

Proposed Lancaster County, SC UDO Text Amendment:
Cluster Subdivision Overlay District

Section 2.1.5 of the Unified Development Ordinance of Lancaster County is amended by adding:

- /6. The CSOD, Cluster Subdivision Overlay District, is hereby established. Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being to encourage open space in exchange for a reduced lot size. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site, in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSOD, and such reductions are only permissible within a CSOD. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. Cluster subdivisions are permitted in low to moderate density single-family residential districts, specifically, (i) R-30, Low Density Residential/Agricultural District; (ii) R-30P, Low Density Residential/Agricultural Panhandle District; (iii) R-15, Moderate Density Residential/Agricultural District; and (iv) R-15P, Moderate Density Residential/Agricultural Panhandle District. Cluster subdivisions are not permitted in any residential use district in which multiple-family developments or manufactured homes are allowed. Cluster Subdivision Overlay Districts are subject to the following general provisions:
- a. Minimum acreage: The minimum tract area for a cluster subdivision shall be thirty (30) gross acres, shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street.
 - b. Minimum lot area: The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be 5,000 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of 50', as defined in item (c). The minimum lot area per dwelling unit shall increase proportionately with an increase in lot width.
 - c. Minimum lot width: In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be 50'.
 - d. Variety of lot sizes: Individual lots in a cluster subdivision shall vary in size and layout. No more than 34% of the lots in a cluster subdivision shall have a single designated lot width. The following shall also apply:
 1. The minimum separation between any two designated lot widths shall be 10 feet. For example, if 34 percent of the total number of lots has a lot width of 50 feet, 34 percent could have a lot width of 60 feet, and the remaining could have a lot width of 70 feet or greater.
 2. The planning commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e. easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.
 - e. Setbacks: The following minimum setbacks are required for individual lots within a cluster subdivision:
 1. Front Yard: The minimum front yard setback shall be 20'. The front yard setback for a corner lot shall be as set forth in Chapter 5 of the UDO;
 2. Rear Yard: The minimum rear yard setback shall be 30';
 3. Side Yard: The minimum side yard setback shall be 7'. However, a minimum side yard setback of 5' is permissible provided all of the following conditions are met:
 - i. Dwelling units shall have fire resistant siding within a side yard. These materials are to be approved by the Lancaster County Fire Marshal (i.e. brick, masonry, stone, concrete siding). Vinyl siding is not permissible with a 5' side yard;

Proposed Lancaster County, SC UDO Text Amendment:
Cluster Subdivision Overlay District

- ii. Vented soffits are not permissible within a 5' side yard. Unvented soffits shall be permissible if no less than 10' from an adjacent dwelling unit or structure; and
 - iii. Windows of dwelling units shall be offset from the windows of adjacent units within a 5' side yard.
- f. Open space requirement: For a cluster subdivision, no less than twenty-five (25) percent of the site acreage, not including primary conservation areas as defined in subitem (3) of this item (f), shall be set aside in perpetuity as open space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:
- 1. Open space shall be defined as set forth in Chapter 19 of the UDO and as outlined in Section 17.1 of the UDO. Open space may include, but is not limited to, passive recreation, and natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment or play structures;
 - 2. The amount of open space required to be set aside shall be determined by the following formula:
Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

$$TO = ((TP - PC) \text{ OSP}) + PC$$

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Improvable Area)

Note: See Appendix 1.1 for an example of how these formulas are applied;
 - 3. Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;
 - 4. To fulfill the requirements of this section, the following shall be included in the required open space where practicable:
 - i. Wooded areas;
 - ii. Scenic vistas;
 - iii. Streams, ponds, wetlands and floodplains;
 - iv. Buffers, including landscaped, perimeter, river and stream;
 - v. Areas containing slopes in excess of 25 percent;
 - vi. Other areas containing unusual natural site features (such as major rock formations);
 - vii. Other environmentally, historically or archaeologically significant or unique areas;
 - 5. Open space shall be contiguous to the extent practicable, when not restricted by topography, existing water body and other natural features;
 - 6. Pedestrians shall have access to open space;

Proposed Lancaster County, SC UDO Text Amendment:
Cluster Subdivision Overlay District

