

**CHAPTER 5**

**RESIDENCE DISTRICTS**

**ARTICLE B. R2A SINGLE-FAMILY RESIDENCE DISTRICT**

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**6-5B-1: INTENT:** The R2A Single-Family Residence District is designed to permit the development of environmentally sensitive large lot areas through the application responsible environmental and other planning criteria. The intent is to encourage a creative approach to the use of land, preserve natural vegetation, topographic and geologic features, enhance the appearance of the neighborhoods by the conservation of forested areas, water bodies and the preservation of natural vegetation and wildlife and advance the various Lincolnshire planning policies outlined in the Official Comprehensive Policies Plan. Specific environmental and planning criteria will be applied through the site plan review process.

**6-5B-2: PERMITTED USES:** In the R2A Single-Family Residence District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Article.

- A. Single-family dwellings.

- B. Parks, forest preserves, hiking and bicycle trails.
- C. Educational Institutions (non boarding).
- D. Accessory uses and buildings incidental to and on the same zoning lot as a principal use, as follows:
  - 1. Athletic fields and playgrounds.
  - 2. Attached garages.
  - 3. Greenhouses and conservatories for private use.
  - 4. Swimming pools.
  - 5. Storage of building materials and equipment, fences and temporary buildings for construction purposes, for a period not to exceed the duration of such construction. No accessory use or building shall be located in areas of the building lot which are reserved by deed restriction for preservation of natural environment or are otherwise restricted. (Ord. 77-470-4)
- E. Community residential homes of less than four (4) persons. (Ord. 90-1182-66)
- F. Memorial Garden, as an accessory use to an assembly use, including, for example, religious institutions or schools; provided the memorial garden is not located in any required yards. (Amd. Ord. 08-3070-53, eff. 11/24/08)

**6-5B-3: SPECIAL USES:**

- A. Churches and religious institutions.
- B. Deleted by Ord. 11-3205-27, eff. 6/13/11)
- C. Cemeteries.
- D. Rest homes.
- E. Golf courses (but not golf driving ranges, pitch and putt or miniature golf courses).
- F. Cultural institutions, including:

1. Public libraries.
  2. Public museums.
- G. Publicly owned utilities, and civic buildings as follows:
1. Fire station.
  2. Police station.
  3. Post office.
  4. Municipal offices and buildings.
- H. Noncommercial recreational and social facilities, as follows:
1. Recreation clubs, including grounds (excluding hunt or gun clubs).
  2. Community centers.
  3. Deleted by Ord. 11-3205-27, eff. 6/13/11)
- I. Planned single-family residential developments.
- J. Horticulture, nature preserves, arboretum and agriculture (except animal husbandry, mushroom farming, retail sales, and any other agricultural use deemed noxious by the Zoning Administrator. (Ord. 77-470-4)
- K. Detached garage only in an Historic District, as defined herein. (Ord. 87-956-42)
- L. Memorial Assembly Facility: (Amd. Ord. 08-3070-53, eff. 11/24/08)
1. Shall only be permitted as an accessory use to an assembly use, including, for example, religious institutions or schools.
  2. Shall be permitted
    - a. inside the principle structure on the Lot, or
    - b. as a accessory structure subject to compliance with the following design and setback standards:
      - i. Shall be located not less than one-hundred feet (100') from any Lot Line where there is Frontage;

- ii. Shall maintain a minimum distance of one hundred and thirty-five feet (135') from any Lot Line where there is no Frontage;
- iii. Shall be located not more than twenty feet (20') from the principle structure on the Lot;
- iv. Shall comprise an area no greater than six hundred (600) square feet;
- v. The structure shall have a height not greater than three feet (3');
- vi. The structure shall be concealed from the adjacent right-of-way and contiguous residential Lots with vegetation which provides complete screening during the entire year and shall be a minimum of six feet (6') tall at the time of planting, but which vegetation shall not be considered part of the Memorial Assembly Facility for the purpose of measuring the permitted area thereof; and
- vii. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure to which it is accessory.

