
CHAPTER 22. PLANNED UNIT DEVELOPMENT DISTRICT

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9-22-1 Purpose.

The purpose of the Planned Unit Development (PUD) District is to provide for greater flexibility in the development and redevelopment process as compared to rather rigid development regulations common to traditional zoning districts. The PUD process provides for a joint planning/design effort by developers and City officials rather than the City establishing maximum limits within which developers may perform. It is not the intent of this Chapter to allow for reductions or waivers to standard zoning requirements solely for the purpose of increasing overall density or allowing development that otherwise could not be approved. The PUD process shall encourage the following:

- A. Flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development.
- B. Provision of life cycle housing to all age and income groups.
- C. Energy conservation through the use of more efficient building designs and siting and the clustering of buildings and land uses.
- D. Preservation of desirable site characteristics and open space and protection of sensitive environmental features, including but not limited to, steep slopes, trees and poor soils.
- E. More efficient and effective use of land, open space and public facilities through mixing of land uses.
- F. High quality of design and design compatible with surrounding land uses, including both existing and planned.
- G. Use of traffic management and design techniques to reduce the potential for traffic conflicts. Improvements to area roads and intersections may be required as appropriate.

9-22-2 Allowed Planned Unit Development Districts.

Each PUD district shall only be used for the use or uses for which the site is designated in the Comprehensive Plan, except that the City may permit up to twenty-five (25) percent of the gross floor area of all buildings in a PUD to be used for land uses for which the site is not designated in the Comprehensive Plan if the City Council finds that such use is in the best interests of the City and is consistent with the requirements of this Section. The provisions of the Hamilton Overlay District and all other applicable overlay districts shall govern the PUD requirements. All PUDs shall be zoned to one (1) of the following Planned Unit Development Districts as outlined in this Section:

- A. Planned Residential District (PRD)

- B. Planned Commercial District (PCD)
- C. Planned Industrial District (PID)
- D. Planned Mixed-Use District (PMD)

9-22-3 Applicability of Provisions.

Procedures for applying for approval of a planned unit development project shall be essentially the same for all planned development districts whether residential, commercial, industrial or mixed use. All land proposed for planned unit development shall be platted or replatted in accordance with the City's Subdivision Regulations. For the purposes of this Chapter, the preliminary plan shall include the necessary information to serve as a preliminary plat for the development.

9-22-4 Pre-Application Meeting.

Prior to submission of any plan for consideration to the Planning Commission, the potential applicant shall meet with the Zoning Administrator to discuss the contemplated project relative to community development objectives for the area in question and to learn what procedural steps and exhibits shall be required. In the event the proposed development of the land is not in conflict with such community development objectives, the applicant may proceed to Section 9-22-5. If, in the opinion of the Zoning Administrator, the proposed development is in conflict with community development objectives, the applicant shall have the option to informally discuss the contemplated project with the Planning Commission or to proceed directly to said Section 9-22-5.

9-22-5 Preliminary PUD Plan.

- A. *General application requirements.* Applicant shall complete the PUD rezoning application form obtained from the Zoning Administrator, submit six (6) full-size copies and one (1) reduced-size copy of the required exhibits, and pay the filing fee.
- B. *Required exhibits.* The applicant shall cause to be prepared the following exhibits for presentation to and review by the City staff, Planning Commission and City Council:
 - 1. *Supporting material.*
 - a. A narrative description of the developer's interest in the property in question.
 - b. Abstractor's certified property certificate showing the names and addresses of property owners within three-hundred fifty (350) feet of the outer boundaries of the property (one copy).
 - c. Location map showing property in relation to the City as a whole and to the City's primary elements such as thoroughfares, schools, parks and shopping areas.
 - d. A legal description of the property including approximate total acreage.
 - e. Boundary survey prepared by a registered surveyor of the property and one-hundred (100) feet beyond showing:
 - (1) Existing property lines and dimensions.
 - (2) Ownership of all parcels.
 - (3) Platting and easements.
 - (4) Street and railroad right-of-ways.
 - (5) Buildings.
 - (6) Utility lines and facilities.
 - f. Natural features map or maps of the property in question and one-hundred (100) feet beyond showing:

