development for which a preliminary-final plat or preliminary-final replat has been approved subsequent to the effective date of this ordinance (October 8, 2012), a minimum of 250 square feet of usable open space shall be provided to serve as an amenity for the nearby residents. The required amount of useable open space shall be consolidated into pocket open spaces and shall be located across the entire development to break up density and serve the entire development. The required open spaces shall be a minimum of 10,000 square feet and a maximum of 2 acres in area. These open spaces shall be dedicated as common areas and shall be owned and maintained by the homeowners’ association. Areas within flood plains or erosion hazard setbacks, detention areas, land utilized to satisfy park land dedication requirements, and common areas required to satisfy the requirements of another ordinance or regulation shall not be permitted to also satisfy this requirement.
4. A minimum of 60 percent of a property’s frontage on a natural area such as a creek and/or lake that includes public participation of any kind (e.g.: NRCS lakes) shall feature single loaded streets adjacent to them.
5. Cul-de-sacs shall not be perfectly round. Instead, they must be more off-center in nature. A landscaped common area island within the cul-de-sac is encouraged.
6. Lots that are less than 50 feet in width shall not provide any front-entry off-street parking (including drives, garages, and carports).

(d) *Meritorious Exception.*

1. If unique circumstances that exist on the property or an innovative design prevents strict adherence with this Section 146-141, the Planning and Zoning Commission shall consider, upon the request of the applicant and following a properly noticed public hearing, the approval or disapproval of a meritorious exception from identified portions of this Section 146-141 in conjunction with the platting of such property in accordance with Chapter 142 (Subdivision Regulations) of the Code of Ordinances.

2. Prior to considering a meritorious exception from the requirements of this section or an appeal of the Planning and Zoning Commission's action regarding a meritorious exception, written notice of a required public hearing shall be sent to all property owners according to the procedures for a change in a zoning district location or boundary. Such notice may be served using the most recently approved municipal tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail.
3. The applicant for a meritorious exception shall prove that the meritorious exception from these requirements is warranted under the circumstances presented. A meritorious exception may be granted if the Planning and Zoning Commission finds that:
  - i. Unique circumstances exist on the property or an innovative design is proposed that make the application of this section unduly burdensome on the applicant;
  - ii. The meritorious exception will have no adverse impact on current or future development;
  - iii. The meritorious exception is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
  - iv. The meritorious exception shall not reduce the quality of the development; and
  - v. The meritorious exception will have no adverse impact on the public health, safety and general welfare.
  - vi. A financial hardship shall not be considered a basis for the granting of a meritorious exception.
2. Action by the Planning and Zoning Commission regarding a requested meritorious exception may be appealed to the City Council. Within 14 calendar days of the action by the Commission, the appellant shall notify the Director of Planning in writing of the desire to appeal the decision of the Commission to the City Council. The Director of Planning shall prepare a report and place the appeal on the agenda for consideration by the Council.