**6-5B-4: LOT AREA, SETBACK AND HEIGHT REQUIREMENTS:**

- A. Density for Single-Family Residential Use: Allowable density on each tract of land shall be five-tenths (0.5) to one dwelling unit per acre. However, where specific elements of the Comprehensive Policies Plan are being significantly advanced, the Zoning Board may recommend and the Village Board may approve density premiums to permit densities up to one and one-quarter (1.25) units per acre. Density premiums shall be granted only where the petitioner shows special attention to protection and preservation of natural environmental resources and where the proposed development significantly advances the policy objectives of the Official Comprehensive Policies Plan of the Village.

The determination of final density on each tract shall be a subject of the site plan review process in accordance with environmental and planning criteria provided for herein. Final density shall be as set forth on the zoning site plan as approved by the Village Board.

- B. Lot Area:

- 1. Single Family: Lot area may vary within this District in order to achieve creative lot design and protect the environmental resources of each tract of land. Lot area shall be determined through the site plan review process in accordance with environmental and planning criteria and with the following:

- a. In no case shall lots be smaller than twenty thousand (20,000) square feet in area, and,

- b. Average lot size on any individual tract shall not be less than twenty two thousand (22,000) square feet in area. (Individual tract being defined as being under single ownership and being developed under a single plan of development.) (Ord. 77-470-4)
  - c. Frontage: No less than one hundred feet (100') unless the frontage of a lot is on a cul-de-sac, as defined in Section 7-1-4 of Title 7 of this Code, the frontage shall be not less than fifty five feet (55'). (Ord. 88-978-10)
2. The determination of preliminary lot area shall be a subject of the site plan review process in accordance with environmental and planning criteria provided for herein. Final lot area and design in the R2A Zone shall be established as part of the subdivision plat process. Final lot area and design shall however substantially conform in layout, area and design to the preliminary lots shown on the zoning site plan.
3. Uses Other than Single-Family:

a. Permitted Uses:

Park, forest preserves no size limitations

Horticulture and agriculture 5 acres

Educational institutions with 10 or more self-contained classrooms 10 acres

Educational institutions with less than 10 self-contained classrooms 5 acres

b. Special Uses:

|              | <u>Suggested Lot Size</u> |
|--------------|---------------------------|
| Churches     | 2 acres                   |
| Cemeteries   | 10 acres                  |
| Rest homes   | 3 acres                   |
| Golf courses | 20 acres                  |

|   |          |
|---|----------|
| Cultural institutions                       | 3 acres  |
| Public utilities and services               | .5 acres |
| Recreational and social<br>(non-commercial) | 2 acres  |
| Planned developments residential            | 5 acres  |

- C. **Building Height:** The maximum building height shall be two and one-half (2-1/2) stories or thirty five feet (35') whichever is lower.
- D. **Property Line Setbacks from Major Roads:** The property line shall be set back as follows in all mature forested areas:
1. Riverwoods Road, one hundred sixty five feet (165') from center line.
  2. Half Day Road, one hundred eighty five feet (185') from center line.
  3. For other major roads designated by the Zoning Board, the setback to the property line from the center line shall be no less than one hundred twenty five feet (125'). However, the Zoning Board may recommend and the Village Board may approve up to a twenty percent (20%) variation in the above property line setbacks in order to accommodate Comprehensive Policies Plan and environmental preservation objectives, and may approve other variances on parcels of ten (10) acres or less to alleviate hardship situations or other unusual circumstances.
- E. **Floor Area Requirements.** The maximum floor area ratio shall not exceed 0.25 and the minimum floor area per dwelling unit shall not be less than 1,750 square feet. The ground floor area of a one story dwelling shall not be less than 1,750 square feet, or for dwellings with more than one story, the ground floor area shall not be less than 1,000 square feet. (Amd. Ord. 07-2973-01B, eff. 1/22/07)
- F. **Building Side Setback Plane.** For all new single-family residential dwelling units and additions to existing single-family residential dwelling units, a “Building Side Setback Plane must be calculated, inside which said dwelling unit must be contained. The Building Side Setback Plane shall be measured beginning at ten feet (10') directly above the established grade on the Side Lot Line. (Amd. Ord. 07-2973-01B, eff. 1/22/07)

G. Where a setback greater than the minimum required front yard setback has been maintained for existing buildings on lots having frontage of seventy-five percent (75%) or more of the total frontage of that block, the front yard setback for any new principal building, attached accessory building or building addition shall be no closer than the front yard setback established by the nearest existing principal building on that side of that portion of that street; provided that this regulation is not to be interpreted to permit a setback less than that required in the designated zoning district. Further, this regulation shall not apply to any building in a new subdivision for the first five (5) years from the approval of the Final Plat of Subdivision. (Amd Ord. 07-2977-05, eff. 3/12/07)

