



CITY COUNCIL AGENDA ITEM

Date: April 15, 2016

To: Troy City Council and Planning Commission

From: Brian Kischnick, City Manager

Subject: City Council and Planning Commission Joint Meeting – April 18, 2016

As Troy strengthens its foothold as an important player in the Global Economy, the need for communication between City Council and Planning Commission is more important than ever. Both bodies made a commitment to meet regularly to discuss common issues, having met five times since 2014. The 2016 City of Troy Retreat took this concept to the next level, providing an intense opportunity to exchange ideas and draft development policies for the next fiscal year. It is important that we continue to strengthen this relationship moving forward, through regular joint meetings.

In a joint effort, Troy City Council and Planning Commission recently developed woodland protection provisions. These provisions will ensure that future residential development is compatible with surrounding properties and will maintain and enhance Troy's community character. To complement this effort, the Planning Commission has recently started to revise the cluster development provisions. It is intended that these provisions will incentivize quality by providing density bonuses for higher quality developments.

The April 18 Joint Meeting is an opportunity to discuss the cluster development concept at the early stages of the text amendment process. This allows a sharing of ideas and the ability to find common ground at the beginning of the process and not the end.

DATE: April 15, 2016

TO: Brian Kischnick, City Manager

FROM: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director

SUBJECT: PROPOSED ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 249) – Enhanced Cluster Option

This item was initiated by the Planning Commission. It will complement the recently approved Woodland Protection provisions. It is intended that the existing cluster provisions be strengthened by further incentivizing cluster development.

At the April 12, 2016 Planning Commission Regular Meeting a first draft was presented and discussed. The Planning Commission agreed with the overall direction of the draft. However it was a first draft and more discussion and revisions are required.

The timing of the scheduled April 18, 2016 Joint Meeting permits discussion between the Planning Commission and City Council early in the amendment process.

Attachments:

1. Agenda Item from April 12, 2016 Planning Commission Regular Meeting
2. PowerPoint from April 12, 2016 Planning Commission Regular Meeting

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MEMORANDUM

TO: Planning Commission, City of Troy

FROM: Richard K. Carlisle, AICP, PCP
Benjamin R. Carlisle, AICP

DATE: April 7, 2016

RE: Enhanced Cluster Ordinance

At the March 22, 2016 meeting, the Planning Commission held a discussion regarding proposed amendments to the Cluster ordinance.

General direction from the Planning Commission from the April 28, 2015 meeting included:

- Permit greater design flexibility.
- Reduce required open space for both non-density bonus and density bonus cluster developments
- Incentivize clustering through density bonus
- Incentivize, through density, smaller housing products and sustainable design.
- Allow attached housing in single-family zoning districts through cluster development.
- Eliminate density bonus requirement of a Sustainable Design Project, perimeter "open space" cluster of 150-feet, donation of land for community benefit, or similar element as determined by City Council.

These comments are not binding to what the adopted regulations may become but they were used to set the parameter of discussion in regards to possible cluster ordinance amendments.

Proposed Amendments:

Based on the direction of the Planning Commission, we have drafted the following proposed amendments to the cluster ordinance. Listed below are major amendments to the existing ordinance:

1. Open Space

- a. Reduce minimum open space from 30% to 20%

2. One-Family Attached

- a. Allow one-family attached as a Special Use in R1-C, R1-D, and R1-E
 - i. The site shall have frontage on and primary access to a major or minor arterial.
 - ii. Setback requirements for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border.

3. Base Density

- a. Base density is determined with a parallel plan.
- b. If all requirements are met, the base density by-right may be increased by twenty percent (20%).

4. Density Bonus

- a. A variable density bonus may be allowed at the discretion of Planning Commission.
- b. Bonus densities are cumulative up to a maximum of fifty percent (50%) above the base yield number of units
- c. Density bonuses may be based upon a demonstration by the applicant of the following elements:
 - i. Open Space. For every ten percent (10%) additional open space above the minimum required amount that is not encumbered by rights-of-way or utility easements, a ten percent (10%) bonus density may be applied.
 - ii. Housing Diversity and Options. A 10% unit bonus may be provided for a development that provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered in the city. The following requirements shall be met:
 - 1. Maximum home square footage cannot exceed 1,500 sq/ft.
 - 2. One (1) first floor bedroom must be provided.
 - 3. Homes must incorporate Universal Design principals
 - iii. Sustainable Design. A 10% unit bonus may be provided for a development that utilizes sustainable design best practices including, but not limited to green infrastructure, naturalized stormwater management, and green buildings.

5. Design Flexibility

- a. Maintain existing front yard (20'), rear yard (25') and side yard (7.5') but:
- b. Permit the Planning Commission to waive the setback provisions provided that the applicant has demonstrated innovative and creative site and building designs and solutions.

6. Eliminated density bonus requirement of a Sustainable Design Project, perimeter "open space" cluster of 150-feet, donation of land for community benefit, or similar element as determined by City Council.

We look forward to discussing this further at the next Planning Commission meeting.

Yours Truly,



CARLISLE/WORTMAN ASSOC., INC.
Richard K. Carlisle, PCP, AICP
President



CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, AICP, LEED AP
Senior Associate

SECTION 10.04 ~~ONE FAMILY CLUSTER OPTION~~

A. Intent. The ~~One Family~~ Cluster Option is offered as an alternative to traditional residential development. The ~~One Family~~ Cluster Option is intended to:

1. Encourage the use of property in accordance with its natural character.
2. Assure the permanent preservation of open space and other natural features.
3. Provide recreational facilities and/or open space within a reasonable distance of all residents of the ~~One Family~~ Cluster development.
4. Allow innovation and greater flexibility in the design of residential developments.
5. Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
6. Ensure compatibility of design and use between neighboring property.
7. Encourage a less sprawling form of development, thus preserving open space as undeveloped land.
- 7-8. Allow for design innovation to provide flexibility for land development where the normal development approach would otherwise be unnecessarily restrictive or contrary to other city goals:

B. Uses.

- a-1. To be eligible for ~~One Family~~ Cluster consideration, property must be zoned R-1A, R-1B, R-1C, R-1D, or R-1E.
- b-2. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, non-commercial recreation uses and open space.
- c-3. Two-family dwellings are permitted as a Special Use in the R1C-R1E with the following regulations:
 - d-a. The site shall have frontage on and primary access to a major or minor arterial.
 - e-b. Setback requirements for principal structures from all of the borders of the development shall be equal to the rear-yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the required setback.