7. Open space shall be deed restricted and shall not be developed for use other than open space;
8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization that satisfies the criteria established in Section 17.4 and 17.5 of the UDO. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon planning commission and Council approval; and
9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over 24" in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the zoning administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in subitem (8) of this item (f).
- g. Maximum density: The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located, as set forth in Section 2.1.1 of the UDO, where the total number of dwelling units allowed shall be based on the gross acreage of the site. For example, when the CSOD is located within the R-30, Low Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre, a one hundred-acre parcel of land shall be allowed to have no more than two hundred fifty (250) dwelling units built on the site. By comparison, when the CSOD is located within the R-30P, Low Density Residential/Agricultural Panhandle District, where the maximum density is one and one-half (1.5) dwelling units per acre, a one hundred-acre parcel of land shall be allowed to have no more than one hundred fifty (150) dwelling units built on the site (See Appendix 1.1 for additional examples).
- h. Commercial requirement: There shall be no required commercial uses within a cluster subdivision.
- i. Connectivity: The proposed cluster subdivision must have a minimum connectivity index of 1.4 as set forth in Section 13.7.9.1 of the UDO. The following shall also apply:
 1. Any cluster subdivision which will result in one hundred fifty (150) or more dwelling units dependent on a single point of access shall require the provision of a second means of ingress/egress and is subject to the requirements of Section 13.7.8.9 of the UDO;

Proposed Lancaster County, SC UDO Text Amendment:
Cluster Subdivision Overlay District

2. One (1) stubbed out street shall be required to be provided to any adjacent undeveloped parcel or parcel used for a single-family home that contains a minimum of five (5) acres as set forth in Section 13.7.10.3 of the UDO. However, the planning commission may alter this requirement if the developer demonstrates that the connection would be difficult to provide because of topographical reasons; and
 3. Where practicable, the proposed cluster subdivision is required to connect to open space (i.e. bike paths, walking/hiking trails, etc) in adjacent developments.
- j. Site planning review standards: A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 13 of the UDO, including but not limited to Section 13.6. Furthermore, planning staff shall also include the following in their review:
1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;
 2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation and topography;
 3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities and infrastructure should be designed and sited to be compatible with surrounding development patterns;
 4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;
 5. Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 13 of the UDO and Chapter 26 of the Lancaster County Code. *Additional Language regarding street R/W and pavement width to be included;
 6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a sidewalk required on both sides of arterial and collector streets. Local, arterial and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;
 7. A traffic impact analysis shall be provided to the Development Review Committee (DRC) at the time of the DRC submittal for any development within a CSOD, as required in Section 13.7.10.1 (c) of the UDO. The traffic impact analysis must be conducted and sealed by a licensed South Carolina professional engineer hired by the applicant. The cost of the traffic impact analysis shall be paid by the applicant. Any road improvements, which are determined to be necessary, based on the results of the traffic impact analysis, shall be required to be incorporated into the final site plan prior to approval being given by the Development Review Committee. The traffic impact analysis shall be reviewed by the County and in conjunction with the South Carolina Department of Transportation. If a County level traffic planner is not available to review the traffic impact analysis, the County may choose to hire a third-party consultant to assist in this review at the request of the planning department. The applicant is responsible for fees associated with this review;
 8. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 12 and Chapter 22 of the UDO. However, the planning commission may vary such requirements in response to applications demonstrating

Proposed Lancaster County, SC UDO Text Amendment:
Cluster Subdivision Overlay District

alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;

9. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 12 of the UDO. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements; and
 10. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e. brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.
- k. Other zoning requirements: To the extent that this subsection (6), establishing the Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO, the zoning and development standards and requirements contained in this subsection (6) supersede all other zoning and development standards and requirements and this subsection (6) is deemed controlling. Notwithstanding the provisions of this item (k), if a zoning and development standard and requirement contained in this subsection (6) is inconsistent with or conflicts with a zoning and development standard and requirement contained in subsections 2.1.5(1) FP, Floodplain and FW, Floodway Overlay Districts, 2.1.5(2) HNP, Historical and Natural Preservation Overlay District, 2.1.5(3) ESO, Equestrian Oriented Subdivision Overlay District, 2.1.5(4) AC, Aviation Corridor Overlay and 2.1.5(5) CHOD, Carolina Heelsplitter Overlay District, then the zoning and development standard and requirement contained in subsections 2.1.5(1), 2.1.5(2), 2.1.5(3), 2.1.5(4) or 2.1.5(5) supersede the zoning and development standard and requirement contained in this subsection (6) and the provision contained in the respective subsection is deemed controlling. /

Appendix 1 .1

Examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.