**6-5B-5: YARD REQUIREMENTS:** Yard requirements shall be as follows:

A. Single-Family Residential:

1. Front Yard and side yard abutting a street: 20 feet

(Except when an attached garage protrudes into the required front yard or corner side yard, the garage portion of the structure may extend up to 10 feet into the required front yard or corner side yard.) (Amd. Ord. 07-2973-01B, eff.1/22/07)

2. Side Yard 10 feet

3. Rear Yard 35 feet

4. Corner Side 20 feet

B. All other uses involving buildings or structures:

1. Front yard and side yard abutting a street 50 feet

2. Side yard 20 feet

3. Rear yard 75 feet

**6-5B-6: SITE PLAN REVIEW PROCESS:**

- A. Applicability: Applications or petitions for R2A zoning for tracts of land five (5) acres or greater or where approval of a density greater than one-half (1/2) dwelling unit per acre is requested, shall be subject to the site plan review process.
- B. Purpose: Whereas the proper maintenance and use of areas of high environmental value are important to the physical, aesthetic, recreational and economic well-being of present and future residents, and whereas each tract and its environmental resources are unique, each zoning permit application shall be reviewed on an individual basis.
- C. Review Responsibility: Each application shall be reviewed in accordance with the procedures and standards contained in this Section, and in accordance with criteria contained herein and established from time to time by the Zoning Board and approved by the Village Board.

The Community Development Department shall have responsibility for the site plan review process. The Village Manager shall utilize the services of the Community Development Department and various other Village Departments including the Village Attorney as well as the local Fire District for technical and advisory aspects of the site plan review in accordance with normal Zoning Board operating procedures.

- D. Procedure for Site Plan Review: Site plan review process for the R2A Zoning District shall occur in two (2) phases; a policy phase, and a technical phase which includes the steps involved in subdivision platting. Zoning approval shall be evidenced by acceptance of a zoning site plan by the Village Board at the end of the policy phase. However, no land clearance, grading or construction shall commence until acceptance of a final subdivision plat, and the issuance of individual lot development permits and building permits in accordance with the provisions hereinafter set forth and other applicable Village ordinances.
- E. Application: Applications for each phase shall be made on forms provided by the Community Development Department and shall be accompanied by the required plans and documents. The application at each phase shall be submitted to and certified by the Community Development Department as being complete and in proper form.

**6-5B-6-1: POLICY PHASE:**

A. Step 1. Pre-application Conference: Prior to filing a formal application for a zoning permit, the applicant shall request a preliminary conference with the Community Development Department.

1. At the pre-application conference, the developer shall present, at a minimum, the following material:

Written description of the proposed development and proposed design team.

Area and specific location maps and surrounding land-use maps.

Title information regarding ownership of all the land including full disclosure of all beneficiaries of any land trust involved and full disclosure of all partners in any general or limited partnership, with supporting documentation.

Topographic map available at five foot (5') intervals.

Sketch plans and concepts regarding land-use, site design, access, street layout, surface drainage and utility service.

Aerial photograph at a four hundred foot (400') scale or larger.

2. The Community Development Department shall determine and advise the applicant of required material, data and plans to be submitted in Step 2, Zoning Site Plan Review and Public Hearing. The Community Development Department shall further advise the applicant of Comprehensive Policies Plan objectives which may affect the tract of land in question and any other issues of particular concern to the Community Development Department.

B. Step 2: Zoning Site Plan Review and Public Hearing: An application with all accompanying material as designated herein and as may be required at the conclusion of Step 1 shall be submitted to the Community Development Department who shall certify the submittal as complete and in proper form. The Community Development Department shall forward the application to the Zoning Board for the consideration of Zoning Board subcommittees, Village staff, Village advisory bodies and other affected governmental bodies.

1. Prior to the public hearing, the Zoning Board may provide the applicant with the opportunity to present his proposed development. After such presentation, the Village development staff shall prepare a written review of the proposed site plan and supporting plans and concepts. After the Zoning Board has completed its preliminary

review and studied the staff report, it shall hold a public hearing on the proposed site plan in accordance with its normal public hearing procedures.