C. Base Number of Units

1. The base yield number of dwelling units allowable within the One-Family Cluster development shall be determined by the applicant through the preparation of a parallel plan for the subject property that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot/unit size, lot/ unit width and setbacks as normally required for the underlying one-family zoning district. The number of units identified in the parallel plan shall determine the number of units permitted in the development.
2. If all requirements as set forth in the ordinance are met, the underlying density by-right may be increased by twenty percent (20%).

D. Open Space Requirements.

1. -All land within a development that is not devoted to a residential unit, limited common space, accessory structures, vehicle access, vehicle parking, a roadway, or an approved improvement, shall be set aside as common land for recreation, conservation, or preserved in an undeveloped state.
2. ~~One-Family~~A Cluster development shall maintain a minimum of twenty thirty (30) percent (20%) of the gross area of the site as dedicated open space held in common ownership. ~~A minimum of twenty five (25) percent of the open space shall be upland area, which does not include any MDEQ-regulated or non-regulated wetlands that are accessible to all residents of the development.~~
3. Benefit. —The proposed development open space shall provide at least one (1) of the following open space benefits:
 - a. Significant Natural Features. Preservation of significant natural features contained on the site, as long as it is in the best interest of the City to preserve these natural features which might be negatively impacted by conventional residential development. The determination of whether the site has significant natural features shall be made by the Planning Commission after review of a Natural Features Analysis, prepared by the applicant, that inventories these features.
 - b. Recreation Facilities. If the site lacks significant natural features, it can qualify with the provision of usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities that provide a feature of community-wide significance and enhance residential development. Recreational facilities that are less pervious than natural landscape shall not comprise more than fifty (50) percent of the open space. The determination of whether the site has significant natural features shall be made by the Planning Commission after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.
 - c. Creation of Natural Features. If the site lacks significant natural features, a proposed development may also qualify if the development will create significant natural features such as wetlands. The determination of whether the site has significant natural features shall be made by the Planning Commission after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.
4. The following land areas are not included as dedicated open space for the purposes of the ~~One-Family~~ Cluster development option:
 - a. The area of any street right-of-way or private drive.
 - b. The submerged area of any lakes, rivers, ponds or streams.
 - c. The required setbacks surrounding a residential structure, except as otherwise provided.

~~d.~~ ~~d.~~—Storm water detention or retention facilities, with the exception of bio-retention areas that provide an active or passive recreation function, which can be considered open space.

~~e.~~ Non-functional open space due to limited width or depth as determined by the Planning Commission.

5. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.

6. Connections between the dedicated open space of the development and adjacent open space, public land or existing or planned safety paths is preferred and may be required by the City Council, after favorable recommendation from the Planning Commission.

7. The dedicated open space shall be set aside by the developer through an irrevocable conveyance, such as deed restriction, restrictive covenant, conservation easement, plat dedication, or other legal document that is subject to review and approval by the City Council, after review and recommendation by the City Attorney. The irrevocable conveyance document shall be approved before there can be final approval of the development (final site plan approval), and the developer shall record such documents with the Oakland County Register of Deeds. The City of Troy (or the common owners) shall be specifically identified as the beneficiary of its provisions. ~~The irrevocable conveyance documents shall address the following:~~

~~a.~~ ~~The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.~~

~~b.~~ ~~Standards for scheduled maintenance of the open space.~~

~~c.~~ ~~If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property as determined by the City assessor.~~

~~d.~~ ~~The irrevocable conveyance shall assure that the open space will be protected from all forms of development, except as shown on the approved Final Site Plan. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The open space restrictions shall prohibit uses or activities that negatively affect the dedicated open space, including the following:~~

~~1) Dumping or storing of any material or refuse.~~

~~2) Activity that may cause risk of soil erosion or threaten any living plant material.~~

~~3) Cutting or removal of live plant material except for removal of dying or diseased vegetation.~~

~~4) Use of motorized off-road vehicles.~~

~~5) Cutting, filling or removal of vegetation from wetland areas.~~

~~6) Use of pesticides, herbicides or fertilizers within any wetlands area.~~

~~e.~~ ~~The irrevocable conveyance shall provide the following:~~

~~1) The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.~~

~~2) Standards for scheduled maintenance of the open space.~~

- ~~3) If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property.~~
- ~~4) The dedicated open space shall forever remain open space, subject only to uses approved by the City on the approved Final Site Plan.~~
- ~~5) Any structures or buildings accessory to a recreation or conservation use may be erected within the dedicated open space. These accessory structures or buildings shall not exceed one (1) percent of the required open space area. [BC1]~~

8. Guarantee Maintenance of Open Space. The applicant shall provide documentation to guarantee to the satisfaction of the Planning Commission that all open space portions of the development will be maintained as approved and that all commitments for such maintenance are binding on successors and future owners of the subject property. All such documents shall be subject to approval by the City Attorney. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City, and that the continued maintenance guarantees remain satisfactory to the City, and the land uses continue as approved in the One-Family Cluster development.
 9. Cohesive Neighborhood. The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be reasonably accessible to all residents of the development.
 10. Unified Control. The proposed development site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. All documents shall be subject to the review and approval by the City Attorney.
 11. Density Impact. The proposed type and density of use shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.
- E. Bulk Regulations and Regulatory Flexibility: The City shall permit specific departures from the dimensional requirements of the Zoning Ordinance for yards and units as a part of the approval process. The applicant may cluster the dwellings on smaller lots, as long as the following requirements are satisfied:
1. Overall density shall not exceed the number of residential cluster units determined in Section 10.04.CD.1, unless a density bonus has been granted by City Council the Planning Commission.

2. Setback provisions shall be as follows:

- a. Setback requirements for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the required setback.
- b. Setback requirements for principal structures on the interior of the development shall be as follows. If property lines do not exist between houses, the setbacks shall be measured to an imaginary line of equal distance between the houses. A duplex shall be treated as a single-detached residence for the purpose of determining required setbacks. The minimum setbacks shall be as follows.
 - 1) Front: Twenty (20) feet. There shall be at least twenty-five (25) feet between the garage door and the closest edge of the sidewalk to allow for an automobile to be parked in the driveway without obstructing the sidewalk.
 - 2) Rear: Twenty-five (25) feet.
 - 3) Side: Seven and one-half (7.5) feet. For detached units with “rear-to-side” relationships, the required setback shall be fifteen (15) feet for each unit, for a total of thirty (30) feet.

3. All regulations applicable to height, parking, loading, general provisions, and other requirements shall be met.

4. Regulatory Flexibility. The Planning Commission may waive the setback provisions provided that the applicant has demonstrated innovative and creative site and building designs and solutions.

