

## **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, R-20 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.

## **Section 15-8: Small Lot Cluster Development** (adopted 1-14-2016)

Small lot cluster development is a type of detached housing providing small residences for smaller households. Such “cottage” housing is provided as part of the city’s overall housing strategy, which seeks to meet the needs of a population diverse in age, income, household composition, and individual needs through encouraging a variety of housing types and price points, innovation and variety in housing design and site development.

Small lot cluster development standards are intended to create a small community of cottages that is pedestrian-friendly, provides for pedestrian amenities, minimizes impervious surfaces, and takes advantage of natural features on the site. The development standards are intended to maintain traditional cottage amenities and proportions while ensuring that small lot cluster developments are encouraged to use low-impact development techniques to the greatest extent possible.

- (A) This section shall apply only to parcels less than 10 acres that are zoned Multi-Family (MF).
- (B) The minimum lot size is 5,000 square feet.
- (C) The following minimum set back restrictions shall apply:
  - (1) Front Yard: 10 feet
  - (2) Side Yard: 6 feet
  - (3) Rear Yard: 5 feet from an unattached accessory structure; 20 feet from principal structure
- (D) Street right of ways shall be a minimum of 40 feet, with a 10 foot utility easement adjacent to both sides of the right of way.
- (E) No principal structure shall have a total “footprint” greater than fourteen hundred (1,400) square feet. No principal structure shall have a maximum heated square footage greater than eighteen hundred (1,800) square feet. Open covered walkways, open covered porches on the front elevation and first floor covered open or screen porches on the rear elevation shall not be included in the calculation of either heated square footage or “footprint”. An unattached accessory structure shall not be included in either the calculation of the total heated square footage nor the “footprint”; however, the total “footprint” of an unattached accessory structure shall not exceed five hundred and thirty (530) square feet.

- (F) No principal structure shall include an attached garage or accessory structure.
- (G) Unattached accessory structures shall be limited to a maximum area above the first floor of three hundred and fifty (350) square feet. Additionally, a Conditional Use Permit shall be required in order to install plumbing lines or fixtures in an unattached accessory structure.
- (H) Dimensional and Orientation Requirements
  - (1) Maximum building height of a principal structure shall be thirty-five (35) feet. Structures shall be designed to be single-story, single-story plus a loft, story and a half or two-story. Maximum building height of an unattached accessory building shall be twenty-five (25) feet.
  - (2) All principal structures shall be provided with a covered porch oriented towards the front yard to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-public outdoor space. Covered porches shall be usable in both design and dimension.
  - (3) Principal structures shall have a covered main entry porch with a floor area measuring at least seventy-five (75) square feet in area.
  - (4) The floor of a covered main entry porch shall have minimum dimensions of not less than eight (8) feet in any direction (length or width).
  - (5) All principal structures shall be oriented to avoid blank walls or appear to have a “back” towards streets.
- (I) Small lot cluster development housing may be developed on individual lots or with a common form of ownership (townhouse or condominium-style), with all units within a development on a single lot.
- (J) In order to minimize impervious surface area, driveways shall be shared whenever possible.

- (K) Small lot cluster developments shall be designed to incorporate existing trees and natural features into the site design, to the extent possible. Structures shall be located so as to minimize the removal of existing trees, especially large “specimen” trees, and to maximize natural stormwater functions. As soils allow, small lot cluster developments shall be designed to take advantage of open space, landscaped features, and natural areas to utilize low-impact development techniques, including natural filtration and on-site infiltration of stormwater.