2. The applicant shall submit the following material for this phase of the site plan review:

General development information.

Housing designs, materials, prototype floor plans.

Market information including bedroom mix, price range, targeted purchasers and marketing concept.

Land purchase agreements if not owner of record.

Site plan and environmental protection concepts.

Engineering concepts.

Description of variations to the subdivision improvement regulations requested, if any.

Aerial surveys at a scale of one hundred feet equals one inch (1" 100').

Other data, maps, surveys or plans as may be required for the review of the various studies outlined in Section 6-5B-6-1A.

3. The Zoning Board shall hold a public hearing in accordance with Section 6-14-3 of this Zoning Code.
4. Following the public hearing and review of the development staff report the Zoning Board shall submit its findings and recommendations to the Village Board. Findings of fact will be submitted in written form and include recommendations to approve the zoning permit, approve with conditions or deny the application. Such recommendations may include those specific engineering and environmental studies beyond those required in the subdivision regulations which are found necessary and reasonable to properly manage the development of the site given unique site characteristics, variations from the subdivision regulations requested by the applicant or recommended by the Zoning Board, and shall include a designation of that area for which a detailed tree survey shall be required, if any.

- C. Step 3. Village Board Approval or Denial: The Village Board shall grant zoning permit approval, conditional approval or shall disapprove the zoning site plan. This approval shall constitute zoning approval only. It does not constitute subdivision, lot development or building permit approval.

**6-5B-6-2: TECHNICAL PHASE:** The technical phase involves four (4) steps: 1) submission of detailed studies; 2) approval of the preliminary subdivision plat (with such additional studies as recommended by the Zoning Board); 3) approval of the final plat; 4) approval of individual lot development plans and issuance of lot development permits. The technical phase shall occur simultaneously with and be closely coordinated with the subdivision plat approval process.

- A. Step 1: Detailed Engineering and Environmental Studies.

1. As part of the submission of a preliminary subdivision plat, the applicant shall submit the following detailed studies to the Village Manager:

A survey, mapped and drawn to a scale of fifty feet equals one inch (1" = 50') of all trees eight inches (8") or more in diameter measured fifty four inches (54") from the ground. Each such tree shall be noted as to location, size, species and general condition. The survey shall be prepared by an approved forester and shall encompass that area designated by the Zoning Board in Section 6-5B-6-1B4.

Topographic survey showing existing and proposed contours at one foot (1') intervals.

A plan showing all existing utilities including sanitary sewers, water and gas mains, telephone and electric lines.

A plan showing the location of all existing drainage systems, natural and man-made, which influence the site. This plan should include information on drainage to and from adjacent parcels to the extent that they may be affected by the proposed drainage concepts proposed for the subject site.

Natural resource and ecological studies of marsh, wetlands, ponds or other water bodies completed by a professional in the natural sciences approved by the Village Manager when such studies are deemed appropriate as part of the policy phase deliberation.

2. The Zoning Board may require the submission of additional detailed studies as they deem appropriate, and/or may waive the requirement of submitting a particular study or studies as set forth herein.

3. The Village Manager shall refer these studies to members of the Village development staff for review to assure the substantial compliance of the preliminary subdivision plat to the zoning site plan.

B. Step 2: Approval of a Preliminary Plat by the Village Board: The applicant shall submit a preliminary plat to the Zoning Board in accordance with the procedures contained in the Subdivision Code of the Village<sup>1</sup>. The preliminary plat shall conform in substance to the approved zoning site plan. The preliminary plat shall contain all items and attachments required in the Subdivision Code and, in addition, the following:

1. Location and extent of all deed restricted portions of individual lots showing those areas of each lot which shall remain in a natural and undisturbed state.
2. Preliminary engineering drawings for the entire parcel at a level of detail to be determined by the Village Engineer. (Final engineering plans and specifications shall be submitted for "units" representing successive phases of the development.)
3. Designation on each lot of the construction envelope which shall be that area where construction activity and ingress and egress to the building site shall be permitted.
4. Designation of that area to be covered by deed restrictions, if any
5. A phasing plan identifying units of the proposed subdivision and the sequence of staging of these units.
6. Documentation of the type of corrective actions to be taken on trees within or along the edge of the construction envelope that may be damaged or adversely impacted by the construction process.
7. Documentation that the developer will fence the construction envelope of each lot.
8. The Zoning Board shall, following receipt of the preliminary plat, submit its recommendations to the Village Board in accordance with the provisions of the Subdivision Code.
9. Upon receipt of the preliminary plat, and any attachments thereto, from the Zoning Board along with their written recommendations, the Village Board shall approve,

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<sup>1</sup>See Title 7 of this Village Code

approve with conditions or disapprove the preliminary plat in accordance with the Subdivision Code.