F. Landscaping. Required landscaping shall be in accordance with section 13.02.F Subdivision and Site Condominium Landscaping.

G. Access. Principal access to the development shall be provided by twenty-eight (28) foot wide public streets constructed to City standards that are located within sixty (60) foot wide rights-of-way or by twenty-eight (28) foot wide streets constructed to City public street standards that are located, within forty (40) foot private easements for public access. Sidewalks shall be constructed across the frontage of all dwelling unit parcels in accordance with City standards. Public utilities shall be placed within street rights-of-way, or within easements approved as to size and location by the City Engineer.

H. ~~Bonus. To The number of dwelling units allowable within the One-Family Cluster development shall be determined by the applicant through the preparation of a parallel plan for the subject~~

~~property that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot/unit size, lot/ unit width and setbacks as normally required for the underlying one-family zoning district. The number of units identified in the parallel plan shall determine the number of units permitted in the developmeencourage the use of the cluster development as set forth in the objectives in Section 10.04.A, a -A variable density bonus of up to twenty (20) percent may be allowed at the discretion of the City Council, after favorable recommendation from the Planning Commission. Bonus densities are cumulative up to a maximum of fifty percent (50%) above the underlyingbase yield number of units as established in 10.04.CD.1. Density bonuses may be based upon a demonstration by the applicant of the following elements: design excellence in the One-Family Cluster development.~~

1. Open Space. For every ten percent (10%) additional open space above the minimum required amount that is not encumbered by rights-of-way or utility easements, a ten percent (10%) bonus density may be applied, or fraction thereof above the base yield number of units as established in 10.04.C.1.
2. Housing Diversity and Options. A 10% unit bonus above the base yield number of units established in 10.04.C.1 may be provided for Aa development that provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered in the cCity. The following requirements shall be met:

~~3-a.~~ Maximum home square footage cannot exceed 1,500 sq/ft.

~~4-b.~~ One (1) first floor bedroom must be provided.

~~5-c.~~ Homes must incorporate Universal Design principals

3. Sustainable Design. A 10% unit bonus above the base yield number of units established in 10.04.C.1 may be provided for a development that utilizes sustainable design best practices including, but not limited to green infrastructure, naturalized stormwater management, and green buildings.

~~6. Projects qualifying for a density bonus shall include a minimum of fifty (50) percent of the property to be dedicated open space held in common ownership. In addition, projects qualifying for a density bonus shall include at least one (1) of the following elements:~~

- a. ~~That the project is a prequalified Sustainable Design Project incorporating measures specifically related to the proposed density increase, as set forth in Section 12.01, Sustainable Design Options.~~
- b. ~~A perimeter transition area of at least one hundred fifty (150) feet in width around all borders of the development.~~
- c. ~~Donation or contribution of land or amenities in order to provide a significant community benefit, such as for a school, park, fire station, or similar community benefit.~~
- d. ~~Other similar elements that the City Council, after favorable recommendation from the Planning Commission, determined to be of exceptional quality.~~

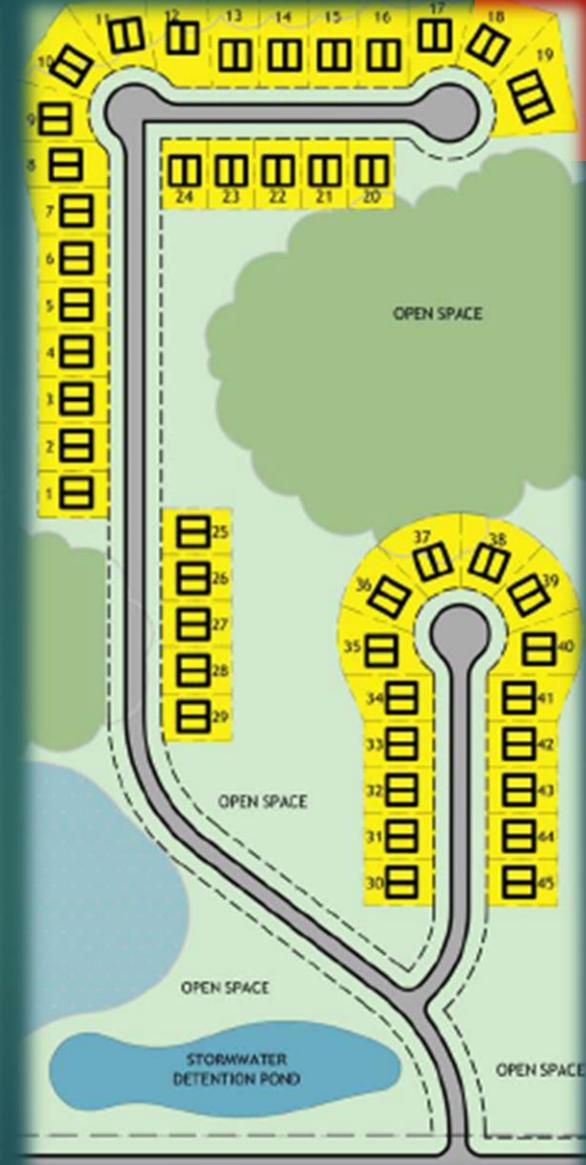
~~The permitted uses shall be restricted to single family detached residential development, duplex residential development, residential accessory structures, non-commercial recreation uses and open space.~~

~~H.I.~~ Application Requirements. In addition to the information required by the City of Troy for all other site plans, any development proposing to utilize the ~~One-Family~~ Cluster Plan shall contain the following:

1. A complete description of the land proposed to be dedicated for the common use of lot owners in the association or to the City, including the following:
 - a. A legal description of dedicated open space ~~required by Section 10.03.C.2 including dedicated easements.~~
 - b. A topographical and boundary survey of dedicated open space.
 - c. A Natural Features Analysis that inventories all significant natural features on the property and on abutting properties, if applicable.
2. Information regarding current and proposed ownership and use of the dedicated open space, including the following:
 - a. The proposed ownership and control of the open space.
 - b. The proposed methods of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and/or nuisances that require enforcement by the City of Troy.
 - c. The proposed and/or potential uses of dedicated open space and the proposed improvements to be constructed by the developer.
3. A detailed narrative and graphic plan that indicates a specific method(s) for protecting significant natural features including Protected Trees, wetlands, water courses, and open space during construction. The plan shall be consistent with the City's Woodland Protection requirements as set forth in Section 13.07, and shall be agreeable to the developer, who shall so indicate with his/her signature on the detailed narrative and graphic plan.
4. Other relevant information necessary to show that the proposed development qualifies for approval as a One-Family Cluster development.