- (1) Contour lines at no more than two (2) foot intervals.
 - (2) Steep slopes of eighteen (18) percent or more.
 - (3) Hydrologic information including drainage patterns, wetlands and land subject to periodic flooding.
 - (4) Soil and subsoil conditions
 - (5) Vegetation including classification of tree cover by species.
 - g. Map or maps of the property in question and one-hundred (100) feet beyond showing:
 - (1) Existing zoning.
 - (2) Land use and occupancy.
 - h. Any other material requested by the City Council, Planning Commission or City staff.
2. *Preliminary plan and related data.*
 - i. Map or maps and supporting narrative indicating in a schematic manner the proposed development including:
 - (1) Broad development objectives.
 - (2) Proposed land uses.
 - (3) Vehicular and pedestrian circulation.
 - (4) Housing types and densities, if applicable.
 - (5) Schematic architectural drawings showing exterior design treatment.
 - (6) Open space uses, ownership and method of maintenance, if applicable.
 - (7) Drainage, grading and utility plans.
 - (8) Storm water calculations.
 - (9) Landscaping and lighting.
 - (10) Preliminary plat, if applicable.
 - j. Economic and related development data including:
 - (1) Method and schedule of development.
 - (2) Financial capability of owner and/or developer.
 - (3) Economic and fiscal resources available for development.
 - (4) Market area of project and demand trends within such area.
 - k. Any other material requested by the City Council, Planning Commission or City staff.
- C. *Optional final plan.* At the applicant's option, a final plan of a portion of the proposed development may be prepared and submitted simultaneously with the overall preliminary plan for purposes of expediting the review process.
- D. *Review and approval.*
 1. *Action by Zoning Administrator.* Zoning Administrator shall refer the application to appropriate staff/consultants for review and comment and shall transmit the application and staff reports to Planning Commission for consideration.
 2. *Action by Planning Commission.* Planning Commission shall hold a public hearing on the application as required for rezoning applications, and after considering staff and consultant

- reports shall either recommend denial, recommend approval subject to revisions, or recommend approve the application.
3. *Action by City Council.* The City Council shall review the application and either deny, approve subject to revision and conditions, or approve the application.
 - E. *Approved plan.* City Council approval of the preliminary plan with or without modification shall constitute zoning approval as well as permission to file the final plan or plans. The approved preliminary plan shall serve as the basis for all future development within the designated PUD district unless substantially modified according to the same procedures required for initial approval; however, such preliminary plan approval shall not constitute permission to initiate site improvement or building construction. Such activities must await final plan and building permit approvals.
 - F. *Expiration of plan approval.* If a final plan covering at least ten (10) dwelling units or ten (10) percent of the area in the preliminary plan, whichever is greater, has not been filed within six (6) months from the date Council grants preliminary plan approval, the approval shall expire. The Council, at its discretion, may extend the filing deadline for additional periods not in excess of six (6) months each when such extension is shown to be for good cause.
 - G. *Planned Development Agreement.* Prior to final plan approval, the applicant shall enter into a Planned Unit Development Agreement with the City relating to the terms of the PUD and shall also provide such financial guarantees as the City deems necessary.
 - H. *Zoning map amended.* The official zoning of the City shall be revised to incorporate the new designation according to PUD numerical designation. The description of the new district will consist of all submissions for preliminary plan approval.
 - I. *PUD amendments.* The ordinance rezoning any property to planned unit development may reference various plans, documents, maps or drawings and incorporate such items by reference. The City Council is authorized to approve any amendments to said plans, documents, maps or drawings. The City Council shall not have to adopt an ordinance amendment to change any such plans, documents, maps or drawings.

9-22-6 Final Plan.

The final plan conveys essentially the same information as the approved preliminary plan in a more specific and complete manner. The final plan is the permanent public record of the PUD and may consist of all or a portion of the area encompassed by the preliminary plan, and shall include revisions of the preliminary plan as requested by the Planning Commission and/or City Council or City staff. The final plan shall implement the development objectives established by the approved preliminary plan and may be submitted in project stages for the entire PUD.