C. Step 3: Approval of the Final Plat:

1. The Zoning Board shall, following receipt of the final plat, submit its recommendations to the Village Board in accordance with the provisions of the Subdivision Code.
2. Upon receipt of the final plat, and any attachments thereto, from the Zoning Board along with their written recommendations, the Village Board shall approve, approve with conditions or disapprove the final plat in accordance with the Subdivision Code.

D. Step 4: Individual Lot Development Plans and Permit: Prior to issuance of a building permit and prior to any lot preparation whatsoever, the applicant shall apply for a lot development permit and file a lot development plan for review and approval. This final step in the site plan review process shall take place after approval of a final subdivision plat for a portion of the subdivision or for the entire subdivision.

1. Application: The applicant shall submit six (6) copies of a lot development plan for each lot to the Village Manager. The Village Manager shall refer the lot plan to the Village Engineer and Village Forester for their review and approval.

No lot development permit or building permit shall be issued for any lot within the R2A Zoning District without the signature of the Village Engineer and Village Forester on the face of the lot development plan indicating approval.

2. Designation of Lot Activity Areas: The lot development plan shall locate the activity zones of each lot delineating:
  - a. The building and grading area.
  - b. The construction envelope.
  - c. The deed restricted area, if any.

The building and grading area shall be restricted to:

- a. The building pad area.

- b. An area not to exceed the greater of that area fifteen feet (15') immediately beyond the building pad or that area necessary to comply with the final plat.
- c. The area proposed to be used as the driveway and for necessary utility lines.

The construction envelope shall be that area needed for the movement and placement of equipment and material to be used in the construction of the dwelling unit. It shall be as small as possible but include the entire building and grading area. The construction envelope shall be placed so as to minimize tree damage.

Any deed restricted undisturbed area shall be located on each lot to blend into the restricted areas of adjacent lots. The undisturbed areas should extend the entire length of the lot wherever this is feasible in the overall design of the subdivision.

- 3. Data to be Included: The lot development plan shall be drawn at a scale of one inch equals fifty feet (1" = 50') and include the following information:

Existing contours at one foot (1') intervals.

The location of all trees eight inches (8") or more in diameter measured fifty four inches (54") from the ground within the construction envelope and fifteen feet (15') beyond, and an indication of all such trees proposed to be removed.

The location of all existing and proposed streets, driveways, easements and rights of way.

The location of all existing and proposed utilities including sewers, water mains, gas lines, telephone service lines and electric service lines.

The location of all existing and proposed drainage across, to and from the lot. The proposed location of all drainage structures such as culverts, swales, ditches, etc. The proposed location of sump pump discharge.

The location and extent of areas to be graded or filled.

The location of snow fencing or other suitable protective barriers to be placed around and within the construction envelope to protect trees and avoid unnecessary soil compaction.

Statement of earliest starting date for lot grading.

Statement that no tree shall be removed by bulldozing and that all trees to be removed will be cut and the stumps ground with a stump remover.

4. Lot Development Permit: No lot grading or removal of any vegetation shall take place without an approved lot development plan and a lot development permit issued by the Village is displayed at each lot. Work will proceed only after the appropriate inspections as indicated on the lot development permit.
5. A copy of the approved lot development plan shall be kept at the lot during the time that lot development work is underway.

The Village Forester shall make the necessary inspections required to check compliance with the lot development plan. The schedule of inspections and a place for signature indicating satisfactory inspection shall be on the face of the lot development permit.

The first inspection shall be required after the building corners are staked, grading area marked, driveway located and snow fencing or other suitable protective barrier put in place but prior to any clearing of vegetation or grading. The second inspection shall be made after rough grading is complete. Excess excavation spoil, as determined by the Village Forester, shall be removed from the forested portions of a project. The third inspection shall be made when all lot development work is complete.