City Of Troy

Enhanced Cluster Ordinance



Direction from Planning Commission



1. Remove unnecessary barriers to cluster development
2. Incentivize
3. Permit design flexibility and creativity

Open Space

Relates to
Direction 1

Reduce minimum open space from 30%
to 20%

Eliminate Unnecessary Provisions

Relates to
Direction 1

- ▶ Eliminate density bonus requirement of:
 - ▶ A Sustainable Design Project;
 - ▶ Perimeter “open space” cluster of 150-feet; or
 - ▶ Donation of land for community benefit, or similar element as determined by City Council.

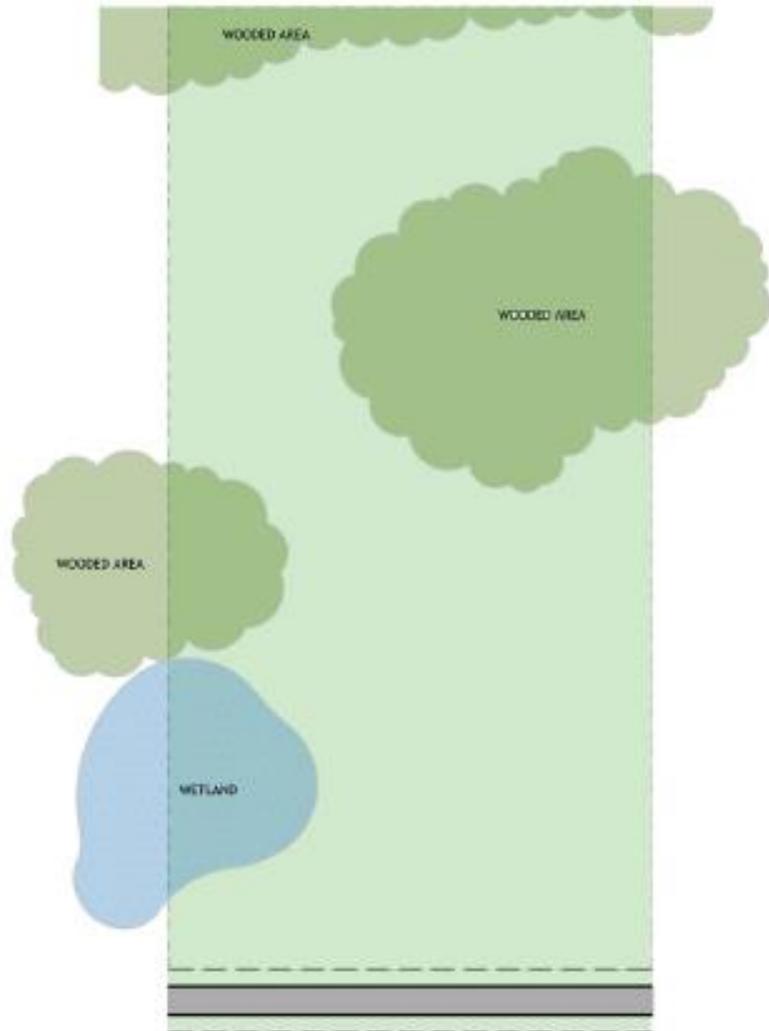
Design Flexibility

Relates to
Direction 2, 3

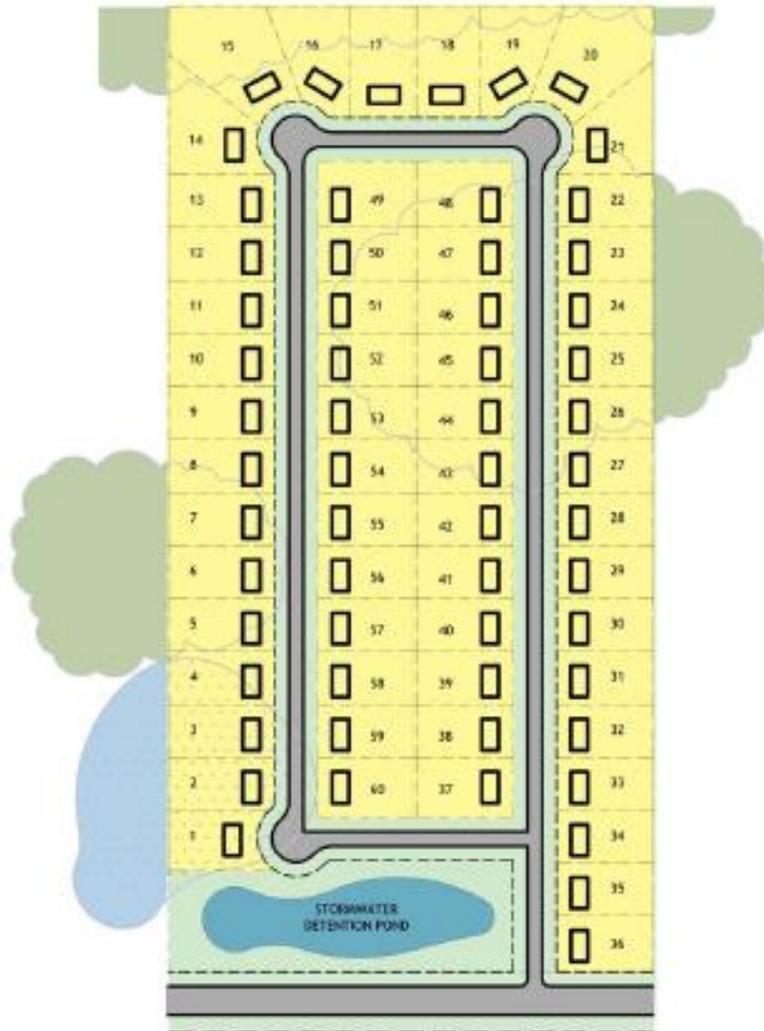
- ▶ Maintain existing front yard (20'), rear yard (25') and side yard (7.5') setbacks; but
- ▶ Permit the Planning Commission to waive the internal setback provisions provided that application:
 - ▶ Has demonstrated innovative and creative site, and building designs and solutions; and
 - ▶ Met specific standards

Base Density

- A. Base density is determined with a parallel plan.
- B. If all requirements are met, the base density by-right may be increased by twenty percent (20%).