- A. *Required exhibits.* The following required exhibits shall be prepared and submitted to the Zoning Administrator for presentation and review by City staff, Planning Commission and City Council (six full sets, one reduced copy):
 1. Plan or plans at a scale of one (1) inch equals one-hundred (100) feet and supporting narrative description depicting in a detailed manner the proposed site development including:
 - a. Broad development objectives.
 - b. Proposed land uses.
 - c. Location of structures.
 - d. Vehicular and pedestrian circulation facilities.
 - e. Parking and loading and unloading facilities.
 - f. Housing types and densities, if applicable.
 - g. Open space uses, ownership and method of maintenance.

- h. Grading plan.
 - i. Landscaping plan including species and size.
 - j. Lighting systems.
- Typical dimensions for the above shall be included.
- 2. Utilities plans at scale of one (1) inch equals one-hundred (100) feet indicating size and placement of water, sanitary and storm sewer lines and facilities.
 - a. Preliminary architectural plans at one-eighth (1/8) inch equals one (1) foot, showing floor plans, and elevations of all buildings except one and two family detached dwellings.
 - b. A tabulation indicating the proposed number of dwelling units by number of bedrooms for each density area in the final plan, if applicable.
 - c. A final plat, if applicable.
 - d. Any other materials requested by the Planning Commission, City Council or City staff.
 - B. *Review and approval.* Procedures for staff, Planning Commission and City Council review and action shall be the same as required for preliminary plan review, except that a public hearing shall not be required.
 - C. *Duration of approval.* The approval of a final plan shall be valid for a one (1) year period following the date of such approval. At its discretion, the Council may extend a final plan approval for an additional six (6) month period. If final plans have not been submitted after a period of eighteen (18) months from the date of City Council's approval of the preliminary plan for either a phase of or the entire development, the approval of the preliminary plan will be considered null and void by the Council, and the PUD zoning designation shall revert to the previous designation.
 - D. *Site improvements.* Subsequent to Council approval of final plans, grading permits may be issued to the applicant by the Zoning Administrator.
 - E. *Model housing units.* At the City Council's option, building permits may be issued to the applicant for the purpose of constructing model housing units, provided the Building Inspector certifies to the Council that the architectural plans meet all requirements of this Chapter and the State Building Code.
 - F. *Effect of approval.* Approval of final plan or plans shall allow the City and developer to enter into contractual agreements for the construction of public improvements such as streets and utilities. Completion of water and sewer installations and rough grading of streets shall constitute permission for the Building Inspector to issue building permits.

9-22-7 Construction and Maintenance.

- A. *Required exhibits.* The applicant shall cause to be prepared the following minimum exhibits showing substantial compliance with the final plan, and shall submit two (2) copies of such exhibits to the Zoning Administrator:
 - 1. Any PUD proposed to be constructed in stages shall include full details relating thereto, and the City Council may approve or modify, where necessary, any such proposal.
 - 2. The staging shall include the time for beginning and completion of each stage. Such timing may be modified by the City Council on the showing of good cause by the developer.
 - 3. The landowner or developer shall make such easements, covenants, and other arrangements and shall furnish a bank letter of credit or other financial security as may be determined by the City Council to be reasonably required to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of the plan before completion.

- B. *Covenant, easements and restrictions.* The final plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential units, nonresidential uses and public facilities as are necessary for the welfare of the planned development district and are consistent with the best interests of the entire City.
- C. *Streets, utilities and services.*
 - 1. The uniqueness of each proposal for planned development requires that specifications and standards for streets, utilities and services shall be subject to minor modifications from the specifications and standards established in this Title and other City ordinances governing their construction. The City Council may therefore waive or modify the specifications or standards where it is found that they are not required in the interests of the PUD occupants or of the entire City. The plans and profiles of all streets, utilities and services shall be reviewed, modified if necessary, and approved by the City Engineer, Fire Chief and Building Inspector prior to approval of the final plan by the City Council.
 - 2. All PUD projects shall be served by the municipal water and sewer systems.

9-22-8 Planned Unit Development Review and Revisions.