Where it is found that the condition of the lot or progress of lot development work does not conform to the approved lot development plan, the Village Forester shall issue a stop work order. No building permit shall be issued until after the second inspection has been made and approved by the Village Forester.

6. Final Grading: All finished grading shall be performed by the developer prior to issuance of an occupancy permit, and in accordance with Village standards and an approved grading plan.

#### **6-5B-7: ENVIRONMENTAL AND COMPREHENSIVE POLICIES PLAN**

**CRITERIA:** The following criteria shall be used in evaluating the zoning site plan, preliminary plat and lot development plan for each tract within the R2A Zone. The purpose of these criteria is to promote the preservation of trees and natural vegetation, to preserve unique natural features, to prevent flooding and drainage problems, to maintain vistas, to provide for open space, park and recreation areas and to promote the implementation of the Official Comprehensive Policies Plan of the Village. The Zoning Board and Village development staff shall utilize this criteria in its review of the zoning site plan, preliminary plats and lot development plans. Final site density shall depend upon the extent to which each development proposal satisfies the environmental criteria and promotes policy objectives of the Comprehensive Policies Plan. In utilizing these criteria the Zoning

Board shall give consideration to the unique environmental and locational characteristics of the tract of land.

A. Environmental Criteria:

1. Maximum tree preservation in forested areas including design treatment to minimize tree damage and removal, the location of open space to protect tree and tree rehabilitation commitments where unavoidable damage is likely to occur.
2. The amount and location of open space, dedicated or otherwise reserved, and the extent to which it is used to protect unique natural features and vistas. At a minimum, five percent (5%) of the site shall be dedicated open space at one-half ( $\frac{1}{2}$ ) unit per acre; ten percent (10%) at one unit per acre and fifteen percent (15%) for densities above one unit per acre. However the Zoning Board can recommend and the Village Board can approve a cash donation in lieu of the required open space or a portion thereof. Park land should abut existing parks or open space wherever possible.
3. Forested areas and areas containing unique natural features or constituting important natural habitats should be protected by deed restrictions wherever possible keeping such lands in a natural undisturbed state.
4. Areas of poor visual impact due to exposure to major roads or disharmonious land uses should be screened by the use of berming and landscaped with natural vegetative materials.
5. A variety of site design techniques including variable yards, moderate clustering and variable lot size should be used to create large undeveloped areas within the development.
6. Ponds, streams and wetlands should be preserved in their natural condition and included as part of dedicated open space wherever feasible and advisable.
7. Steep slopes should be protected from development.
8. In forested areas, drainage improvements should be designed so as to minimize any change in the existing groundwater level.
9. In forested areas, engineering improvements should be concentrated into as narrow a corridor as is consistent with current engineering standards so that clearing of wooded rights of way can be minimized.

B. Comprehensive Policies Plan Objectives:

1. For subdivisions of forty (40) acres or more in total area, the density should decrease as the distance from major State or County collector or arterial highways increases.

2. All aspects of the development proposal, including site design, street layout and design, engineering, land use, housing character, landscape treatment, conservation measures and the treatment of community facilities such as parks and schools, should be consistent with and advance the objectives contained within the Official Comprehensive Policies Plan of the Village. Particular emphasis should be placed on advancing the plan's open space strategy and upon the following:

The preservation in a natural state of forested land.

The provision of bikeway and pedestrian ways linked to the Village's system.

Property lines of lots to be subdivided should be substantially set back from all major roads. While minimum setbacks are required, additional setbacks should be included wherever possible.

The preservation of semirural vistas of open meadows and woodlots should be given design consideration.

The provision for park improvements in addition to dedicated or otherwise reserved open space.

Open space in the form of nature preserves as well as parks should be included as integral parts of residential neighborhoods.

Conformance with the transportation and road plan elements.

Maintaining the visual character of Village and County roads.

The coordination of development with School Districts 103 and 125, expansion and program objectives.

The avoidance of highway commercial land uses along Route 22 and Riverwoods Road and all local roads.

The development of estate, large lot residential and very low density single-family cluster developments in areas designated as "environmentally sensitive residential areas".

Developments should be as nearly self-sustaining as possible in terms of their Municipal cost-revenue effect. (Ord. 77-470-4)