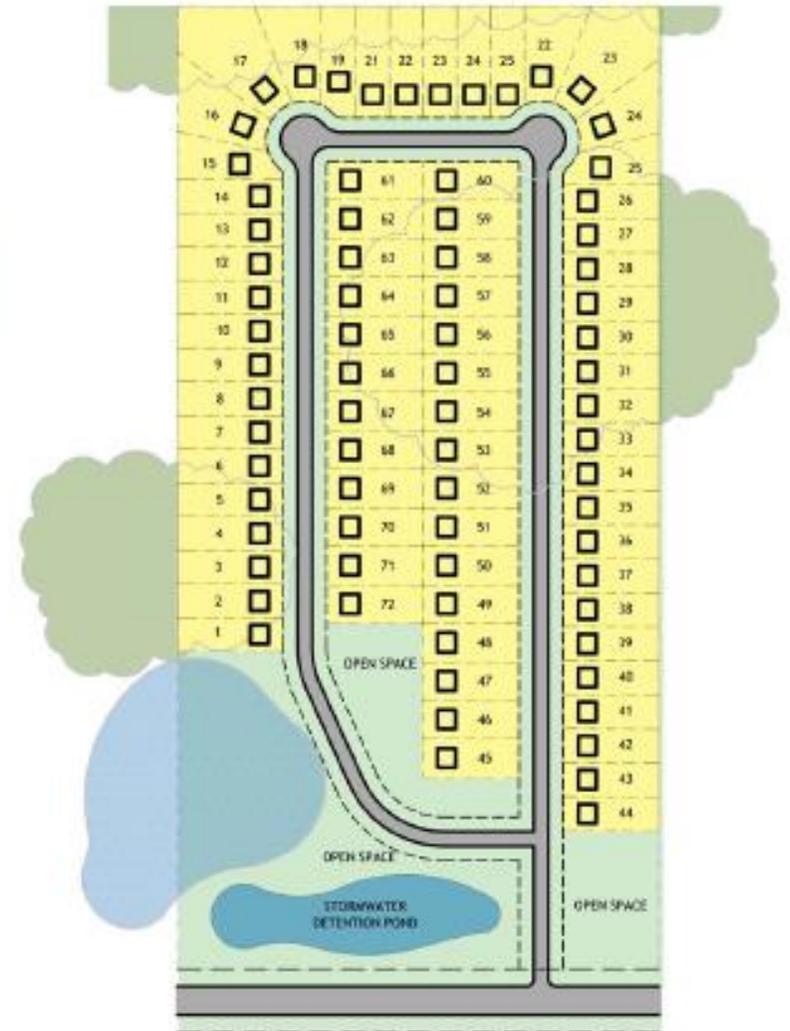


BASE PROPERTY WITH
WETLAND AND WOODED AREAS



TRADITIONAL DEVELOPMENT
MIN LOT 21,780 SF WITHOUT SEWER
10,500 SF WITH SEWER

60 LOTS/UNITS



CLUSTER DEVELOPMENT
20% OPEN SPACE DENSITY BONUS
72 LOTS/UNITS

Density Bonus

- ▶ A variable density bonus may be allowed at the discretion of Planning Commission.
- ▶ Bonus densities are cumulative up to a maximum of fifty percent (50%) above the base yield number of units.

Density Bonus

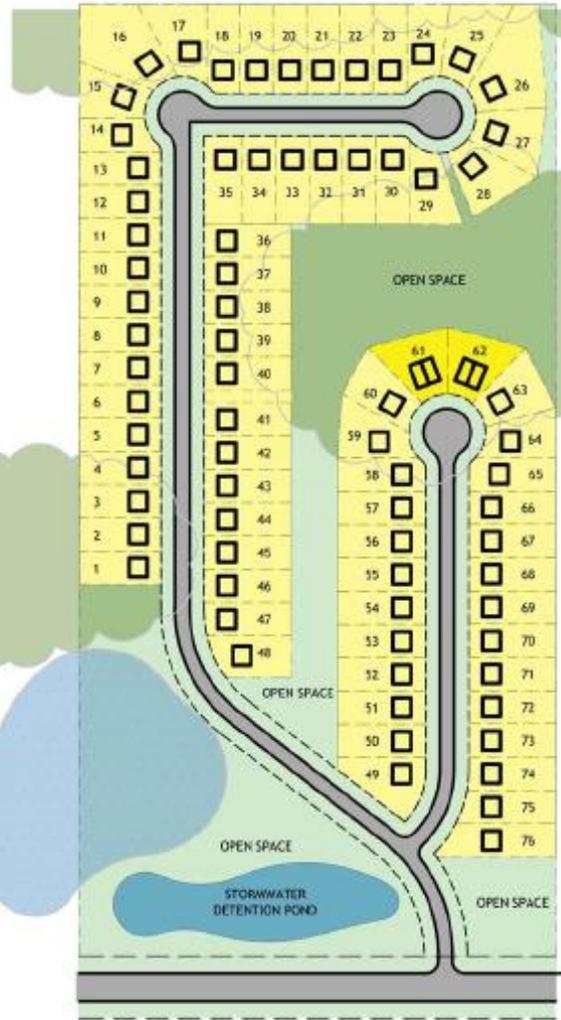
▶ Three Options:

1. Open Space
2. Housing Diversity and Options
3. Sustainable Design

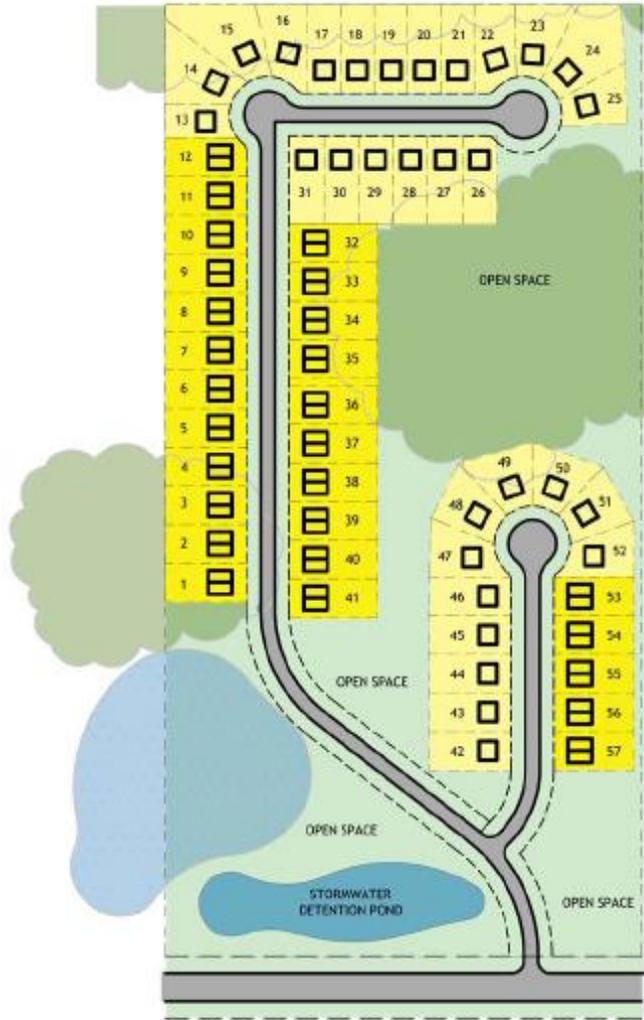
Open Space

- ▶ For every ten percent (10%) additional open space above the minimum required amount a ten percent (10%) bonus density may be applied.