- A. *Annual review.* The Zoning Administrator shall review all uncompleted PUD districts within the City at least once each year and shall make a report to the City Council on the status of the development in each of the PUD districts. If the City Council finds that development has not occurred within a reasonable time after the original approval of the PUD district, the Council may instruct the Planning Commission to initiate rezoning to the original zoning district by removing the PUD classification. In any event, it shall not be necessary for the Council to find that the rezoning was in error.
- B. *Final plan revisions.*
 - 1. *Minor revisions.* Minor changes in the location, placement and heights of buildings or structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved. Approval by the City Council shall be required for other minor changes such as rearrangement of lots, blocks and building tracts. These changes shall be consistent with the purpose and intent of the approved final plan.
 - 2. *Substantial revisions.* Any substantial changes in the approved final plan, especially a change in land use or an increase in development density or intensity, or a change in the provision for common open space shall require a public hearing. Any such changes shall be recorded as amendments to the recorded copy of the final plan after Council approval.

9-22-9 Planned Residential District (PRD)

- A. *Purpose.* In addition to the general purpose of planned unit development described in 9-22-1 of this Chapter, the purposes of the PRD district are:
 - 1. To allow greater variety in the types of residential environment available to the residents of the City.
 - 2. To respond to changes in housing demand and in new housing concepts.
 - 3. To encourage the provision of privately controlled common open space ancillary to new housing developments.
 - 4. To allow a more efficient allocation and maintenance of public facilities such as streets and utility lines serving new housing developments.
- B. *Permitted uses.* The following uses are permitted generally in PRD districts; however, individual PRD districts may and usually will be more restrictive by limiting the type of dwellings permitted.
 - 1. Dwelling units in detached, semi-detached, attached or multi-storied structures, or combinations thereof.

2. Accessory uses as permitted in the zoning district in which the proposed development is to be located.
- C. *Development and performance standards.* The following uses are permitted generally in PRD districts; however, individual PRD districts may and usually will be more restrictive by limiting the type of dwellings permitted. By definition, the PRD district emphasizes a regulatory process rather than regulations; however, certain minimal development standards are deemed necessary and shall apply to all PRD proposals. Such standards are as follows:
1. *Building setbacks.* Building setbacks from all property lines which form the perimeter of the total property in the PRD or from all exterior dedicated street right-of-way lines shall be at least twenty-five (25) feet or the height of the building, whichever is greater. Minimum spacing between principal buildings other than one and two family dwellings shall be twenty-five (25) feet.
 2. *Lot coverage.* The total ground area occupied by buildings in a PRD shall not exceed twenty (20) percent of the total site area in the project. If the total project is to be staged over a period of time, open space shall be provided so that the ground coverage of any one stage shall not exceed thirty (30) percent of the applicable site.
 3. *Floor Area Ratio (FAR).* There shall be a maximum floor area ratio of 0.5. Floor area ratio shall be determined by dividing the sum total of the gross area of all floors of the principal structures on a site by the gross area of the total site.
 4. *Building and site design.*
 - a. More than one (1) building may be placed on one (1) platted or recorded lot in a PRD. Areas for single-family detached dwellings must comply with the City's Subdivision Regulations in all respects not specifically noted in this Chapter as appropriate variances or waivers.
 - b. A PRD that only involves one (1) housing type, such as all detached or all attached units, shall not be considered as inconsistent with the stated purposes and objectives of this Chapter.
 - c. Architectural style of buildings shall not solely be a basis for denial or approval of a plan; however, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development will be primary considerations in the review stages of the Planning Commission and Council.
 5. *Common open space.* Common open space shall be provided within each PRD according to the following schedule:
 - a. One-thousand (1,000) square feet of land per single family attached unit, such as townhouses, quads, twin homes, and similar uses.
 - b. Four-hundred (400) square feet per multiple family unit, including walk-up apartments, high rise apartments, and similar uses.
 - c. In addition, ten (10) percent of the gross residential land within the PRD shall be dedicated for public use as parks or playgrounds or a cash equivalent as determined by the City.
 6. *Open space standards.* The City Council shall not approve a PRD unless it meets the following standards applicable to common open space:
 - a. The location, shape, size and character of the common open space shall be provided in a manner to meet the needs of the PRD and shall be consistent with the City's proposed parks and open space standards.
 - b. Common open space shall be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.