Example A

Assume that a 50 acre parcel is being developed. The residential use district is R-15, Moderate Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre. Assume that there are 5 acres of Primary Conservation area. The open space percentage is 25% (or as a decimal .25).

- a. The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

$$TU = (TP) (DUA)$$

TU = Total Units Allowed (dwelling units)
TP = Total Parcel (acres)
DUA = Maximum Dwelling Units per Acre (dwelling units/acres)

$$TU = (50) (2.5)$$

TU = 125 Total Lots or Dwelling Units Allowed

- b. The following formula would be used to determine the amount of the site acreage to be set aside as open space:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

$$TO = ((TP - PC) OSP) + PC$$

TO = Total Open Space Set Aside (acres)
TP = Total Parcel (acres)
PC = Primary Conservation Areas (acres)
OSP = Open Space Percentage (% of Site Acreage excluding PC)

$$TO = Total Open Space Set Aside$$

$$TP = 50 \text{ acres Total Parcel}$$

$$PC = 5 \text{ acres Primary Conservation Areas}$$

$$OSP = 25\% \text{ (or } .25) \text{ Open Space Percentage}$$

$$TO = ((50 - 5) .25) + 5$$

$$TO = ((45) .25) + 5$$

$$TO = (11.25) + 5$$

TO = 16.25 acres of Total Open Space Set Aside

Proposed Lancaster County, SC UDO Text Amendment:
Cluster Subdivision Overlay District

Example B

Assume that a 500 acre parcel is being developed. The residential use district is R-30P, Low Density Residential/Agricultural Panhandle District, where the maximum density is one and one-half (1.5) dwelling units per acre. Assume that there are 100 acres of Primary Conservation area. The open space percentage is 25% (or as a decimal .25).

- a. The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

$$TU = (TP) (DUA)$$

TU = Total Units Allowed (dwelling units)
TP = Total Parcel (acres)
DUA = Maximum Dwelling Units per Acre (dwelling units/acres)

$$TU = (500) (1.5)$$

TU = 750 Total Lots or Dwelling Units Allowed

- b. The following formula would be used to determine the amount of the site acreage to be set aside as open space:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

$$TO = ((TP - PC) OSP) + PC$$

TO = Total Open Space Set Aside (acres)
TP = Total Parcel (acres)
PC = Primary Conservation Areas (acres)
OSP = Open Space Percentage (% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 500 acres Total Parcel

PC = 100 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

$$TO = ((500 - 100) .25) + 100$$

$$TO = ((400) .25) + 100$$

$$TO = (100) + 100$$

TO = 200 acres of Total Open Space Set Aside

Proposed Lancaster County, SC UDO Text Amendment:
Cluster Subdivision Overlay District

Example C

Assume that a 1000 acre parcel is being developed. The residential use district is R-30, Low Density Residential/Agricultural District, where the maximum density is two and one-half (2.5) dwelling units per acre. Assume that there are 100 acres of Primary Conservation area. The open space percentage is 25% (or as a decimal .25).

- a. The following formula would be used to determine the total number of dwelling units allowed:

Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre

$$TU = (TP) (DUA)$$

TU = Total Units Allowed (dwelling units)
TP = Total Parcel (acres)
DUA = Maximum Dwelling Units per Acre (dwelling units/acres)

$$TU = (1000) (2.5)$$

TU = 2500 Total Lots or Dwelling Units Allowed

- b. The following formula would be used to determine the amount of the site acreage to be set aside as open space:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

$$TO = ((TP - PC) OSP) + PC$$

TO = Total Open Space Set Aside (acres)
TP = Total Parcel (acres)
PC = Primary Conservation Areas (acres)
OSP = Open Space Percentage (% of Site Acreage excluding PC)

TO = Total Open Space Set Aside

TP = 1000 acres Total Parcel

PC = 100 acres Primary Conservation Areas

OSP = 25% (or .25) Open Space Percentage

$$TO = ((1000 - 100) .25) + 100$$

$$TO = ((900) .25) + 100$$

$$TO = (225) + 100$$

TO = 325 acres of Total Open Space Set Aside