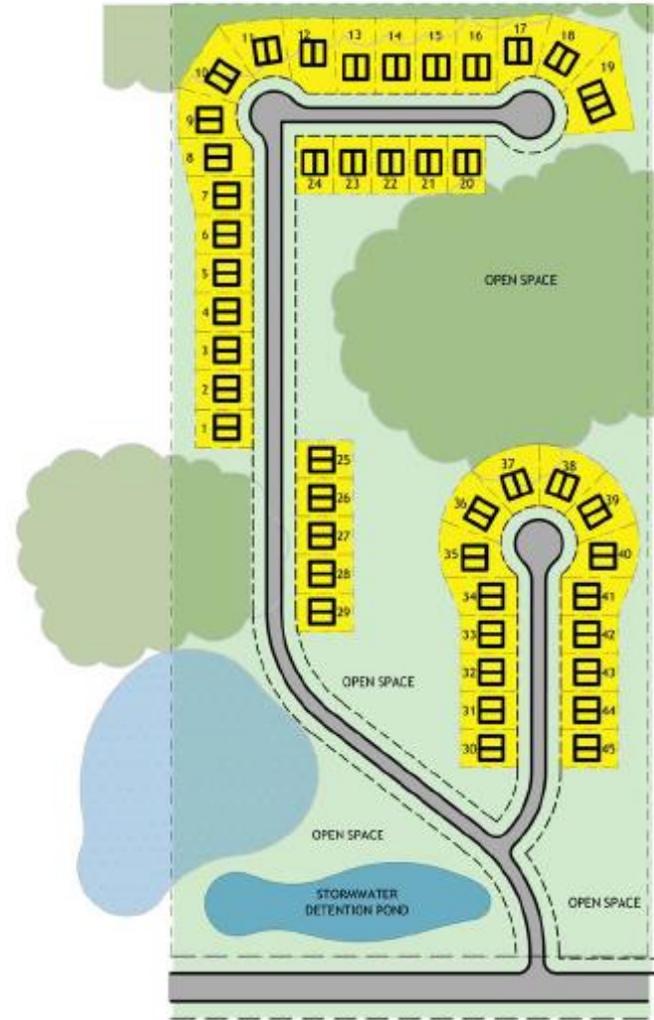
I.E 30% open space = 30% density bonus
40% open space = 40% density bonus



CLUSTER DEVELOPMENT
 30% OPEN SPACE DENSITY BONUS
 76 LOTS / 78 UNITS



CLUSTER DEVELOPMENT
 40% OPEN SPACE DENSITY BONUS
 57 LOTS / 84 UNITS



CLUSTER DEVELOPMENT
 50% OPEN SPACE DENSITY BONUS
 45 LOTS / 90 UNITS

Housing Diversity and Options

Relates to
Direction 2, 3

- ▶ A 10% unit bonus for a diverse variety of housing types or provides a type of housing that is desired, but not currently offered in the city.
 - ▶ Maximum home square footage cannot exceed 1,500 sq/ft.
 - ▶ One (1) first floor bedroom must be provided.
 - ▶ Homes must incorporate Universal Design principals

Sustainable Design

Relates to
Direction 2, 3

- ▶ A 10% unit bonus may be provided for a development that utilizes sustainable design best practices including:
 - ▶ Green infrastructure; or
 - ▶ Naturalized stormwater management; or
 - ▶ Green buildings.

One Family Attached

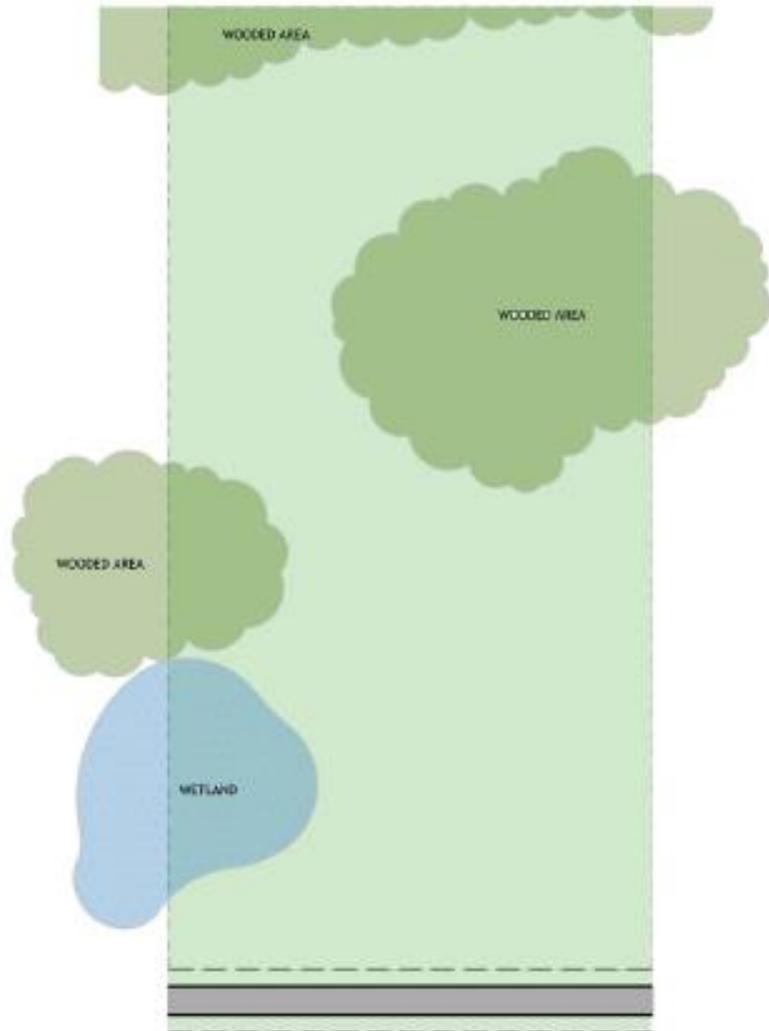
Relates to
Direction 2, 3

- ▶ Allow two-family dwellings as a Special Use in R1-C, R1-D, and R1-E
 - ▶ The site shall have frontage on and primary access to a major or minor arterial.
 - ▶ Maintain periphery setback requirements