- c. Common open space must be suitably improved for its intended use, but common space containing natural features, existing trees and ground cover worthy of preservation may be left unimproved.
7. *Dedication of land.* All land shown on the final plan as common open space shall be conveyed in either of the following ways, at the discretion of the City Council. In any event, the common open space, after being approved on the final plan, shall be used thereafter for no other purpose than as specified on the final plan.
- a. To the City; or
 - b. To an organization for the ownership and maintenance of the common open space, which organization shall not be dissolved nor shall it dispose of the common open space by sale or otherwise without first offering to dedicate the same to the City.

9-22-10 Planned Mixed-Use District (PMD).

- A. *Purpose.* In addition to the general purpose of the planned unit development described in Section 9-22-1, the purpose of the Planned Mixed-Use District is to support the development of a mix of land uses which combine residential and non-residential land uses through the use of innovative planning and design.
- B. *Interim Uses.* In addition to other uses specifically identified elsewhere in this Title, the following are interim uses within the PMD, Planned Mixed-Use District, and require an interim use permit in accordance with the procedures identified in Section 9-2-8.
 - 1. Single-family dwelling on property not served by municipal sewer and water, subject to the standards identified in Section 9-5-3-DD.
 - 2. Mining, excavation, and land reclamation, subject to standards identified in Chapter 27.
 - 3. Private or public stables, subject to standards identified in Section 9-5-3-EE.
 - 4. Temporary classroom type structure for use by public or private institutions.
 - 5. Other uses that satisfy both the purpose and findings criteria established in Section 9-2-8, as determined by the City Council.
- C. *Permitted uses.* Within the PMD district, no building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses listed below, subject to all applicable development and performance standards:
 - 1. Multiple family dwellings.
 - 2. Office and administrative facilities.
 - 3. Retail business.
 - 4. Professional and personal service business.
 - 5. Conference centers.
 - 6. Public transit facilities.
 - 7. Indoor commercial recreation.
 - 8. Child care center.
 - 9. Essential services as defined in Section 9-1-6.
- D. *Permitted accessory uses.* The following are permitted accessory uses within the PMD, Planned Mixed-Use District, subject to all applicable provisions of this Title.
 - 1. Fences as regulated in Section 9-4-13.

2. Towers and antennae as regulated by Section 9-4-15.
 3. Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time necessary to complete construction.
 4. Outdoor dining area subject to the standards identified for such use in Section 9-5-3-W.
 5. Parking and loading facilities as regulated by Chapter 24.
 6. Keeping of horses, provided that there is at least two (2) acres of land for the first horse and one (1) acre for each additional horse up to a maximum of five (5) horses and provided that any accessory building used as stable facility or shelter for the horses maintain a minimum setback of one-hundred (100) feet from a front lot line and fifty (50) feet from all side or rear lot lines. A conditional use permit shall be required to exceed the maximum allowable number of horses as provided herein. (Ord. 542; 2-4-2002)
- E. *Lot requirements.* Lot requirements for the PMD district shall be established at the time of zoning. However, the following shall apply in all instances except within the Hamilton Overlay District:
1. Maximum height -- Four (4) stories, not exceeding fifty (50) feet from finished grade.
 2. Maximum building coverage -- Thirty (30) percent.
- F. *Development and performance standards.* Due to the nature of the Planned Mixed-Use District, the regulations governing development and performance standards shall be established at the time of zoning. However, the following shall apply in all instances:
1. Landscaping and screening requirements shall be as established in Chapter 25.
 2. No merchandise shall be stored or displayed outside a building, and no equipment or vehicles other than passenger vehicles shall be stored outside a building.
 3. A business may have no more than two (2) delivery vehicles, provided that such vehicles shall be customary passenger vehicles or small pickup trucks or vans. All principal and accessory buildings shall be designed and constructed in accordance with the design standards identified in Chapter 5.

9-22-11 Planned Commercial District (PCD).

