

## ARTICLE 15. RESIDENTIAL CLUSTER DEVELOPMENT

### Section 15-1: Purpose and Intent; Definition

The purpose of residential cluster development is to provide an alternative development option that will:

- (A) Promote more efficient use of land resources than is otherwise possible under conventional zoning and subdivision regulations.
- (B) Reduce the per unit site development costs of dwellings by concentrating residential units on a portion of the site without increasing the overall net density above that which would normally be allowed pursuant to Article 11, Table of Area, Yard, Density and Height Requirements.
- (C) Preserve the natural character of the site.
- (D) Preserve farmland and scenic views.
- (E) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas.
- (F) Provide variety in residential buildings and properties and provide design flexibility that can relate the location of units to unique site conditions.

For the purposes of this section, a residential cluster development is defined as:

- (A) A development design wherein conventional zoning standards are relaxed to permit modifications in lot area, lot width, lot frontage, lot coverage, required yards, and public street access, and to save infrastructure development cost, environmental damage, energy use and land resources by concentrating dwellings in specific areas of the site without increasing the net density above that which would normally be allowed pursuant to Article 11, Table of Area, Yard, and Height Requirements.
- (B) Such development shall contain detached single-family dwellings only; and
- (C) Such development shall provide a program for the provision, operation and maintenance of such areas, facilities and improvements as shall be required for the perpetual common use by the occupants of the development.
- (D) A conditional use to be processed in accordance with Article 12 of this Unified Development Ordinance. (Revised 4-17-07)

## **Section 15-2: Area; Permitted Districts, Exemption; Street Access; Open Space(s); Density; Dimensional Standards**

Residential cluster developments shall contain not less than ten (10) net acres; however, if a residential cluster is proposed in an approved PUD, a cluster development may be utilized on any acreage provided it is approved by the Board of Aldermen. For purposes of this section "net acres" shall be the total area of all lots and common area(s) exclusive of public street rights-of-way or private street easements. Addition to any existing residential cluster development may be allowed provided such addition meets or exceeds all other applicable requirements. (Revised 4-17-07)

Subject to the paragraph above, a residential cluster development may as an option be allowed within any R-10, RA and PUD zoning district. Such development shall be exempt from the conventional zoning standards relative to lot area, lot width, lot frontage, lot coverage, required yards and public street access normally applicable to such districts, provided such development complies with the minimum standards set forth under this section.

Dwelling units within a residential cluster development may be constructed on lots fronting private streets.

A residential cluster development shall provide open space(s) subject to all the following requirements:

- (A) Such open space shall be greater or equal in area to the total amount of area by which each lot was reduced below the minimum lot size requirement of the prevailing zoning district, or as provided under subsection (B), below, whichever is greater;
- (B) Residential cluster developments shall reserve not less than fifteen (15) percent of the gross acreage as common open space;
- (C) Such area shall not be used as a building site. For purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, boat ramps and docks or other similar recreational facilities may be allowed;
- (D) Such area shall not be devoted to any public street right-of-way or private street easement, private driveway or parking area;
- (E) Such area shall be left in its natural or undisturbed state if wooded at the time of development, except for the cutting of trails for walking or jogging or, if not wooded at the time of development, is improved for the uses listed under subsection (C) above, or is properly vegetated and landscaped with the objectives of creating a wooded area or other area that is consistent with the objective set forth in subsection (F) below;

- (F) Such area shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture if not devoted to other allowable uses in this subsection;
- (G) Such area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated;
- (H) A minimum of one-half ( $\frac{1}{2}$ ) of the required open space shall be contained in one (1) continuous undivided part;
- (I) Not more than twenty-five (25) percent of the required open space shall lie within any floodway zone;
- (J) Not more than twenty-five (25) percent of the required open space may be devoted to allowable improvements as set forth in subsection (C) above;
- (K) Such area shall be perpetually owned and maintained for the purposes of this article by a homeowners association or, at the option of the city, dedicated or deeded to the public.
- (L) The location and arrangement of any open space(s) shall be subject to Planning Board and Board of Aldermen approval;
- (M) The owner shall, pursuant to the subdivision regulations, cause a final subdivision plat to be recorded in the Brunswick County Register of Deeds which clearly describes the open space(s), required deed restrictions, and conditions thereof, prior to the issuance of any building permit(s).

### **Section 15-3: Maximum Density Requirements**

- (A) Residential density shall not exceed that which would normally be permitted under single-family standards within the prevailing zoning district on a net area basis.
- (B) Public street rights-of-way and private street easements shall not be included or count towards the total net area for purposes of calculating allowable density.
- (C) Area dedicated or deeded to the city pursuant to the sections above shall count towards net area for purposes of density calculation.

### **Section 15-4: Minimum Dimensional Standards (revised 12-14-06)**

- (A) Lot area. Not less than sixty (60) percent of the minimum lot area which would normally be required under the single-family standards of the

prevailing zoning district.

- (B) Lot width. Forty (40) feet.
- (C) Lot frontage. Forty (40) feet, except on the radius of a cul-de-sac where such distance may be reduced to twenty (20) feet.
- (D) Public or private street setback. No principal or accessory structure shall be closer than fifteen (15) feet to a public street right-of-way or private street easement or as further provided herein.
- (E) Side yard setback. Shall be subject to Section 15-5 (zero lot line) or not less than twelve (12) feet, provided however, that no structure shall be located on more than one (1) side lot line.

Dwellings which do not utilize the provisions of Section 15-5 (zero lot line) and are not located adjacent to a lot line section subject to Section 15-5 shall maintain a minimum side setback of not less than six (6) feet.

- (F) Rear yard setback. Shall be subject to Section 15-5 (zero lot line) or not less than twelve (12) feet.
- (G) Building separations. No portion of any principal structure shall be located less than twelve (12) feet from any other principal structure or less than ten (10) feet from any accessory structure as measured to the closest point.
- (H) Periphery boundary setback. Except as further provided no principal or accessory structure shall be located less than twenty-five (25) feet from the peripheral boundaries of the residential cluster development.
- (I) Maximum height. Forty (40) feet.
- (J) Detached accessory structure requirements.
  - (1) Shall not be located within any front yard setback;
  - (2) Shall not be located within ten (10) feet of any other principal structure or within five (5) feet of any other accessory structure;
  - (3) Shall not cover more than twenty (20) percent of any side or rear yard; and
  - (4) The side or rear yard requirement for detached accessory structures shall be subject to the provisions of Section 15-5 (zero lot line) or not less than five (5) feet.

### **Section 15-5: Zero (0) Side and/or Rear Yard Setbacks**

A zero (0) side and/or rear yard setback as permitted herein, may be permitted in a cluster subdivision subject to the following provisions:

- (A) Any wall, constructed on the side or rear lot line shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning, or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall be subject to the applicable provisions of Section 15-4 (E) and (F). Roof eaves may encroach two (2) feet into the adjoining lot;
- (B) A five (5) foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
- (C) Where zero (0) side or rear yard setbacks are proposed, the buildable area for each lot shall be indicated on the preliminary and final subdivision plat.
- (D) Zero lot lines shall not be allowed on any perimeter boundary line or lot line of a cluster subdivision.

### **Section 15-6: Private Streets**

Private streets may be allowed pursuant to the subdivision regulations.

### **Section 15-7: Compliance with Subdivision Standards**

All development regulated in accordance with this article shall be subject to the requirements, conditions, and restrictions of the subdivision regulations.