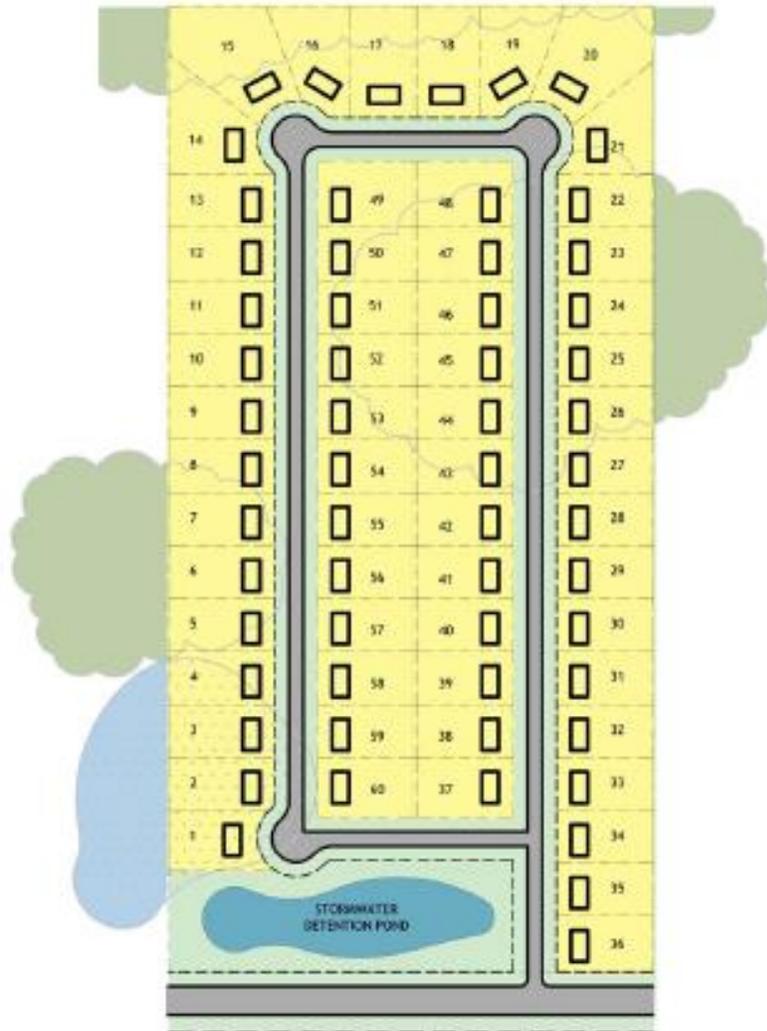


Summary

- ▶ Permit greater design flexibility
 - ▶ Reduced setbacks
 - ▶ Attached housing
 - ▶ Sustainable design
- ▶ Permit greater density
 - ▶ Density bonus commensurate with benefit
 - ▶ Up to a maximum of 50% increase in units/lots
- ▶ Permit greater discretion to Planning Commission
 - ▶ Bonus does not require City Council approval
 - ▶ Can approve flexibility in design