- A. *Purpose.* In addition to the general purpose of planned development districts as described in Section 9-22-1 of this Chapter, the purpose of the planned commercial development (PCD) district is to provide for the development of predominately retail commercial uses, but also including a wide range of complementary uses in a cohesive arrangement.
- B. *Permitted uses.* The following uses are permitted generally in PCD districts; however, individual PCD districts may be more restrictive than the general use.
1. Commercial establishments including, but not limited to, the following:
 - a. Business services such as printing and computer services.
 - b. Entertainment and amusement services such as motion picture theaters and bowling alleys.
 - c. Finance, insurance and real estate services.
 - d. Lodging services such as hotels and motels.
 - e. Personal services such as laundry, barber, shoe repair shop and photography studio.
 - f. Professional services such as medical and dental clinics and attorneys' offices.
 - g. Repair services such as jewelry and radio and television repair shops.
 - h. Retail establishments such as grocery, hardware, drug, department stores, clothing and furniture stores, eating and drinking places, auto dealers and gas

stations. Used car lots shall be permitted only when an integral part of a new car dealership.

2. Offices for administrative, executive, professional, research or similar organization, and laboratories having only limited contact with the general public.
3. Public and semi-public facilities serving all or major portions of the City such as municipal offices, library, post office, fire station and YWCA/YMCA.
4. Accessory uses incidental to the foregoing principal uses such as off-street parking and loading areas, signs, storage of merchandise, wholesaling when incidental to a permitted use, and radio and television antennas as permitted in the C-2, General Commerce District.

C. *Development standards.*

1. *Building setbacks.*
 - a. From perimeter streets: Forty (40) feet.
 - b. From interior public streets: Thirty (30) feet.
 - c. From adjoining residential uses or zoning districts: Seventy-five (75) feet.
 - d. Between principal detached structures: One-half (½) of the average height of the two (2) structures.
2. *Lot coverage.* No more than forty (40) percent of any lot or tract shall be covered by buildings.
3. *Floor Area Ratio (FAR).* Maximum floor area ratio for any single lot or tract shall be 2.0 provided the entire PCD of which it is a part shall not exceed 1.0.

9-22-12 Planned Industrial District (PID).

- A. *Purpose.* In addition to the general purpose of planned unit development described in 9-22-1 of this Chapter, the purposes of the PID district are:
1. To provide an area or areas within the City where industrial and related uses of a generally "clean and quiet" nature can be developed and operated in a high quality physical environment.
 2. To promote uses which will be complementary to and compatible with the predominantly low density residential character of the City.
 3. To promote uses which will insure to the owners and occupants of permitted uses the full use, benefit and prestige of a planned industrial district of exemplary standards.
 4. That industrial and related activities be the predominant use in the PID District but that complementary uses such as certain kinds of commercial activity may also be appropriate if properly designed and developed.
 5. To promote industrial development that is to be characterized by relatively high employment levels and building to land ratios, both of which support the objectives of increasing employment opportunities within the City and of strengthening the City's non-residential tax base.
- B. *Permitted uses.* The following uses are permitted generally in PID Districts; however, individual PID Districts may be more restrictive:
1. Manufacturing, fabrication, compounding, processing, packaging, treatment and assembly of goods, products and materials.
 2. Office and administrative facilities.
 3. Retail commercial facilities providing goods and services for the day-to-day needs of PID district workers and visitors.

4. Retail commercial facilities beyond those specified in 3 above provided that the Council shall find prior to any such retail use being made of any premises and prior to any substantial change therein, that the use is compatible with the Planned Industrial Development District in which located.
 5. Scientific research, investigation, testing or experimentation.
 6. Wholesaling and warehousing.
 7. Customary accessory uses such as off-street parking and signs and radio and TV antennas as permitted in the I-1, Limited Industrial District.
- C. *Development standards.*
1. Building setbacks.
 - a. From perimeter public streets: Fifty (50) feet.
 - b. From interior public streets: Thirty (30) feet.
 - c. From adjoining residential uses or zoning districts: One-hundred (100) feet.
 - d. Between principal detached structures: One-half ($\frac{1}{2}$) the average height of the two (2) structures.
 2. *Lot coverage.* No more than forty (40) percent of any lot or tract shall be covered by buildings.
 3. *Floor Area Ratio (FAR).* Maximum floor area ratio for any single lot or tract shall be 2.0, provided the entire PID of which it is a part shall not exceed 0.75.

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