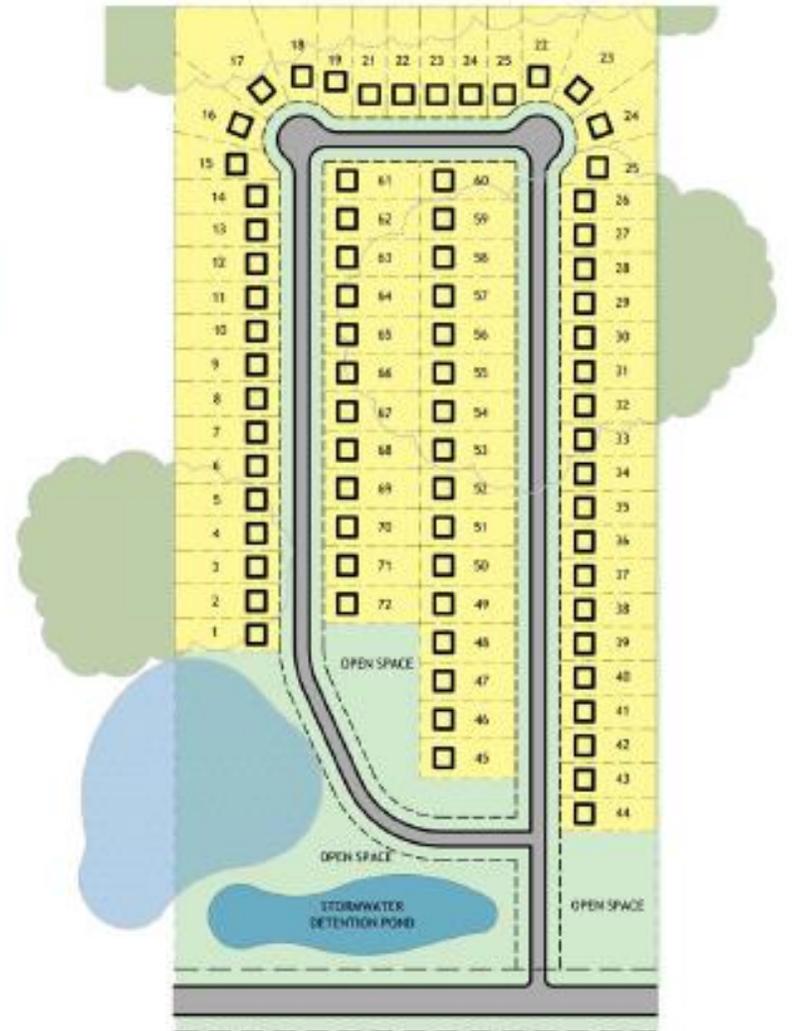


BASE PROPERTY WITH
WETLAND AND WOODED AREAS

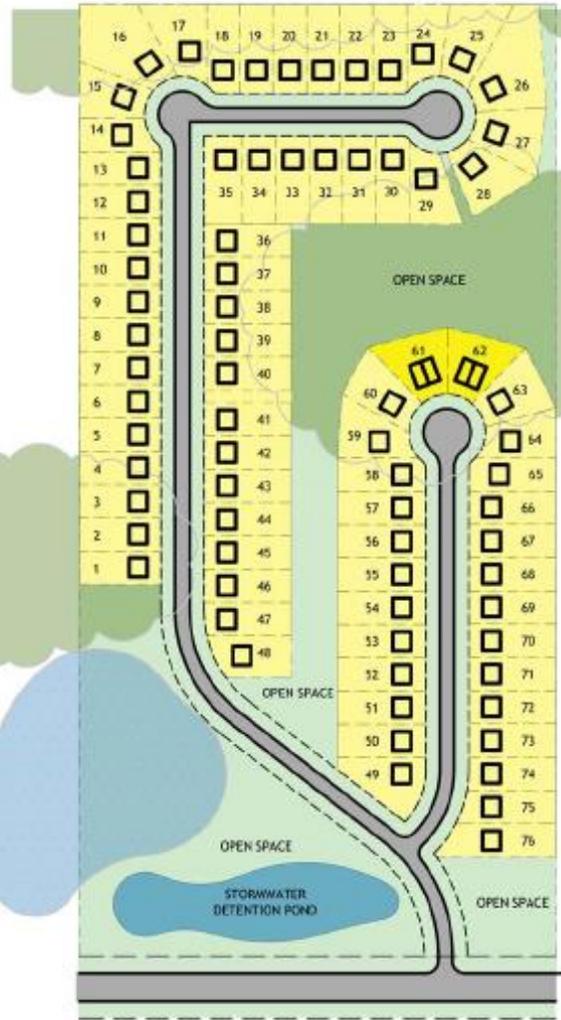


TRADITIONAL DEVELOPMENT
MIN LOT 21,780 SF WITHOUT SEWER
10,500 SF WITH SEWER

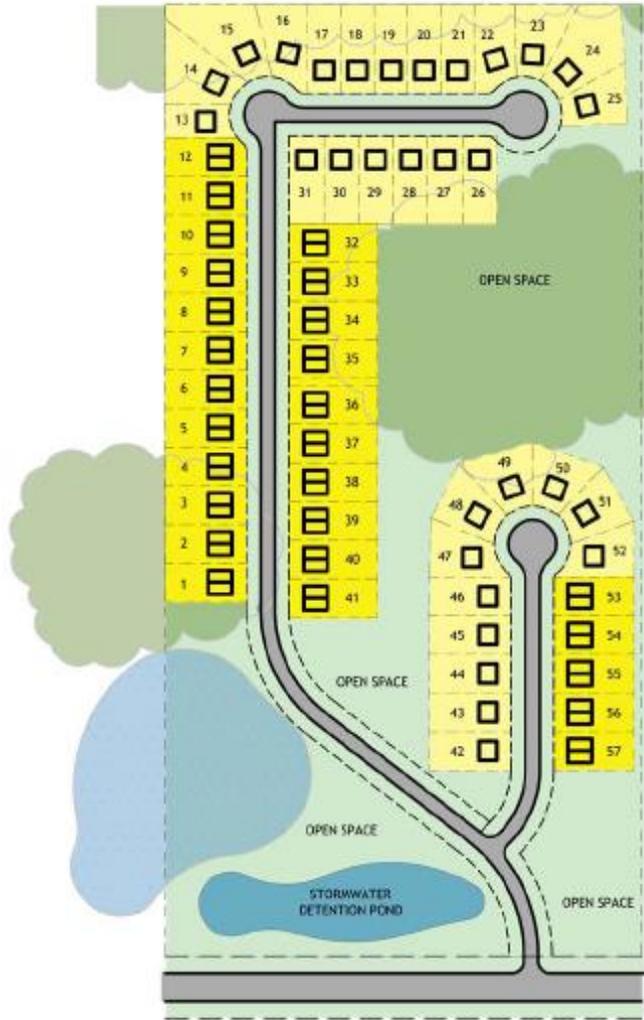
60 LOTS/UNITS



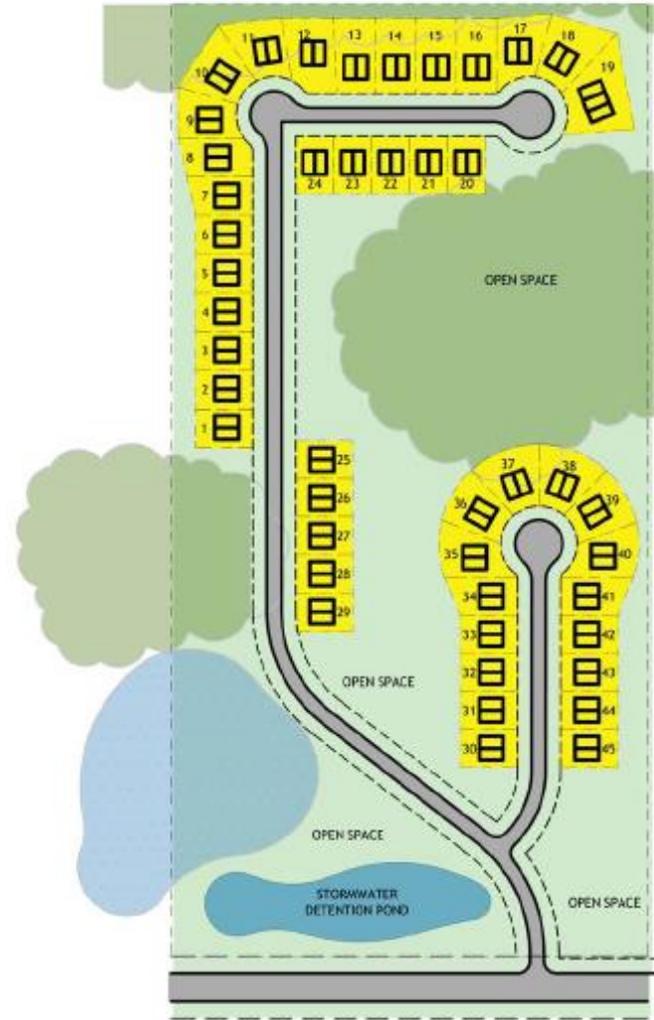
CLUSTER DEVELOPMENT
20% OPEN SPACE DENSITY BONUS
72 LOTS/UNITS



CLUSTER DEVELOPMENT
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CLUSTER DEVELOPMENT
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45 LOTS / 90 UNITS